



HM Government

North East Marine Plan Habitats Regulations Assessment: Appropriate Assessment 2021



Please note:

On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the EU. The UK has now left the EU. Until the end of 2020, the UK and EU will negotiate additional arrangements. During this period, the current rules on trade, travel, and business for the UK and EU will continue to apply. The outcome of negotiations will determine what arrangements will take effect from 1 January 2021.

References in marine plans to European legislation, insofar as it is currently or will become part of UK law from 11pm on 31 December 2020, may require some changes in relation to our obligations under EC Directives. Any such changes will be addressed at the most appropriate point during plan drafting or revision, as required.

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Acronyms

| Acronym | Term |
|---------|--|
| AECOM | AECOM consultancy |
| AEOI | Adverse Effect On Integrity |
| AA | Appropriate Assessment |
| AAIR | Appropriate Assessment Information Report |
| cSACs | candidate Special Areas of Conservation |
| DAERA | Department of Agriculture, Environment and Rural Affairs |
| EC | European Commission |
| HRA | Habitats Regulations Assessment |
| IPR | Iterative Plan Review |
| JNCC | Joint Nature Conservation Committee |
| LSE | Likely Significant Effect |
| MMO | Marine Management Organisation |
| MHCLG | Ministry of Housing, Communities and Local Government |
| NE | Natural England |
| NRW | Natural Resources Wales |
| NAEOI | No Adverse Effect on Integrity |
| OGD | Other Government Departments |
| pSPAs | proposed Special Protection Areas |
| SNH | Scottish Natural Heritage |
| SCI | Sites of Community Importance |
| SAC | Special Areas of Conservation |
| SPA | Special Protection Areas |
| SNCBs | Statutory Nature Conservation Bodies |
| SA | Sustainability Appraisal |

1 Executive summary

Development of the North East Marine Plan is informed by a Habitats Regulations Assessment (HRA). This assessment determines whether the North East Marine Plan (either alone, or in combination with other plans or projects) could have a likely significant effect (LSE) on any European sites, and, if so, whether it may have an adverse effect on the integrity (AEOI) of such sites. This appropriate assessment (AA) report presents the final conclusions of the HRA.

The HRA was carried out under requirements of [The Conservation of Habitats and Species Regulations 2017](#), which applies to European sites located between mean high spring tide level and seaward 12 nautical miles (the north east inshore marine plan area) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#) for European sites beyond 12 nautical miles (the north east offshore marine plan area).

The HRA followed a standard iterative process, the conclusions of which informed the development of the North East Marine Plan. At the appropriate stages of marine plan development the following outputs were produced: a [Pre-Screening Report](#), [Screening Report](#), and [Appropriate Assessment Information Report](#) (AAIR). The Pre-Screening and Screening Reports and the AAIR were prepared by AECOM on behalf of the Marine Management Organisation (MMO). The AA, which comprises a review and final assessment of the final north east marine plan policies, was completed by the MMO.

The HRA of the North East Marine Plans has been completed in consultation with the Statutory Nature Conservation Bodies (SNCBs); Joint Nature Conservation Committee (JNCC) and Natural England (NE). The SNCBs provided expert advice and signed off each stage of the process to ensure that the HRA was completed in accordance with requirements and informed by the best available evidence. The SNCBs also agreed the findings reported in the AAIR and conclusions drawn, which informed the development of this HRA.

The draft North East Marine Plan and draft North East Sustainability Appraisal were published for public consultation on 10th January 2020. Comments made on both the marine plan and sustainability appraisal were considered and final amendments were made, this resulted in re-screening amended or new policies into the HRA. All screening outcomes were agreed by the SNCBs. The conclusions of this AA are based on the final marine plan policies in the North East Marine Plan.

In addition, new evidence provided by the JNCC and NE, which was not available at the time of the original screening process was used to inform the screening process and updates were made to the AAIR.

The MMO and SNCB expert steering group has concluded that, subject to the mitigation measures set out in this appropriate assessment, there will be no adverse effect on the integrity of any European site arising from the North East Marine Plan.

2 Introduction

1. A Habitats Regulations Assessment (HRA) refers to the several distinct stages of assessment which must be undertaken in accordance with [The Conservation of Habitats and Species Regulations 2017](#) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. An appropriate assessment (AA) is required in order to assess the likely significant effects (LSE) of a plan or project either individually or in combination with other plans or projects on a protected habitats site (European/Ramsar sites).
2. Following public consultation on the draft North East Marine Plan (MMO, 2020a) in January – March 2020, an AA of the amended North East Marine Plan has been undertaken as part of the HRA. This document reports the findings of that AA, including the approach taken and reasons underpinning the conclusion reached.
3. As a result of the AA, after consulting and receiving approval from the expert SNCB steering group, the MMO concludes that the amended North East Marine Plan, and its constituent plan policies, will have no adverse effects on the integrity of European sites (MMO, 2021a). The conclusion is reliant on the application of four important mitigation measures:
 - 1) project-level HRAs for all proposals in the marine plan area
 - 2) the use of the best available evidence in all future HRAs
 - 3) collaborative working between terrestrial and marine planning
 - 4) marine plan monitoring and Iterative Plan Review (IPR) provision
4. Mitigation measures 1, 2 and 3 have been communicated by the MMO throughout the North East Marine Plan and must be applied by proponents and decision-makers. Mitigation measure 4 will be applied by the MMO in the monitoring and review of marine plans.
5. A marine plan is required for both the north east inshore and the north east offshore marine plan areas (shown in Figure 1). Because of commonalities and dependencies between the inshore and offshore marine plan areas, a single document has been produced (the North East Marine Plan). It is acknowledged that they remain two separate plans – the North East Inshore Marine Plan and the North East Offshore Marine Plan. For the purposes of the HRA a single AA has been completed for both marine plans.

Figure 1: North East Inshore and Offshore Marine Plan Areas

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6. The HRA for the North East Marine Plan followed a standard iterative process for undertaking plan-level HRAs and guidance adapted¹ from Scottish Natural Heritage (SNH, 2015). Figure A1 in the Annex of this report illustrates the stages in the process. The outputs from each stage of the HRA are:
 - Report 1 [Pre-Screening Report](#) (HRA stages 1 to 4) - (MMO, 2016)
 - Report 2 [Screening Report](#) (HRA stage 5) – (included within AAIR - MMO, 2019)
 - Report 3 [Appropriate Assessment Information Report \(AAIR\)](#) (HRA stages 6 to 9) – (MMO, 2019)
 - Report 4 **Appropriate Assessment** (stages 10 to 11) - (this report)
7. Stages 1-9 were undertaken in 2019 for the draft North East Marine Plan. Following public consultation on the draft plan, stages 5-9 were revisited and updated to account for changes made to plan policies as a result of the consultation. New evidence that was not available in 2019 was also accounted for. The process and conclusions were approved by the steering group; JNCC and NE.

