



**Assessment of Plans and Projects under
regulations 24 or 63 of the
Habitats Regulations
(‘Habitats Regulations Assessment’)**

**Casework Tracker/
Application Ref:**

2018-36047-SPM-WLM - ‘Lead Applicant’
2018-36055-SPM-WLM
2018-36008-SPM-WLM

**Case/Application
title:**

**Peregrine falcon – Wild Take for Falconry or
Aviculture (establishment of breeding
cooperative)**

**Assessment made
by:**

[REDACTED]
*NEWLS Species
Team.*

**Finalised
on:**

30th March 2020

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PART A: Introduction and Information about the plan or project and an initial assessment of credible risk to European Sites

A1. Introduction

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by Natural England (in its role of competent authority) in accordance with the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations').

The plan/project requires Natural England as a statutory regulator to make a licence decision on whether an operation or operations contained within it (hereby referred to as 'the plan' or 'the project') can be carried out, caused or permitted to be carried out. Where such a proposal may affect a European Site, **Regulation 63** of the Habitats Regulations requires an assessment to be made of such proposals.

In making this HRA as competent authority, Natural England may only undertake or give its consent, permission, assent or authorisation to the plan or project where it is able to ascertain *either*:

- a) that it will not have a likely significant effect on a European site (either alone or in combination with other plans and projects), or;
- b) that it will have no adverse effect on the integrity of a European Site following an appropriate assessment.

If such effects cannot be ruled out, the proposal cannot proceed unless the further tests given in Regulations 64 and 68 of the Habitats Regulations can be satisfied.

A2. Details of the plan or project

Location (including grid references): Unspecified counties in England.

Name of applicants: Three applicants. The applicant for 2018-36047-SPM-WLM is acting as the 'Lead Applicant' for all three licence applications.

Description of the plan or project and its constituent elements:

The proposed project relates to three licence applications to take peregrine falcon *Falco peregrinus* from the wild in England under the falconry and aviculture purpose, as listed under the Wildlife and Countryside Act 1981, section 16(1)(e).

The proposals involve the taking of six peregrine falcon chicks from the wild (two per applicant) in order to establish a breeding cooperative to supply falconers with peregrine falcon which share the genetic and/or phenotype characteristics of the native population. The applicants propose that chicks will only be taken from nests where there are 3 or more chicks present.



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In terms of methodology, the applicants have stated that they will follow the survey, monitoring and good practice detailed within 'Raptors: A Field Guide for Surveys and Monitoring' (Hardy et al., 2013).

It is possible that applications for additional chicks may be made in subsequent years to further the establishment of the breeding cooperative. However, this assessment deals with the initial application and any future applications will be subject to fresh assessments.

The applicants cannot yet provide information on where the peregrine falcon chicks will be taken. However, the licence will require the applicants to notify Natural England of the proposed nest location and to obtain Natural England's approval for birds to be taken from that location. This is relevant to the appropriate structure and sequencing of assessment under the Habitats Regulations, as explained further below.

Has the plan or project, or any aspect of it, already been subject to assessment under the Habitats Regulations by another competent authority? No.

A3. Initial assessment of risk to European Sites

This section considers the potential ways in which the plan or project might credibly pose a risk to European Site(s), based on an early and rapid assessment of the location of European Sites, the proximity of them to the plan or project and the general nature, type and scale of the plan or project in question.

This has included a consideration of the likely 'zone of influence' of the plan or project, i.e. the area over which a site and its ecological features may be at risk of significant effects as a result of the proposed project and associated activities. The available evidence provided by Natural England's published [Impact Risk Zones](#) has also been considered as appropriate to inform this preliminary risk assessment.

Potential impact on peregrine falcon qualifying features:

Natural England has identified and considered the following European Sites to be capable of being affected by the plan or project;

As stated above, the location of nests where chicks are proposed for taking under the licence is not yet known. However, it is possible to consider in the abstract whether the proposals could affect European Sites for which peregrine falcon are listed as a qualifying feature, for example if the activities were carried out on or near such a site.

In order to establish the circumstances in which peregrine associated with a European Site could be affected, it is necessary to establish the zone of influence.

The 'core foraging range' of peregrine is likely to be in the region of 2km from the nest (Pendlebury et al., 2011) and few birds are hunted by peregrine falcon beyond 6km from the nest (Hardy et al., 2013). Whilst peregrine are not considered to have home ranges they do defend nesting territories which are typically 2km to 9km in size. Potentially affecting either hunting or nesting territories could result in impacts on peregrine falcon.



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Based on the above, a distance of 10km is considered to be an appropriate and reasonable distance on which to base the scope of the 'Zone of Influence' in the first instance.

