Joint Links Fitness Check DRAFT Evidence Submission 25/03/2015

**Annex Va: Results from RSPB Article 6(3) Survey (March 2015)**

**Background**

In an attempt to better quantify the proportion of planning applications that are subject to assessment under Articles 6(3) and 6(4) of the Habitats Directive, in late 2014/early 2015 the RSPB contacted 24 UK local planning authorities and asked them to provide information on planning applications received and determined for the period 1 January to 31 December 2013, together with details of any Habitats Regulations Assessments (HRA). Only 4 local planning authorities were able to provide any data. In addition, we undertook a two part review of Nationally Significant Infrastructure Projects (NSIPs): those **accepted for consideration** in 2013 and those **determined** in 2013 based on the information provided on the NSIP website[[1]](#footnote-1). A shorter, less detailed analysis was made for projects determined by the Scottish Energy Consents Unit in 2013 and 2014[[2]](#footnote-2).

We also contacted 8 regional authorities in Slovakia, requesting similar information.

The results of these analyses are presented below, and the raw data underpinning the NSIP analysis are provided at **Annex Vb.**

**United Kingdom**

Bracknell Forest Council: received 1,081 planning applications in 2013 and 78 of these were subject to HRA screening. Of the 1,079 applications determined in 2013, 56 were screened for likely significant effect; one application was then subject to an Appropriate Assessment (AA) and, following the agreement of mitigation measures, received consent. The Site Allocations Local Plan was adopted in July 2013 and subsequently there has been a rise in the number of larger applications accompanied by AAs.

Harrogate Borough Council: received a total of 4,735 planning applications in 2013 and none of these were screened for likely significant effects as part of an HRA.

North Lincolnshire Council: in 2013, 7 applications were screened for HRA from a total of 1,625 applications. Of the 1,404 applications determined in 2013, 2 had been screened for likely significant effect and neither required an AA. The Council confirmed that 2013 seems to have been an atypical year as they normally do 2-6 AAs per year. However, some of the larger applications are now NSIP projects, meaning that the Planning Inspectorate is the Competent Authority.

Northampton Borough Council: in 2013, 1 application was screened for HRA out of a total of 1,337.

NSIP projects: In 2013 18 projects were accepted for consideration, 1 was withdrawn and 10 were considered to have no significant effect on European sites. Seven AAs were made and all concluded no adverse effects on integrity of a European site. Of the 13 NSIP determinations made in 2013, development consent was granted for all except one, which was turned down on the grounds of geological uncertainty surrounding the storage of gas underground. Six projects required an AA and five of these concluded no adverse effect. The one project where an adverse effect could not be ruled out was subject to the Article 6(4) tests and passed.

The Scotland Energy Consents Unit within the Scottish government determines applications to build and operate larger power stations (i.e. those over 50 Megawatts) and to install overhead power lines as well as large gas and oil pipelines. In 2013 three projects were approved and none were rejected and in 2014, 12 were approved and 3 rejected.

**Slovakia**

Tatiana Nemcova of Birdlife Europe asked the 8 Slovakian regional authorities responsible for applying Article 6(3) for some basic information about plans or projects likely to have a significant effect. Of a total of 189 planning applications in 2014, 10 were found to be likely to have a significant effect and of these 4 were required to undergo an EIA (AA). It has not been possible to find the outcome of these assessments. It should also be noted that this figure excludes plans or projects affecting Natura sites which fulfil the EIA criteria (i.e. the larger projects) as these are taken out from the AA process and are processed according to the EIA legislation.

1. http://infrastructure.planningportal.gov.uk/projects/register-of-applications/. [↑](#footnote-ref-1)
2. http://www.gov.scot/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Applications-Database [↑](#footnote-ref-2)