¹ adapted as part of this HRA following spring 2018 when the European Court of Justice made a ruling known as People over Wind and Sweetman v Coillte Teoranta (C-323/17)

3 Legal context and HRA approach

8. The requirement to carry out a HRA for area plans, in this case the North East Marine Plan, is set out within [The Conservation of Habitats and Species Regulations 2017](#) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#).
9. Regulation 63 of [The Conservation of Habitats and Species Regulations 2017](#) and Regulation 28 of [The Conservation of Offshore Habitats and Species Regulations 2017](#) state that, an AA is required where a plan or project is likely to have a significant effect upon a European site or European offshore marine site:

Regulation 63 of [The Conservation of Habitats and Species Regulations 2017](#):

- (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—
 - (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

Regulation 28 of [The Conservation of Offshore Habitats and Species Regulations 2017](#):

- (1) Before deciding to undertake, or give any consent, permission or other authorisation for, a relevant plan or project, a competent authority must make an appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives.
10. European sites within the UK national site network (as defined in Regulation 3 in [The Conservation of Habitats and Species Regulations 2017](#) are also known as Natura 2000 sites and include designated and proposed special protection areas (SPAs or pSPAs), designated or candidate special areas of conservation (SACs or cSACs), and sites of community importance (SCI). The collection of sites form part of the Natura 2000 network, designated to conserve natural habitats that are in danger of disappearing in their natural range, have a small natural range, and/or present outstanding examples of typical characteristics of the biogeographic region and species that are rare, endangered, vulnerable or endemic.

11. The aim of the Conservation of Habitats and Species Regulations is 'to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status as defined'. This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status. It is government policy that Ramsar sites, designated under the [Convention on Wetlands of International Importance](#), are afforded the same status and level of protection as SPAs.
12. A HRA applies the precautionary principle. Plans and projects can only be permitted where it can be concluded that there will be no adverse effect on the integrity of European sites. In the case of [The Conservation of Habitats and Species Regulations 2017](#), plans and projects may still be permitted if there are no alternatives to them and there are imperative reasons of overriding public interest (IROPI) as to why they should go ahead in accordance with Regulation 64. In such cases, compensation would be necessary to ensure the overall integrity of the site network. In order to ascertain whether or not there is potential for site integrity to be affected, a HRA should be undertaken of the plan or project in question.
13. In addition to sites that have a formal designation (SAC, SPA, Ramsar site etc.) the compilation of the European site database used to carry out the HRA for the North East, South East, South West and North West Marine Plans, also includes areas that have been identified as providing 'compensation', within the meaning of the Habitats Regulations, for adverse effects on integrity of European sites within the UK network arising from existing consented projects and plans. These areas of compensation are intended, in the fullness of time, to form part of the network of conservation sites and must therefore be protected to the same standard as candidate, proposed and designated habitat sites (MHCLG, 2019, para 176). The list of compensation areas was derived from a website hosted by ABPMer². NE also indicated several additional areas of compensatory habitat, which have been added to the European site database. All those designated, proposed and compensation sites are collectively referred to as European/Ramsar sites in this report.
14. The approach taken for the AA also follows guidance produced by the European Commission (EC) on the assessment of plans and projects significantly affecting Natura 2000 sites (EC, 2001). This guidance provides clear advice on the steps and process to be followed in undertaking plan-level HRA, which is directly applicable to marine plan HRAs.

² <http://www.omreg.net/view-maps/>

15. The iterative process that is recommended for plan-level HRAs has been adapted for the North East Marine Plan from (SNH, 2015) Natural Resources Wales (NRW) (David Tyldesley Associates, 2009a, 2009b and 2012). This guidance (Figure A1 in the Annex) has been adapted for the purposes of this HRA following the European Court of Justice ruling 'People over Wind³' (2018), which clarified that 'measures to avoid or reduce' the effects of a plan or project (mitigation measures) can only legally be taken into account during the appropriate assessment stage of the HRA (stages 7-11), not during the screening (likely significant effects) stage (stages 1-6).

4 North East Marine Plan HRA process

16. Below is a summary of stages 1-9, including their outputs. Detailed information about stages 1-4 can be found in the linked reports below.
17. PLEASE NOTE: These earlier stages were completed considering the draft North East, North West, South East and South West Marine Plans collectively.

4.1 Pre-screening report

18. The [Pre-Screening Report](#) covers stages 1 to 4 of the HRA guidance (MMO, 2016). The Pre-Screening Report sets out, in very broad terms, the European/Ramsar sites and interest features that need to be considered in the HRA as well as the proposed methods for screening and assessment.
19. A total of 555 European sites within the UK network and 148 EU European sites (primarily French and Irish) were included for consideration at the next stage. A European site database (available on request from the MMO) was created to determine which internationally important wildlife sites were in proximity to the marine plan areas.

4.2 Screening Report

20. The initial screening (stages 2-5) were undertaken in February 2019 (MMO, 2019) and identified the European/Ramsar sites and interest features for which there was determined a LSE from the draft marine plan policies, or where a LSE could not be excluded, and further consideration was required.
21. The screening methodology was reviewed and updated for the Screening Report (MMO, 2019). This revised screening methodology reviewed advances in scientific understanding of interest features and their interactions, and

³ People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

lessons learnt from more recent plan-level HRAs. This included response to advice received in January 2019 from the following SNCBs:

- Department of Agriculture, Environment and Rural Affairs (DAERA)
- the Joint Nature Conservation Committee (JNCC)
- Natural England (NE)
- Natural Resource Wales (NRW)
- Scottish Natural Heritage (SNH)

22. In light of this new information, the screening methodologies were updated as follows:

- a number of European sites had progressed to full SPA designation
- two new pSPAs were added to the screening
- Natural England directed AECOM (who undertook the AAIR) to reports that identified six areas of compensatory habitat⁴ in the south east marine plan area
- the screening process was updated to reflect the European Court of Justice ruling known as People over Wind⁵ which clarified that mitigation measures cannot be considered until the appropriate assessment stage

23. The screening process – stages 2-5 (Figure A2 in the Annex) involved the following two stages:

- 1) a policy screening process in which marine plan policies were reviewed to identify those that need to be assessed (based on agreed pre-determined criteria that are explained further below). This resulted in a final list of those marine plan policies which are not 'criteria-based' and which result in a material change to existing activities and for which it was judged there might be a LSE
- 2) an ecological screening process which identified European/Ramsar sites and interest features for which there is a potential for a LSE (or where such a LSE cannot be excluded) from the areas of the marine and coastal environment where activities will occur as a result of the 'screened in' marine plan policies

⁴ These areas of compensation are intended, in the fullness of time, to form part of the network of conservation sites and must therefore be protected to the same standard as candidate, proposed and designated habitat sites (MHCLG, 2019, para 176).