The following SPAs list breeding peregrine falcon as a Qualifying Feature and are within England (source: JNCC, 2019). Conceivably peregrine falcon populations from within these SPAs could therefore be affected by the taking of peregrine falcon chicks from the wild:

- North Pennine Moors SPA (England)

This HRA will therefore consider the potential impacts of the licenced activities on the peregrine falcon qualifying feature of the above SPA.

Natural England has identified and considered the following European Sites but ruled them out as being capable of being affected by the plan or project;

The following European Sites within the UK list breeding peregrine falcon as a Qualifying Feature but are >10km from the English border (and therefore highly unlikely to be affected by activities associated with peregrine falcon in England).

- Berwyn SPA
- Muirkirk and North Lowther Uplands SPA
- Migneint-Arenig-Dduallt SPA
- Cairngorms SPA
- Raithlin Island SPA
- East Caithness Cliffs SPA
- North Caithness Cliffs SPA
- Hoy SPA

Potential impact on qualifying features of European Sites other than peregrine falcon:

Whilst the primary impact of licensed activity would be on peregrine falcon, it is conceivable that the process of wild take could indirectly affect the qualifying features of any European Site where these occur, e.g. through the disturbance of other species or habitats. Impacts on all European Sites within England where wild take activities could occur will be therefore be considered in brief but, as explained further below, it is not practical for these to be considered in detail at this stage. It is more appropriate for a further HRA to be undertaken by Natural England when nest sites have been notified, in the event that the licensees propose to take chicks from on or around a European site¹.

¹ The same principle applies to Ramsar sites and references in this assessment to "European Sites" should be read accordingly.



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With reference to the information above and before undertaking a more detailed screening assessment, Natural England has concluded, on the basis of its professional judgment, that;

- There is or may be a credible risk that the plan or project subject to this assessment might undermine the conservation objectives of a European Site. Further Habitats Regulations assessment is therefore necessary

PART B: Information about the European Site(s) which could be affected

For the reasons given above, the focus of this HRA is on the peregrine falcon qualifying feature of the North Pennine Moors SPA. A description of this SPA is therefore set out below (with reference to the other qualifying features given for additional context).

This HRA also makes preliminary observations on the potential for the process of wild take to indirectly affect the qualifying features of any European Site, e.g. through the disturbance of other species or habitats. Since there are a large number of European Sites that could theoretically be affected (if the licensees proposed to undertake licensed activity on or around those sites) it is not appropriate to describe all of these Sites at this stage. The relevant qualifying features of any potentially affected site can be assessed in detail in any future site-specific assessment.

B1. Brief description of the European Sites(s) and their Qualifying Features

There is or may be a credible risk that the plan or project subject to an assessment *might* undermine the conservation objectives of the following European Sites;

1. [North Pennine Moors SPA \(England\)](#)

Cumbria, Durham, North Yorkshire and Northumberland.

The North Pennine Moor SPA includes parts of the Pennine moorland massif between the Tyne Gap (Hexham) and the Ribble - Aire corridor (Skipton). It encompasses extensive tracts of semi-natural moorland habitats, including upland heath and blanket bog.

The SPA lists the following Qualifying Features:

- A103 *Falco peregrinus*; Peregrine falcon (Breeding)
- A140 *Pluvialis apricaria*; European golden plover (Breeding)
- A082 *Circus cyaneus*; Hen harrier (Breeding)
- A098 *Falco columbarius*; Merlin (Breeding)

Peregrine *Falco peregrinus*

At the time of its classification, the SPA supported 15 breeding pairs, representing at least 1.3% of the breeding population in Great Britain. Surveys in 2006 recorded 4 peregrine territories across the SPA. Surveys in 2014 recorded up to seven pairs (Wilson *et al.* 2016). Peregrine nest sites tend to be on inaccessible cliffs and rock faces or other habitats to which they have adapted locally such as steep banks.

Golden plover *Pluvialis apricaria*

At the time of SPA classification, the site was estimated to support 1,400 pairs representing at least 6.2% of the breeding population of Great Britain. This population estimate was based on habitat and breeding densities alone. The 2005-2007 North Pennine Moors SPA survey (Shepherd, 2007) recorded 4,171 pairs of golden plover which represented 18.5% of the breeding population of Great Britain. Golden plovers breed on heather moorland, blanket bog, acidic grassland and montane summits, where they prefer to nest on high, flat or gently sloping plateaux, away from the moorland edge. Adjacent pastures with abundant

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earthworms and crane-fly larvae are important for feeding adults, and chicks may be moved up to 2km or more to feed in marshy areas rich in invertebrate food. Flat or gently sloping ground (not exceeding 10°) is much preferred, where there are some raised places suitable as lookouts, and some blending of open patches with very sparse low vegetation with other areas providing partial cover (though still not tall enough to block a distant view). Golden plover typically nest in a shallow scrape on the ground often hidden by moorland vegetation. Eggs are typically laid between April-mid-May and one brood is raised per year.