⁵ People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

24. For more detailed information on this process see the [AAIR](#). The results of the policy screening were based on a review of draft marine plan policies provided in the first draft versions of the South West, South East, North West and North East Marine Plans. Plan policies that could not be screened out were then regarded as 'screened in' and subject to the next stages of the HRA process.
25. At this time the following [draft north east marine plan](#) policies were screened in: (See [Table A2](#) for full policy wording)
- ACC-2
 - AQ-2
 - CAB-1
 - CAB-2
 - CCS-1
 - CCS-2
 - DD-4
 - EMP-2
 - FISH-3
 - INF-1
 - INF-2
 - INF-4
 - PS-4
 - REN-1
 - SOC-3
 - TR-1
 - TR-2
 - WIND-2
26. It was noted that the screened in plan policies had broad aspects in common which enabled them to be grouped into categories at this screening stage. For example, policies ACC-1, FISH-3 and TR-1 were all associated with enhanced public access and therefore could be grouped. The screened in plan policies were grouped into one of seven policy categories that shared similar characteristics and likely impacts:
- 1) Enhanced public access (ACC-2, SOC-3, FISH-3, TR-1, and TR-2)
 - 2) Provision of infrastructure, including for employment, sustainable fisheries, aquaculture and related industries (AQ-2, EMP-2, INF-1, INF-2 and INF-4)
 - 3) Cable burial and future cable landfall (CAB-1 and CAB-2)
 - 4) Environmentally positive policies that may have negative effects (CCS-1)

- 5) New dredge disposal sites (DD-4)
 - 6) Renewable energy, including wind turbines (REN-1 and WIND-2)
 - 7) Promotion of short sea shipping (PS-4)
27. Following the ecological screening process, a final list of European/Ramsar sites and interest features were identified for which a LSE could occur from the screened in draft policies from the draft South West, North East, North West and South East Marine Plans. Together, the plan policy and ecological screening processes left 297 UK sites and 125 EU sites screened in for stages 6-9 which required further assessment to understand the LSE from draft plan policies.. A total of 72 UK sites were of relevance to policies in the draft North East Marine Plan.
28. See section 3.4 of this AA which covers stages 10-11 of the HRA process and provides information on the re-screening of policies that changed as a result of public consultation on the draft North East Marine Plan.

4.3 Appropriate Assessment Information Report (AAIR)

29. The AAIR (stages 6-9) provides further assessment into the potential impacts and effects upon screened in sites caused by screened in plan policies. The AAIR aims to determine whether a conclusion of no adverse effects on site integrity can be reached.
30. Understanding effects requires knowledge not only of the vulnerability of the features but also of the likelihood of specific activities and impacts occurring within sensitive areas and this level of detail that does not exist at the marine plan level. In accordance with the screening methodology signed off by the SNCBs, since most of the screened in plan policies had limited spatial information, the AAIR was based on the sensitivity of the interest features of relevant European sites, rather than on the likelihood of effect. Taking a precautionary approach it was therefore assumed that exposure of sensitive interest features to these impact pathways would occur in the absence of mitigation.

Stakeholder Engagement

31. The development of the draft North East, North West, South East and South West Marine Plans has followed an iterative process, which included regular stakeholder engagement on the developing draft marine plans. At iteration 3, (Spring 2019) potential marine plan policies were presented to stakeholders for feedback. Feedback obtained from this stakeholder engagement, led to some plan policies being merged (such that some were deleted following merger)

while others had wording amended. No entirely new plan policies were created at this stage. The changes to draft marine plan policies screened in for the purposes of the AAIR are shown in Table 1 below:

Table 1: Plan policy amendments following iteration 3

(See [Table A2](#) for full policy wording)

| Policy | Action | Screening decision |
|-----------------|--------------------------------|---|
| ACC-2 | Merged into ACC-1 | ACC-1 screened in to AAIR |
| FISH-3 | Merged into FISH-2 | FISH-2 screened in to AAIR |
| DD-4 | Merged into DD-3 | DD-3 screened in to AAIR Moreover, this policy now clarifies that new dredge disposal site proposals will only be supported if they 'are subject to best practice and guidance'; |
| TR-2 | Merged into TR-1 | TR-1 remains screened in to AAIR |
| EMP-3 | Merged into EMP-2 | EMP-2 remains screened in to AAIR |
| SOC-3 | Was renamed SOC-1 | SOC-1 remains screened in to AAIR |
| CCS-1 and CCS-2 | Were renamed CCUS-1 and CCUS-2 | Both remain screened in to AAIR |
| INF-2 and INF-4 | Merged into INF-1 | INF-1 remains screened in to AAIR |

32. The updated list of policies taken forward for the AAIR from the draft North East Marine Plan were therefore:

- ACC-1
- AQ-2
- CAB-1
- CAB-2
- CCUS-1
- CCUS-2

- DD-3
 - EMP-2
 - FISH-2
 - INF-1
 - PS-4

 - REN-1
 - SOC-1
 - TR-1
 - WIND-2
33. Detail of the changed plan policy wording and screening decisions can be reviewed in [Table A2](#) in the Annex.
34. Following the outcomes of the screening review an [AAIR](#) was produced. The AAIR goes into great detail to consider the impacts of marine plan policies upon sites, including the impact pathways and sensitivities and confirm the suitability of mitigation measures. The AAIR provides the information from which the final AA can be made.

Post public consultation on the North East Marine Plan

35. Following public consultation on the draft North East Marine Plan (MMO, 2020a) and its accompanying Technical Annex (MMO, 2020b), the MMO reviewed the comments raised by stakeholders and made amendments where appropriate to the draft marine plan and its policies. The amended policies were re-screened by the MMO, in agreement from JNCC and NE (Table A2 in the Annex) using the assessment process outlined in Section 3.2.
36. The re-screening process resulted in three final policies being screened in for further assessment:
- INF-2 (new policy)
 - PS-1 (the intent of the policy changed and it could no longer be screened out as previously done at the draft plan stage)
 - CCUS-3 (new policy)
37. The assessment of policies INF-2, PS-1 and CCUS-3 has been signed-off by JNCC and NE and is included in the updated [AAIR](#) (MMO, 2020d). The list of final north east marine plan policies assessed in the AAIR are shown in Table 2:

Table 2: Final list of screened in policies from the North East Marine Plan
(See [Table A2](#) for full policy wording)

| Policy Code | Final Policy Code if changed | Amendments as a result of the Public Consultation |
|-------------|------------------------------|--|
| ACC-1 | | |
| FISH-2 | | |
| TR-1 | | |
| AQ-2 | | |
| EMP-2 | EMP-1 | Wording adjusted – this didn't change the screening decision |
| INF-1 | | Wording adjusted – this didn't change the screening decision |
| CAB-1 | | |
| CAB-2 | | |
| CCUS-1 | | |
| CCUS-2 | | |
| New policy | CCUS-3 | Assessed in the AAIR following public consultation |
| DD-3 | | Wording adjusted – this didn't change the screening decision |
| REN-1 | | |
| SOC-1 | | Wording adjusted – this didn't change the screening decision |
| WIND-2 | REN-3 | Wording adjusted – this didn't change the screening decision |
| PS-4 | | |

| | | |
|------------|-------|--|
| PS-1 | | Wording of policy changed, which meant this policy was then screened into the AAIR |
| New policy | INF-2 | Assessed in the AAIR following public consultation |

38. During the AA stages 10-11 JNCC updated its statutory advice based on new 'best available evidence' for seabird foraging ranges (Woodward *et al*, 2019). JNCC advised MMO to re-assess the screening of European sites based on the new evidence for mean max foraging range plus one standard deviation (SD). Due to the significant increase in the foraging ranges of the Manx Shearwater, Fulmar, and Storm Petrel in particular, a number of additional European sites were screened in based on their distance and impact pathways from the north east marine plan areas.
39. In light of this new evidence, a total of 99 sites are now screened in due to the potential impact pathways from the north east marine plan areas. A total of 91 of these sites require mitigation measures to ensure no likely significant effects from the marine plan policies.
40. The policy framework in the North East Marine Plan achieves the avoidance of adverse effects on site integrity, first and foremost, through the inclusion of policy MPA-1. Policy MPA-1 requires proposals to demonstrate that they will, firstly, avoid adverse impacts on the conservation objectives of marine protected areas. Where adverse impacts on the objectives cannot be avoided they must be minimised and mitigated. Proposals that cannot avoid, minimise and mitigate adverse impacts will not be supported. By complying with MPA-1 to avoid, minimise and mitigate adverse impacts on the features and conservation objectives of European sites, proposals will avoid adverse effects on site integrity.
41. Many of the environmental marine plan policies, including policies for marine protected areas, require that all adverse impacts are either avoided, minimised or mitigated before a proposal is approved. Proposals must first demonstrate that they have avoided adverse impact at source before they proceed to demonstrate how the remaining impacts have been minimised at source. Only then must proposals demonstrate how the remaining impacts that will occur will be mitigated. As these policies cover a variety of marine protected areas with various legislation, the marine protected area policies do not mirror the exact language used in [The Conservation of Habitats and Species Regulations 2017](#) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#) and do not state that a conclusion of no adverse effect on site integrity must be reached before a proposal is approved. It should be noted, however,

that existing legislation and related case law take precedence over marine plan policies and proposals must still comply with requirements under [The Conservation of Habitats and Species Regulations 2017](#) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#), including carrying out a project-level Habitats Regulations Assessment.

42. The North East Marine Plan contains a suite of policies to control many of the impact pathways identified in this AAIR. Policies WQ-1, UWN-2, AIR-1, ML-1, ML-2, INNS-1 and INNS-2 set a general consenting framework to ensure that European sites are protected from any harmful deterioration in water quality or increase in underwater noise, atmospheric pollution, marine litter or invasive non-native species as a result of schemes that may be consented under other plan policies. In addition, policies BIO-1, BIO-2 and BIO-3 also address protection of European sites as part of their general requirement to protect and enhance habitats and species in the marine and coastal environment, including a hierarchy that requires proposals to avoid, minimise and/or mitigate effects.
43. Despite environmental marine plan policies, it has not been possible to conclude no adverse effect on integrity without mitigation for a large number of European sites. Note that this is not due to a large number of adverse effects having been definitively identified but rather due to the very limited information available (by design) at the plan level regarding the proposals that may come forward in each marine plan area. In applying the precautionary principle, adverse effects on integrity cannot be dismissed for most European sites until individual projects are devised and can be scrutinised in detail.
44. It is therefore necessary to introduce further mitigation measures into the North East Marine Plan before a conclusion of no adverse effect on integrity can be drawn. Four important mitigation measures are proposed to provide the necessary assurances that the marine plans as a whole will have no adverse effect on the integrity of European and Ramsar sites either alone or in-combination with other plans or projects.

1) **Project level HRAs**

Explicitly enshrining the requirement for project-level HRA in the North East Marine Plan. Since it is not possible to rule out adverse effects on the integrity of many European sites due simply to the high level nature of the marine plan policies, 'down-the-line' assessment becomes essential. There must be an explicit policy framework incorporated into the marine plan to ensure that proponents and decision-makers are aware of the need for project-level HRAs (even if only to confirm no LSE) for all proposals, and that HRAs must consider effects in combination with other plans and projects.

2) **Use best available evidence**

All future plans and projects, including project and strategic level HRA, must use the best available evidence. All future HRA work for plans or projects within the north east marine plan areas must be completed in the context of the latest scientific knowledge and evidence base that is available at the time of the assessment.

3) **Terrestrial and marine cross-border collaboration**

Consideration of matters that cross the terrestrial/marine environment planning borders when determining the acceptability of proposals – with regard to the public access promotion policies in particular (ACC-1, SOC-1, FISH-2, and TR-1), there is a risk that issues which span the marine/coastal and terrestrial environment are overlooked because they fall between planning responsibilities. Examples have been given in the AAIR of coastal and estuarine European sites within the UK network that are identified to be at risk from increased recreational pressure due to housing development and which have a mitigation strategy in place. The MMO must be aware of existing mitigation strategies where promoting access to the coastal and marine environment to ensure no conflict between local authorities delivering measures to manage recreation, and the promotion of improved coastal access through marine plan policies. An existing mechanism to facilitate this collaboration is the Coastal Concordat for England⁶. Although not all coastal local authorities are signatories to the Concordat, the implementation plan for the Concordat addresses this by stating that *‘For projects that meet the criteria for the coastal concordat⁷, but are in areas where the local authority has not yet implemented the concordat, officers should apply the concordat principles in partnership with the other concordat bodies as far as possible...’*.

In response to the above mitigation measure it was recommended by the SNCBs that the supporting text for the access policies acknowledged the balance to be struck between supporting increased access to the coast and marine environment and potential conflicts with European site conservation objectives. SNCBs advise that particularly close attention should be given to ensuring any access provision proposals are compatible with conservation objectives, and any existing or future recreational pressure mitigation strategies

6

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/256234/coastal-concordat-20131111.pdf [accessed 18/06/19]

⁷ In other words, that the footprint of the proposed development (and any ancillary infrastructure) is both terrestrial and has elements that fall below Mean High Water Springs within an estuary or on the coast, that the development requires multiple consents including both a marine licence and planning permission, and that there are no other coordination mechanisms in place, for example under the Planning Act 2008.

devised by coastal local authorities. As such the supporting text of the access policy was updated to reflect SNCB advice and inform-decision makers.

4) **Monitoring and iterative plan review of marine plans**

The marine plan monitoring and iterative plan review (IPR) provision will provide further mitigation. Whilst monitoring is not mitigation in itself, it allows details about how the marine plan has been applied and informs the formal reporting cycle. Three-yearly reports make recommendations based on the outputs of the monitoring data about whether to amend or replace a marine plan. As such the IPR process will enable the delivery of plan revisions. Any amendment or revision to the marine plans will likely require another Habitats Regulations Assessment.

The IPR involves recognising the fact that development associated with policies in the plan will not be delivered all at once but piecemeal over the 20 year lifetime of the marine plan. The IPR process will involve a phased and iterative approach to plan-implementation which is linked to ongoing project developments and their associated monitoring work and with the findings from such project-level work feeding back into the next phases of plan-implementation. This is done so that results from monitoring data from consented projects and on-going research programmes can be fed into subsequent developments in order for lessons to be learnt and evidence gaps filled, thus reducing potential impacts to European sites.

45. Mitigation measures 1 and 4 match recommendations made in the AAIR and AA for the South Marine Plan (MMO, 2015b, 2015c). Mitigation measures 2 and 3 have been introduced specifically following the AAIR for the North West, South West, North East and South East Marine Plans.

5 Appropriate Assessment

46. An updated [AAIR](#) (MMO, 2020d) has been re-published which includes a change log upfront of amendments.
47. Recognising the fast pace at which evidence in the marine area is evolving, mitigation measure 2, as set out below and in section 3.3 of this AA, was developed in collaboration with JNCC and NE to ensure future HRA work accounts for the best available evidence.
48. On completion of stages 10 and 11 of the HRA the MMO concluded, with agreement from NE and JNCC, that there will be no adverse effect on the integrity of a European site arising from the amended North East Marine Plan. This decision is reliant on the application of four mitigation measures:

- 1) application of project-level HRAs
 - 2) use of best available evidence for future HRAs
 - 3) terrestrial and marine cross-border collaboration
 - 4) monitoring and iterative plan review of marine plans
49. Mitigation measures 1, 2 and 3 have been communicated by the MMO throughout the North East Marine Plan and must be applied by proponents and decision-makers. Mitigation measure 4 will be applied by the MMO in the monitoring and review of marine plans.
50. Where proposals cannot meet the tests under marine plan policies to avoid, minimise and mitigate all adverse impacts on marine protected areas, marine plan policies do not remove derogation provisions set out under [The Conservation of Habitats and Species Regulations 2017](#) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#). This AA applies to the North East Marine Plan as currently written. Any future marine plans or amendments to marine plans will have to be reassessed in accordance with [The Conservation of Habitats and Species Regulations 2017](#) and [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#).

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Annex

Figure A1: Stages of the HRA process for marine plans in England
(adapted from SNH, 2015).