Hen harrier *Circus cyaneus*

At the time of the SPA classification, a DETR/JNCC Raptor Working Group survey in 1998 estimated that the site supported 11 pairs representing at least 2.2% of the breeding population in Great Britain. Surveys in 2006 recorded 2 hen harrier territories across the SPA. The hen harrier has a strong association with heather-dominated habitat in England and nests are almost always sited so that the surrounding heather bushes provide cover and protection. Preferred breeding habitat is therefore upland moorland with a high percentage of heather cover, but birds may colonise young plantations if there is suitable ground. The species avoids acid grasslands, extensive mires and continuous high ground. A clutch of 4-6 eggs is laid usually in May, and incubated mainly by the female for about 30 days. The chicks spend 30-40 days in the nest and are dependent on food brought in by the adult birds until they have learnt to hunt for themselves.

Merlin *Falco columbarius*

At the time of the SPA classification, surveys in 1993 and 1994 estimated that the site supported 136 pairs representing at least 10.5% of the breeding population in Great Britain. Surveys in 2006 recorded 65 merlin territories across the SPA. Merlin breed on heather moorland, particularly in large blocks of old or long heather. They may also nest in trees.

B2. European Site Conservation Objectives (including supplementary advice)

Natural England provides formal advice about the Conservation Objectives for European Sites in England in its role as the statutory nature conservation body. The Habitats Regulations require all HRAs to be made in view of these objectives.

The overarching Conservation Objectives for every European Site in England are to ensure that the integrity of each site is maintained or restored as appropriate, and that each site contributes to achieving the wider aims of the Habitats Regulations, by either maintaining or restoring (as appropriate):

- The extent and distribution of their qualifying natural habitats,
- The structure and function (including typical species) of their qualifying natural habitats,
- The supporting processes on which their qualifying natural habitats rely,
- The supporting processes on which the habitats of their qualifying features rely,
- The population of each of their qualifying features, and
- The distribution of their qualifying features within the site.

Where Conservation Objectives Supplementary Advice is available, which provides further detail about the features' structure, function and supporting processes mentioned above, the



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implications of the plan or project on the specific attributes and targets listed in the advice will be taken into account in this assessment.

In light of the European Sites which could be affected by the plan or project, this assessment will be informed by the following site-specific Conservation Objectives, including any available supplementary advice;

1. Hyperlink to conservation objectives and supplementary advice: [North Pennine Moors SPA](#)

PART C: Screening of the plan or project for appropriate assessment

To check whether a detailed appropriate assessment is necessary, there are two screening tests required by the assessment provisions of the Habitats Regulations;

C1. Is the plan or project either directly connected with or necessary to the (conservation) management (of the European Site’s qualifying features)?

No. The proposals relate to the taking of wild peregrine to establish a breeding cooperative for ‘private’ falconry and aviculture purposes.

Conclusion:

- As this plan or project is not either directly connected or necessary to the management of all of the European site(s)’s qualifying features, and/or contains non-conservation elements, further Habitats Regulations assessment is required

C2. Is there a likelihood [or risk] of significant [adverse] effects (‘LSE’)?

This section details whether those constituent elements of the plan or project which are (a) not directly connected with or necessary to the management of the European Site(s) features and (b) could conceivably adversely affect a European site, would have a **likely significant effect**, either alone or in combination with other plans and projects, upon the European sites and which could undermine the achievement of those conservation objectives referred to in section B2.

In accordance with case law, this HRA has considered an effect to be ‘likely’ if it ‘*cannot be excluded on the basis of objective information*’ and is ‘significant’ if it ‘*undermines the conservation objectives*’ (Case C127-02 Waddenzee paras 45 & 47).

This assessment of risk therefore takes into account the precautionary principle (where there is scientific doubt) and **excludes**, at this stage, any measures proposed and outlined in the submitted details of the plan/project that are specifically intended to avoid or reduce harmful effects on a European Site(s).

Each of the project elements has been tested in view of the European Site Conservation Objectives and against each of the relevant European Site qualifying features. An assessment of potential effects using best available evidence and information has been made in the following sections below.

C2.1 Risk of Significant Effects Alone

The first step is to consider whether any elements of the project are likely to have effects upon a European Site which may be significant ‘alone’ (that is when considered in the

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context of the prevailing environmental conditions at the site but in isolation of the combined effects with any other 'plans and projects'). Such effects do not include those deemed to be so insignificant as to be trivial or inconsequential.

As explained above, the proposals (protected species licence applications) relate to three separate applications to take two peregrine falcon chicks each, a total of six chicks.

In terms of methodology, the applicants have stated that they will follow the survey, monitoring and good practice detailed within 'Raptors: A Field Guide for Surveys and Monitoring' (Hardy et al., 2013). This guide does not provide a methodology for the actual taking of chicks for falconry/aviculture however it does detail the best practice for identifying active nests, survey, monitoring and accessing nests for other survey purposes such as bird ringing. The book has been produced by relevant experts and conservation agencies in the UK. It therefore constitutes a good and acceptable basis for 'wild take' methodology.

It is noted that the peregrine falcon population has seen substantial recovery in recent years (Natural England, 2018), and that the population estimate for the SPA identified above are therefore likely to be 'out-of-date' – in that the population is highly likely to have increased since time of previous survey. One possible exception would be in upland areas, particularly in the Pennines, where evidence suggests there is a decline in populations (Natural England, 2018). In light of the precautionary principle, however, the assessment shall consider the number of breeding peregrine at the lower estimates / survey data.

The results of this risk assessment, taking account of each qualifying feature of each site and in view of each site's Conservation Objectives, are as follows:

European Site: • North Pennine Moors SPA (England)			
Qualifying feature(s) likely to be affected	The potential risk to the feature and its mechanism/ pathway	Excluding mitigation, is there a likely significant effect on the feature that requires appropriate assessment? [Yes / No* / Uncertain]	Give your reasons
Breeding peregrine falcon,	Disturbance of breeding birds by vehicles when accessing the site and people on foot; resulting in poor	Yes.	Uncontrolled, the actions associated with the licence could potentially disturb breeding peregrine falcon which are associated with the SPA. It is conceivable that excessive



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	breeding success		disturbance, were it to occur, could result in nest failure / abandonment.
Breeding peregrine falcon	The taking of chicks resulting in low recruitment of peregrine populations.	Uncertain	<p>Whilst the number of chicks requested is small, if chicks are removed from populations there is a risk that the SPA populations could be adversely affected, particularly if they are already struggling to maintain population recruitment rates and there is some evidence to support this (Natural England, 2018).</p> <p>If uncontrolled, the proposals to remove six chicks could potentially have a significant impact on peregrine falcon population maintenance e.g. if all chicks were taken from the same location, or the same nest in successive years.</p> <p>These risks potentially apply to the taking of chicks not only on the SPA but also within 10 km of the SPA. As explained above, peregrine may hunt within several km of their nest location. It is also possible that upland areas with active removal of peregrine could act as a ‘sink’ for nearby peregrine populations (Drewitt, 2014)</p>
European Site: • ALL SITES			

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ALL FEATURES (except breeding peregrine falcon)	<p>Potential impacts could include indirect effects on qualifying features other than peregrine falcon, for example:</p> <p style="padding-left: 40px;">Disturbance of species listed as Qualifying Features.</p> <p style="padding-left: 40px;">Damage to habitats from vehicular usage.</p>	<p>Uncertain.</p>	<p>The location of nest sites is not known.</p> <p>Impacts cannot therefore be assessed in detail at this stage but it is theoretically possible that such impacts could occur.</p>
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In light of the precautionary principle, this assessment will proceed on the basis that there is the potential for significant effects on the SPA detailed above; and will consider, so far as is possible, the potential for impacts on other European Sites.

Conclusion:

This plan or project alone is likely to have a significant effect (or *may* have a significant effect) on the following qualifying features of the European Site(s);

Breeding Peregrine falcon for the following sites:

- **North Pennine Moors SPA (England)**

Noting that it is theoretically possible that there could be impacts on other qualifying features in European Sites more generally.

C2.2 Risk of significant effects in-combination with effects from other proposed plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Other than the risks identified as being potentially significant above and which are further assessed below, it is considered that there are no other residual risks likely to arise from this project which have the potential to act in-combination with similar risks from other proposed plans or projects so as to give rise to a likely significant effect.

In respect of the theoretical risks which have been screened in for further assessment, the issue of potential in-combination effects is further addressed below.



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C3. Overall Screening Decision for the Plan/Project

On the basis of the details submitted, Natural England has considered the plan or project under Regulation 24(1) or 63(1)(a) of the Habitats Regulations and made an assessment of whether it will have a likely significant effect on a European site, either alone or in combination with other plans and projects.

In light of sections C1 and C2 of this assessment above, Natural England has concluded:

- As this plan or project is likely to have significant effects (or *may* have significant effects) on some or all of the Qualifying Features of the European Site(s) 'alone', further Habitats Regulations assessment of the project 'alone' is required



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PART D: Appropriate Assessment and Conclusions on Site Integrity

D1. Scope of Appropriate Assessment

In light of the screening decision above in section C3, this section contains the appropriate assessment of the implications of the plan or project in view of the Conservation Objectives for the European Site(s) at risk.