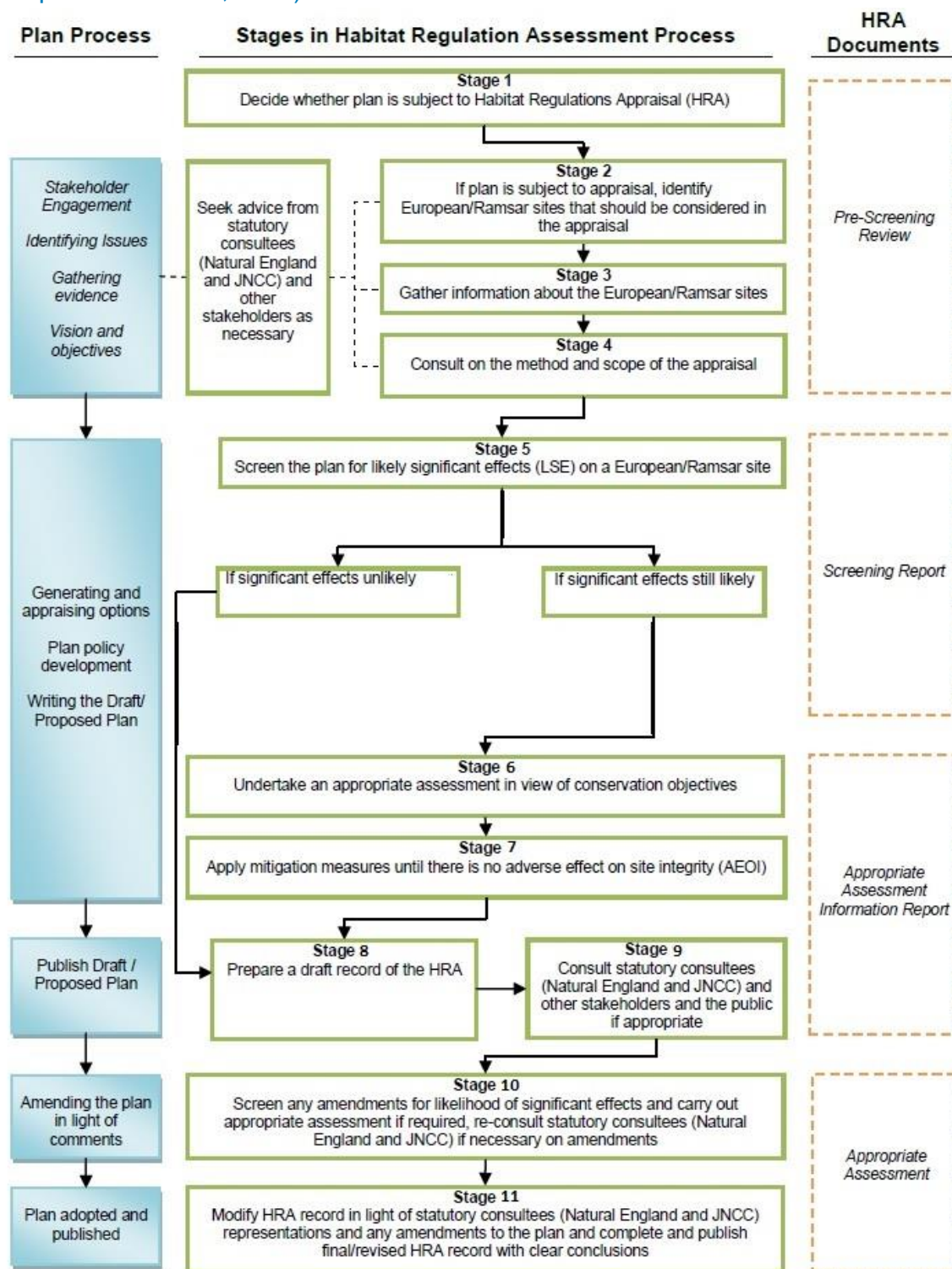


Table A2: Appropriate Assessment policy screening review

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|----------|---|---|---|---|
| NE-INF-1 | Appropriate land-based infrastructure which facilitates marine activity (and vice versa) including the diversification or regeneration of marine industries, should be supported. | Yes screened in for the AAIR: This proposal supports the development of infrastructure and industry, which could have a significant effect on European sites. | Proposals for appropriate marine infrastructure which facilitates land-based activities, or land-based infrastructure which facilitates marine activities (including the diversification or regeneration of sustainable marine industries), should be supported. | No change to the screening decision |
| NE-INF-2 | This policy did not exist in the draft North East Marine Plan, stakeholders requested it for other marine plan areas after seeing it in the draft South East Marine Plan | Did not exist in the North East Marine Plan | <p>(1) Proposals for alternative development at existing safeguarded landing facilities will not be supported.</p> <p>(2) Proposals adjacent and opposite existing safeguarded landing facilities must demonstrate that they avoid significant adverse impacts on existing safeguarded landing facilities.</p> <p>(3) Proposals for alternative development at existing landing facilities (excluding safeguarded sites) should not be supported unless that facility is no longer viable or capable of being made viable for waterborne transport.</p> <p>(4) Proposals adjacent and opposite existing landing facilities (excluding safeguarded sites) that may have significant adverse impacts on the</p> | Yes now screened in for the AAIR: As will now feature in the SW, NW and NE marine plans, not just the SE. |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|--------|----------------------|----------------|--|---|
| | | | <p>landing facilities should demonstrate that they will in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. | |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|----------|--|---|---|---|
| NE-CO-1 | <p>Proposals that optimise the use of space and incorporate opportunities for co-existence and co-operation with existing activities will be supported.</p> <p>Where potential conflicts with existing activities are likely (including displacement) proposals must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impacts on existing activities (including displacement) d) if it is not possible to mitigate significant adverse impacts on existing activities (including displacement), proposals should state the case for proceeding. | <p>Screened out:</p> <p>This policy seeks to minimise the footprint for development and does not promote or allocate development within the marine plan area.</p> | <p>Proposals that optimise the use of space and incorporate opportunities for co-existence and co-operation with existing activities will be supported.</p> <p>Proposals that may have significant adverse impacts on, or displace, existing activities must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. <p>If it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding.</p> | <p>No change to the screening decision</p> |
| NE-AGG-1 | <p>Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised, unless it is demonstrated that the other development or activity is compatible with aggregate extraction.</p> | <p>Screened out:</p> <p>This policy is criteria based and seeks to ensure that aggregate resources are not sterilised through other conflicting development. It does not promote or</p> | <p>Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised, unless it is demonstrated that the proposal is compatible with aggregate extraction.</p> | <p>No change to the screening decision</p> |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|----------|---|---|--|---|
| | | allocate aggregate extraction/development within the marine plan area. | | |
| NE-AGG-2 | Proposals within an area subject to an Exploration and Option Agreement with The Crown Estate should not be supported unless it is demonstrated that the other development or activity is compatible with aggregate extraction. | Screened out: This policy is criteria based and seeks to ensure that development that is incompatible with Exploration and Option Agreements does not occur in those areas. It does not promote aggregate extraction. | Proposals within an area subject to an Exploration and Option Agreement with The Crown Estate should not be supported unless it is demonstrated that the proposal is compatible with aggregate extraction. | No change to the screening decision |
| NE-AGG-3 | Proposals in areas where high potential aggregate resource occurs should demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts on aggregate extraction d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding. | Screened out: This policy is criteria based and seeks to ensure that aggregate resources are not sterilised through other conflicting development. It does not promote or allocate aggregate extraction/development within the marine plan area. | Proposals in areas of high potential aggregate resource that may have significant adverse impacts on future aggregate extraction should demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - significant adverse impacts on future aggregate extraction so they are no longer significant. | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|---------|--|--|--|---|
| | | | If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding. | |
| NE-AQ-1 | <p>Proposals within existing or potential strategic areas of sustainable aquaculture production must demonstrate consideration of and compatibility with sustainable aquaculture production.</p> <p>Where compatibility is not possible, proposals must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid, b) minimise, c) mitigate significant adverse impacts on sustainable aquaculture production, d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding. | <p>Screened out:</p> <p>This policy is criteria based and is intended to ensure existing or potential aquaculture production areas are not sterilised by inappropriate alternative development. It does not promote or allocate aquaculture development within the marine plan area.</p> | <p>Proposals within existing or potential strategic areas of sustainable aquaculture production must demonstrate consideration of and compatibility with sustainable aquaculture production.</p> <p>Where compatibility is not possible, proposals that may have significant adverse impacts on sustainable aquaculture production must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts on sustainable aquaculture production so they are no longer significant. <p>If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.</p> | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|----------|--|---|---|---|
| NE-AQ-2 | Proposals enabling the provision of infrastructure for sustainable aquaculture and related industries will be supported. | <p>Yes screened in for the AAIR:</p> <p>This policy supports proposals for the infrastructure that enables fisheries, aquaculture and related industries. As such, there is the possibility that issues associated with such infrastructure would cause likely significant effects to European sites located within catchment of the marine plan area.</p> | Proposals enabling the provision of infrastructure for sustainable aquaculture and related industries will be supported. | No change to the screening decision |
| NE-CAB-1 | <p>Preference should be given to proposals for cable installation where the method of installation is burial.</p> <p>Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant. Where burial or protection measures are not appropriate, proposals should state the case for proceeding without those measures.</p> | <p>Yes screened in for the AAIR:</p> <p>This policy supports proposals for cable burial. As such, there is the possibility that issues relating to disturbance due to construction could pose as a likely significant effect to European sites and support features located within catchment of the marine plan area.</p> | <p>Preference should be given to proposals for cable installation where the method of protection is burial.</p> <p>Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant.</p> <p>Where burial or protection measures are not appropriate, proposals should state the case for proceeding without those measures.</p> | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|----------|--|--|--|---|
| NE-CAB-2 | <p>Proposals demonstrating compatibility with existing landfall sites and incorporating measures to enable development of future landfall opportunities should be supported.</p> <p>Where this is not possible proposals will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate significant adverse impacts on new and existing landfall sites, d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.</p> | <p>Yes screened in for the AAIR:</p> <p>This proposal supports measures enabling the future development of landfall sites. At present it is not known what these measures entail, and so potential impact to European sites cannot be screened out.</p> | <p>Proposals demonstrating compatibility with existing landfall sites and incorporating measures to enable development of future landfall opportunities should be supported. Where this is not possible proposals will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts on existing and potential future landfall sites so they are no longer significant.</p> <p>If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.</p> | No change to the screening decision |
| NE-CAB-3 | Where seeking to locate close to existing sub-sea cables, proposals should demonstrate compatibility with ongoing function, maintenance and decommissioning activities of the cable. | <p>Screened out:</p> <p>This policy is criteria based and does not promote or allocate sub-sea cables within the marine plan area.</p> | Where seeking to locate close to existing subsea cables, proposals should demonstrate compatibility with ongoing function, maintenance and decommissioning activities relating to the cable. | No change to the screening decision |
| NE-DD-1 | In areas of authorised dredging activity, including those subject to navigational dredging, proposals for other activities | <p>Screened out:</p> <p>This policy is criteria based and is intended to ensure</p> | In areas of authorised dredging activity, including those subject to navigational dredging, proposals | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|---------|--|---|---|---|
| | will not be supported unless they are compatible with the dredging activity. | authorised dredging areas are not sterilised by inappropriate development. It does not promote or allocate dredging activity within the marine plan area. | for other activities will not be supported unless they are compatible with the dredging activity. | |
| NE-DD-2 | <p>Proposals that cause significant adverse impacts on licensed disposal areas should not be supported.</p> <p>Proposals that cannot avoid such impacts must, in order of preference:</p> <ul style="list-style-type: none"> a) minimise b) mitigate or c) if it is not possible to mitigate the significant adverse impacts, proposals must state the case for proceeding. | <p>Screened out:</p> <p>This policy is criteria based and does not promote or allocate licensed development within the marine plan area.</p> | <p>Proposals that cause significant adverse impacts on licensed disposal sites should not be supported.</p> <p>Proposals that may have significant adverse impacts on licensed disposal sites must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. <p>If it is not possible to mitigate the significant adverse impacts, proposals must state the case for proceeding.</p> | No change to the screening decision |