The Sites and the Qualifying Feature for which significant effects (whether 'alone' or 'in combination') are likely or cannot be ruled out and which are initially relevant to this appropriate assessment are;

The Qualifying Feature of Peregrine Falcon (breeding) for the following sites:

- North Pennine Moors SPA (England)

In addition, as noted above it is theoretically possible that there could be impacts on other qualifying features in European Sites more generally. This appropriate assessment will therefore also consider and comment on the potential impacts on other qualifying features of European Sites to the extent it is possible to do so at this stage.

D2. Contextual statement on the current status, influences, management and condition of the European Site and those Qualifying features affected by the plan or project

The following information has been obtained on the above SPA site. Whilst this assessment focuses on the peregrine falcon, information on other bird species listed as qualifying features within the SPA has been provided to provide contextual information relating to the status of the SPA as a whole and influences which may have a bearing on peregrine falcon also.

It is not practical to list every other European Site and its Qualifying Features which could conceivably be affected by the proposals. This will be thoroughly detailed and assessed through further HRA by Natural England once the information relating to nest locations is known.

North Pennine Moors SPA:

The [Site Improvement Plan](#) (April 2014) has been referred to alongside the Conservation Objectives and supplementary advice in order to assess the current status and issues of the SPA. Notably these are shown to include:

- a) Poor breeding success or Recruitment from Hen Harrier; and Peregrine populations*
- b) Disease, in particular phytophthora (Juniper die-back)*
- c) Damage to habitats from use of vehicles*
- d) Localised (but severe) disturbance to bird populations from public access and vehicle use.*

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- e) *Some uncertainties over the current bird population within the SPA and adjoining areas.*

The [citation for the SPA](#) states that breeding peregrine falcon are included due to being used by $\geq 1\%$ of the Great Britain population:

"Peregrine *Falco peregrinus* 15 pairs - breeding Count as at 1991 1.3%"

The [Conservation Objectives Supplementary Advice](#) indicates that the population was likely to consist of four breeding pairs (2006 survey). Condition can therefore be viewed as unfavourable.

D3. Assessment of potential adverse effects considering the plan or project 'alone'

D3.1 Assessment of potentially adverse effects, considering any incorporated mitigation measures

This section considers the risks identified at the screening stage in section C and assesses whether adverse effects can be ruled out, having regard to the manner in which the plan or project, as submitted and described in Section A2, would be carried out if permission was granted.

Consideration is given in this section to any measures specifically intended to avoid or reduce the potential for harmful effects occurring from the plan or project that may have been voluntarily proposed by the applicant and incorporated into the submitted details of the plan or project.

In reviewing the ability of any incorporated measures to avoid harmful effects, Natural England has considered their likely effectiveness, reliability, timeliness, certainty and duration over the full lifetime of the plan or project. A precautionary view has been taken where there is doubt or uncertainty regarding these measures:

Wild take is proposed to be undertaken in accordance with the methodology detailed under Hardy et al.'s (2013) 'Raptors: A Field Guide for Surveys and Monitoring'. The methods detailed under this field guide have been devised by some of the UK's leading experts and conservation agencies.

The licence proposals submitted by the applicants do not include information relating to the specific location where peregrine chicks will be taken. This is due to the impracticalities of identifying potential nest sites in advance. The following assessment has however been made on the hypothesis that wild take is proposed within or around the SPA site where peregrine falcon is listed as a qualifying feature. General consideration of the potential for impacts on other European Sites has also been considered, so far as is possible at this stage. See the tables overleaf.