| NE-DD-3 | Proposals for the disposal of dredged material must demonstrate that they have been assessed against the waste hierarchy. | <p>Yes screened in for the AAIR:</p> <p>This policy supports proposals for new dredge disposal sites. As such,</p> | Proposals for the disposal of dredged material must demonstrate that they have been assessed against the waste hierarchy. Where there is the need to identify new dredge disposal sites, including for alternative use sites, proposals | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|---------|--|---|--|---|
| | Where there is the need to identify new dredge disposal sites, proposals should be supported which are subject to best practice and guidance. | there is the possibility of issues relating to the spread of invasive species, noise, pollution and disturbance. These impact pathways could pose as likely significant effects to European sites located within catchment of the marine plan area. | should be supported if they conform to best practice and guidance. | |
| NE-OG-1 | Proposals in areas where a licence for oil and gas has been granted or formally applied for should not be authorised unless it is demonstrated that the other development or activity is compatible with the oil and gas activity. | Screened out: This policy promotes measures to ensure activity is compatible with oil and gas activities, but does not specifically propose any additional development/activity in itself and so no significant effects are foreseeable. | Proposals in areas where a licence for oil and gas has been granted or formally applied for should not be authorised unless it is demonstrated that the other development or activity is compatible with the oil and gas activity. | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|---------|---|---|---|---|
| NE-OG-2 | Proposals within areas of geological oil and gas extraction potential demonstrating compatibility with future extraction activity will be supported. | Screened out: This policy promotes measures to ensure activity is compatible with future oil and gas activities, but does not specifically propose any additional development/activity in itself and so no significant effects are foreseeable. | Proposals within areas of geological oil and gas extraction potential demonstrating compatibility with future extraction activity will be supported. | No change to the screening decision |
| NE-PS-1 | <p>Only proposals demonstrating compatibility with current activity and future opportunity for sustainable expansion of port and harbour activities will be supported.</p> <p>Proposals that may have a significant adverse impact upon current activity and future opportunity for expansion of port and harbour activities must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impacts d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding. | Screened out: This policy promotes measures to ensure activity is compatible with current and future port activities and expansion, but does not specifically propose any additional development/activity in itself and so no significant effects are foreseeable. | <p>In line with the National Policy Statement for Ports, sustainable port and harbour development should be supported.</p> <p>Only proposals demonstrating compatibility with current port and harbour activities will be supported.</p> <p>Proposals within statutory harbour authority areas or their approaches that detrimentally and materially affect safety of navigation, or the compliance by statutory harbour authorities with the Open Port Duty or the Port Marine Safety Code, will not be authorised unless there are exceptional circumstances.</p> | <p>Yes now screened in for the AAIR:</p> <p>The additional first sentence promotes development and has specific spatial definable implications. So should now be screened in under criteria 1.</p> |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|---------|---|--|---|---|
| | | | <p>Proposals that may have a significant adverse impact upon future opportunity for sustainable expansion of port and harbour activities, must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p> <p>If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.</p> | |
| NE-PS-2 | Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance must not be authorised within or encroaching upon International Maritime Organization routing systems unless there are exceptional circumstances. | Screened out: This policy does not promote any activity/development with potential significant effects on European sites. | Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance must not be authorised within or encroaching upon International Maritime Organization routing systems unless there are exceptional circumstances. | No change to the screening decision |
| NE-PS-3 | Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance which encroaches upon high density navigation routes, strategically important navigation routes, or that pose a risk to the viability of passenger services, must not be | Screened out: This policy does not promote any activity/development with potential significant effects on European sites. | Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance which encroaches upon high density navigation routes, strategically important navigation routes, or that pose a risk to the viability of passenger services, must not be | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|----------|---|---|--|---|
| | authorised unless there are exceptional circumstances. | | authorised unless there are exceptional circumstances. | |
| NE-PS-4 | Proposals promoting or facilitating sustainable coastal and/or short sea shipping as an alternative to road, rail or air transport will be supported where appropriate. | Yes screened in for the AAIR: This policy encourages an increase in short sea shipping that could potentially have a significant effect on European sites. | Proposals promoting or facilitating sustainable coastal and/or short sea shipping as an alternative to road, rail or air transport will be supported where appropriate. | No change to the screening decision |
| NE-REN-1 | Proposals that enable the provision of renewable energy technologies and associated supply chains, will be supported. | Yes screened in for the AAIR: This policy encourages renewable energy and supply chain developments that could potentially have a significant effect on European sites. | Proposals that enable the provision of renewable energy technologies and associated supply chains, will be supported. | No change to the screening decision |
| NE-REN-2 | Proposals for new activity within areas held under a lease or an agreement for lease for renewable energy generation should not be authorised, unless it is demonstrated that the proposed development or activity will not reduce the ability to construct, operate or | Screened out: This policy promotes measures to ensure that sites held under lease for renewable energy generation are not negatively impacted by | Proposals for new activity within areas held under a lease or an agreement for lease for renewable energy generation should not be authorised, unless it is demonstrated that the proposed development or activity will not reduce the ability to construct, operate or decommission | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|------------------------------------|--|---|---|---|
| | decommission the existing or planned energy generation project. | additional development/activity within the same area. | the existing or planned energy generation project. | |
| NE-REN-3 (previously NE-WIND-1) | Proposals for offshore wind inside areas of identified potential will be supported. | Yes screened in for the AAIR: This policy supports an activity that may have significant effects on European sites. | Proposals for the installation of infrastructure to generate offshore renewable energy, inside areas of identified potential and subject to relevant assessments, will be supported. | No change to the screening decision |
| NE-HER-1 | Proposals that demonstrate they will conserve and enhance elements contributing to the significance of heritage assets will be supported. Proposals unable to conserve and enhance elements contributing to the significance of heritage assets will only be supported if they demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate harm to those elements contributing to the significance of heritage assets d) if it is not possible to mitigate, then the public benefits for proceeding with the proposal must outweigh the harm to the significance of heritage assets. | Screened out: This policy is not closely related to activities with potential to have an adverse impact on European sites. | Proposals that demonstrate they will conserve and enhance the significance of heritage assets will be supported. Where proposals may cause harm to the significance of heritage assets, proponents must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - any harm to the significance of heritage assets. If it is not possible to mitigate, then public benefits for proceeding with the proposal must outweigh the harm to the significance of heritage assets. | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|----------|---|--|---|---|
| NE-SCP-1 | <p>Proposals that may have a significant adverse impact upon the seascapes and landscapes of an area should only be supported if they demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate d) if it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascapes and landscapes of an area. <p>Where possible, proposals should demonstrate that they have considered how highly the seascapes and landscapes of an area is valued, its quality, and the areas potential for change. In addition, the scale and design of the proposal should be compatible with its surroundings, and not have a significant adverse impact on the seascapes and landscapes of an area.</p> | <p>Screened out:</p> <p>This policy does not in itself promote any specific activity/development, but provides guidance on how proposals should demonstrate any significant adverse impacts are being mitigated.</p> | <p>The location, scale and design of proposals should take account of the character, quality and distinctiveness of the seascape and landscape.</p> <p>Proposals should ensure they are compatible with their surroundings and should not have a significant adverse impact on the character and visual resource of the seascape and landscape of the area.</p> <p>Proposals that may have a significant adverse impact on the seascape and landscape of the area should demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant <p>If it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascape and landscape of the area.</p> <p>Proposals within or relatively close to nationally designated areas should have regard to the</p> | <p>No change to the screening decision</p> |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
|-----------|---|--|--|---|
| | | | specific statutory purposes of the designated area. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty. | |
| NE-FISH-1 | Proposals supporting a sustainable fishing industry, including the industry's diversification, should be supported. | Screened out: This policy supports the improvement of current fishing practices to ensure the industry is sustainable. By definition a 'sustainable' fishing industry is one that will not adversely affect internationally important wildlife sites. | Proposals that support a sustainable fishing industry, including the industry's diversification, should be supported. | No change to the screening decision |
| NE-FISH-2 | <p>Proposals that enhance access for fishing activities should be supported.</p> <p>Proposals that may have significant adverse impacts on access for fishing activities must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impacts d) if it is not possible to mitigate the significant adverse impacts, proposals should state the case for proceeding. | <p>Yes screened in for the AAIR:</p> <p>This policy promotes access within areas subject to aquaculture and fishing activities so there is potential for significant effects to European sites.</p> | <p>Proposals that enhance access for fishing activities should be supported.</p> <p>Proposals that may have significant adverse impacts on access for fishing activities must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. | No change to the screening decision |