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Sites: North Pennine Moors SPA (England);					
Feature: Peregrine falcon (Breeding)					
Project element and impact	Likely effect on Conservation Objectives attribute(s)	Extent, magnitude or scale of the effect	Analysis of incorporated measures that can avoid or reduce the effects on the attribute	Can ‘no adverse effect’ on the feature be ascertained? (Y/N) Give reasons.	Degree of uncertainty
<p>Access to nest location:</p> <p>Disturbance to breeding peregrine falcon. Both within the SPA and within 10km of SPA.</p>	<p><u>Disturbance potentially resulting in:</u></p> <p>Detriment to the SPA’s population of a qualifying feature</p> <p>Detriment to the ‘distribution of the SPA qualifying features within the site’</p>	<p>Moderate</p> <p>Disturbance to breeding peregrine could possibly result in the lower breeding success of peregrine falcon populations within, or associated with, the SPA</p>	<p>The applicants propose to undertake the wild take in accordance with Hardy et al.’s (2013) ‘Raptors: A Field Guide for Survey and Monitoring’. The methodology within this book is highly conscious of the need to avoid disturbing raptors when undertaking nest surveys and related monitoring such as ringing of chicks. If adhered to, the methodology should be effective in reducing the potential for disturbance of breeding peregrine to arise.</p> <p>In any event, the applicants have stated they will not take a chick from within a designated site (i.e. where peregrine falcons are a qualifying feature). This eliminates the risk of any disturbance occurring within the SPA boundaries.</p>	<p>No.</p> <p>Although the proposed methodology should be highly effective at reducing the risk of disturbance to breeding peregrine, and notwithstanding the absence of any activity within the SPA, taking a highly precautionary approach, it is conceivable that there may be disturbance of adult breeding birds within the 10km zone of influence used in this HRA.</p>	<p>Moderate.</p>
<p>Taking of peregrine chicks (six</p>	<p><u>Removal of chicks potentially resulting in:</u></p> <p>Detriment to the SPAs population of a</p>	<p>Moderate</p>	<p>The applicants propose the taking of a single chick from nests where there are three or more chicks</p>	<p>No.</p> <p>The proposals could, as they currently stand, result in</p>	<p>Moderate.</p>



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total)	<p>qualifying feature</p> <p>Detriment to the ‘distribution of the SPA qualifying features within the site’</p>		<p>present. This is likely to assist in avoiding adverse impacts. Breeding productivity (young fledged from nest) is typically considered to be between 1 and 2 chicks per nest (Natural England, 2018.; Horne and Fielding, 2002, p. 230; and Wilson et al., 2018). If chicks are only taken from nests where there are three or more chicks present then the potential for significant effects on the recruitment of peregrine falcon is likely to be reduced as productivity (and consequently recruitment) rates are not likely to be significantly affected.</p> <p>However further control would be needed to ensure that excessive numbers of chicks were not taken from a particular area / breeding pair.</p> <p>The applicants have stated they will not take a chick from within a designated site. However, for the reasons set out above a 10km zone of influence has been adopted in this HRA on a precautionary basis.</p>	<p>the taking of all six chicks from one location/area – or from the same breeding pair in a particular territory, in successive years. This could potentially result in significant impacts on the distribution of breeding peregrine and/or recruitment of chicks into the adult peregrine population in that area.</p> <p>In light of the precautionary principle it is recommended measures to ensure impacts are avoided / minimised further are included.</p>	
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Sites: ALL EUROPEAN SITES

Feature: ALL FEATURES (EXCEPTING BREEDING PEREGRINE FALCON)



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Project element and impact	Likely effect on Conservation Objectives attribute(s)	Extent, magnitude or scale of the effect	Analysis of incorporated measures that can avoid or reduce the effects on the attribute	Can ‘no adverse effect’ on the feature be ascertained? (Y/N) Give reasons.	Degree of uncertainty
<p>Licensed activity and associated activities</p>	<p>The location of nest sites for wild take has not been confirmed; and will not be confirmed until after a licence has been issued.</p> <p>Activities are likely to be restricted to access to site on foot or by vehicle by a few individuals between May and July.</p> <p><u>Potential effects could therefore include:</u></p> <ul style="list-style-type: none"> • Disturbance of species listed as Qualifying Features. • Damage to habitats from vehicle usage. <p><u>This might conceivably give rise to effects on:</u></p> <ul style="list-style-type: none"> • The extent and distribution of their qualifying natural habitats, • The structure and function (including typical species) of their qualifying natural habitats, • The supporting processes on which their qualifying natural habitats rely, • The supporting processes on which the habitats of their qualifying features rely, • The population of each of their qualifying features, and • The distribution of their qualifying features within the site. 	<p>Uncertain.</p> <p>Likely to be low / moderate.</p>	<p>Whilst the applicants have put forward in their application that birds will not be taken from a designated site (i.e. a site where peregrine falcon are a qualifying feature), there is still the potential for impacts to occur on other European Sites when conducting the licenced activities.</p>	<p>No.</p> <p>Based on the current information, it is not clear what impact, if any, the proposals could have on other European Sites. In light of the precautionary principle, it is not possible to declare no adverse effect at this stage.</p>	<p>Moderate. Information on the location of nest sites is not known at this stage.</p>



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D3.2 Assessment of potentially adverse effects, considering additional mitigation measures and the application of conditions and restrictions subject to which permission might be granted

This part of the assessment allows for the consideration of extra or additional ‘mitigation measures’ specifically intended to avoid or reduce the potential harmful effects of the plan or project and which might enable a conclusion of no adverse effect on the integrity of the European Sites to be reached. These measures are those that can be imposed by the competent authority on the proposal by way of formal conditions or restrictions subject to which a permission or authorisation may be given.

In reviewing the ability of any such measures to avoid harmful effects, Natural England has considered their likely effectiveness, reliability, timeliness, certainty and duration over the full lifetime of the plan or project. A precautionary view has been taken where there is doubt or uncertainty regarding these measures.

Natural England considers that there are additional measures which can be applied and relied upon to avoid or reduce any significant harmful effects identified above and enable Natural England to ascertain that the project will have no adverse effect on the integrity of the SPA. Natural England is able to attach these conditions and restrictions when granting a Licence. This are outlined further in the table below.



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Sites: North Pennine Moors SPA (England);					
Feature: Peregrine falcon (Breeding)					
Project activity	Conservation Objectives attribute(s) affected	Analysis of additional measures that can avoid or reduce the effects on the attribute	Can ‘no adverse effect’ be ascertained? (Yes/No) Give reasons.	Conditions or restrictions to be applied	Residual effects?
<p>Access to nest location:</p> <p>Disturbance to breeding peregrine falcon. Both within the SPA and within 10km of the SPA.</p>	<p><u>Disturbance potentially resulting in:</u></p> <p>Detriment to the SPA population of a qualifying feature</p> <p>Detriment to the ‘distribution of the SPA qualifying features within the site’</p>	<p>It is recommended that in light of the uncertainties identified in D3.1 above, and bearing in mind the precautionary principle, a restriction is placed on taking any peregrine falcon from the above listed SPA or within 10km the SPA. This will avoid any uncertainty around impacts on peregrine populations associated with the SPA.</p>	<p>Yes - the limits imposed by the condition will ensure that disturbance impacts are avoided on breeding peregrine falcon in the SPA and within the 10km zone of influence.</p>	<p>Attach written conditions to any licence issued which read [or words to the effect of]:</p> <p>‘No chicks shall be removed from nests within, or within 10km of the boundary of the following Special Protection Area (SPA): North Pennine Moors SPA (England).’</p>	<p>None</p>



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<p>Taking of peregrine chicks (six total) from the nest</p>	<p><u>Removal of chicks potentially resulting in:</u></p> <p>Detriment to the SPA population of a qualifying feature</p> <p>Detriment to the ‘distribution of the SPA qualifying features within the site’</p>	<p>As explained in section D3.1 above, the applicants have already incorporated measures into the proposal which significantly reduce the likelihood of any significant impacts on breeding peregrine falcon associated with the SPA.</p> <p>However, taking a highly precautionary approach it is recommended that a restriction is placed on taking any peregrine falcon from the above listed SPA or within 10km of such an SPA. This will avoid any uncertainty around impacts on peregrine populations associated with the SPA.</p>	<p>Yes- the limits imposed by the condition will ensure that impacts are avoided on breeding peregrine falcon populations associated with SPA where breeding peregrine are listed as a Qualifying Feature.</p>	<p>Impose condition as per row above (exclusion of licensed activity within SPA and within 10km buffer).</p>	
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Sites: All European Sites					
Feature: All features, excluding breeding peregrine falcon.					
Project activity	Conservation Objectives attribute(s) affected	Analysis of additional measures that can avoid or reduce the effects on the attribute	Can ‘no adverse effect’ be ascertained? (Yes/No) Give reasons.	Conditions or restrictions to be applied	Residual effects?
All licenced activities.	<p>The location of nest sites for wild take has not been confirmed - and will not be confirmed until after a licence has been issued.</p> <p>As noted above, potential effects could include:</p> <ul style="list-style-type: none"> • Disturbance of species listed as Qualifying Features. • Damage to habitats from vehicular usage. <p>This might conceivably give rise to effects on:</p> <ul style="list-style-type: none"> • The extent and distribution of their qualifying natural habitats, • The structure and function (including typical species) of their qualifying natural habitats, • The supporting processes on which their qualifying natural habitats rely, • The supporting processes on which the habitats of their qualifying features rely, • The population of each of their qualifying features, and • The distribution of their qualifying features within the site. 	Further HRA can be conducted once the location details of the specific nest(s) are known. This can be controlled through a condition which requires the licence holder to have NE’s written permission before taking from a specific nest.	Yes – the proposed condition enables Natural England to ensure no licenced activity occurs which has the potential to result in an adverse effect on a European Site.	<p>Natural England will impose a condition ensuring that the licence holder needs to have Natural England’s approval, in writing, prior to the taking of a chick from a particular nest location.</p> <p>Natural England will ensure that a further HRA is completed prior to approving the taking of a chick from any nest location, in order to ensure licenced activity only takes place if Natural England is satisfied that there will be no adverse effect on any European Sites.</p>	None

D4. Assessment of potentially adverse effects considering the project ‘in combination’ with other proposed plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

It is the appreciable effects (from a proposed plan or project) that are not themselves considered to be adverse alone which must be further assessed to determine whether they could have a combined effect significant enough to result in an adverse effect on site integrity.

Natural England considers that, in this case, the potential for adverse effects from the plan or project on the peregrine falcon features of SPAs has been wholly avoided by the incorporated or additional mitigation measures outlined in section D3. It is therefore considered that there are no residual and appreciable effects likely to arise from this project which have the potential to act in-combination with those from other proposed plans or projects. It has therefore been excluded, on the basis of objective information, that the project can have an adverse effect on site integrity, in respect of the peregrine falcon features of SPAs, in-combination with other proposed plans or projects.

As identified above, in relation to the qualifying features of European Sites other than peregrine falcon, which may be indirectly affected by licensed activity, a further HRA will be conducted prior to the approval of taking chicks from any nest location in or around any European Site to ensure the integrity of European Sites.

D5. Conclusions on Site Integrity

Because the plan/project is not wholly directly connected with or necessary to the management of the European Site and is likely to have a significant effect on that site (either alone or in combination with other plans or projects), Natural England carried out an appropriate assessment as required under Regulation 63 of the Habitats Regulations 2017 to ascertain whether or not it is possible to conclude that there would be no adverse effect on the integrity of a European Site(s).

Natural England’s appropriate assessment has concluded that:

- It **can be ascertained** that this plan or project will not have an adverse effect on the integrity of the following site(s), either alone or in combination with other plans and projects, subject to restrictions and/or conditions *a permission can be given with conditions*

- North Pennine Moors SPA (England);

Noting that further HRA will be undertaken by Natural England prior to the approval of each nest location proposed for ‘wild take’ of peregrine falcon chicks (in the event that the location is on or around a European Site).

PART E: Permission decision with respect to European Sites

As the relevant competent authority, Natural England has carried out a HRA of the submitted plan or project as required by Regulation 63 of the Habitats Regulations 2017 as amended and has decided that, with regard to European Sites and their qualifying features:

- Consent/Permission/Assent/Licence/Authorisation may be given but only subject to the strict implementation of the following conditions or restrictions*:**

Attach written conditions to any licence issued which read [or words to the effect of]:

‘No chicks shall be removed from nests within, or within 10km of the boundary of, the following Special Protection Area (SPA): North Pennine Moors SPA (England)’

AND

‘Natural England is to be provided notice prior to the proposed taking of a peregrine falcon chick from a nest. Such notice shall include the specific location of the nest, number of chicks present, confirmation of landowner’s agreement and any site-specific variance in methodology (from the agreed methodology) for the taking of the chick.’

Prior to any chick being taken from a nest location, written confirmation must be received from Natural England approving the taking of a chick from that nest and any requirements of specified under that approval must be adhered to in full.’

A summary of the reasons for this decision is as follows:

The proposed licence activity of taking wild peregrine falcon chicks from the nest has the potential to result in significant effects on breeding peregrine falcon. This assessment identified one European Site, North Pennine Moors SPA, where the theoretical potential for adverse effects on the breeding peregrine qualifying feature arises.

It is possible that adverse effects could be avoided by only taking a single chick from broods of at least three chicks (as proposed by the applicants), by managing the total number of chicks taken from the Site in any given year, and by adopting measures to minimise disturbance. However, adopting a highly precautionary approach, Natural England intends to impose conditions on any licence issued to wholly avoid any risk of adverse impacts on this European Site, namely a prohibition on taking chicks within 10km of the SPA boundary.

There is a residual theoretical possibility of indirect effects on the qualifying features of other European sites as a result of temporary disturbance or inadvertent damage during the process of taking chicks. Further HRA will be concluded prior to the taking of any chick from



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a nest that is on or around any European Site to ensure that any other potentially affected European Sites are appropriately considered and protected.

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HRA Document Amendment Record

Version	Amendment detail	Amendment made by	Date
V0.1	Initial Draft	[REDACTED] Senior Adviser, NEWLS	27/11/19
V0.2	Revised draft – Zol distances	[REDACTED] Senior Adviser, NEWLS	06/12/19
V0.3	Revised draft – including further information received from applicants	[REDACTED] Senior Adviser, NEWLS	March 2020
V0.4	Final Draft	[REDACTED] Senior Adviser, NEWLS	25 th March 2020
V0.5	Comments received from NE Specialist acting as SNCB to NEWLS under Habitat Regulations.	[REDACTED] Senior Adviser, NEWLS	30 th March 2020
V1.0	Document signed off	[REDACTED] [REDACTED] National Operational Projects and Complex Cases [REDACTED]	14 th April 2020