| Policy | Draft policy wording | Screening View | Final Policy Wording | Policy revisions of significance to the HRA |
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| | | | If it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding. | |
| NE-FISH-3 (previously NE-FISH-4) | <p>Proposals enhancing essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes should be supported.</p> <p>If proposals cannot enhance essential fish habitat, they must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impact on essential fish habitat, including spawning, nursery and feeding grounds, and migration routes. | <p>Screened out:</p> <p>This policy promotes the enhancement of fish habitat, and so no adverse impacts to European sites would be expected.</p> | <p>Proposals that enhance essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes, should be supported.</p> <p>Proposals that may have significant adverse impacts on essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes, must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. | No change to the screening decision |
| NE-EMP-1 (previously NE-EMP-2) | <p>Proposals that result in a net increase to marine related employment will be supported, particularly where they meet one or more of the following:</p> <ul style="list-style-type: none"> i) create employment in areas identified as the most deprived, or ii) support and are aligned with local skills strategies and the skills available in and adjacent to the north east marine plan | <p>Yes screened in for the AAIR:</p> <p>This policy supports proposals that increase employment opportunities related to the marine industry. As such, there is a possibility of likely</p> | <p>Proposals that result in a net increase in marine-related employment will be supported, particularly where they meet one or more of the following:</p> <ul style="list-style-type: none"> i) are aligned with local skills strategies and support the skills available ii) create a diversity of opportunities | No change to the screening decision |

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| | area, or iii) create a diversity of opportunities, or iv) implement new technologies. | significant effects on European sites. | iii) create employment in locations identified as the most deprived iv) implement new technologies - in, and adjacent to, the north east marine plan areas. | |
| NE-CC-1 (previously NE-CC-4) | Proposals which enhance habitats that provide flood defence or carbon sequestration will be supported. Proposals that may have significant adverse impacts on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts, or, as a last resort d) compensate and deliver environmental net gains in line with and where required in current legislation and policy. | Screened out: This is a positive policy aimed to enhance marine and coastal habitats and to provide flood defence and carbon sequestration. This is criteria based and does not promote or allocate development within the marine plan area. | Proposals which enhance habitats that provide flood defence or carbon sequestration will be supported. Proposals that may have significant adverse impacts on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant d) compensate for significant adverse impacts that cannot be mitigated. | No change to the screening decision |

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| NE-CC-2 | Proposals in the north east marine plan areas should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change. | Screened out: This is a positive policy aimed avoid to and/or minimise contributions to climate change. This is criteria based and does not promote or allocate development within the marine plan area. | Proposals in the north east marine plan areas should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change. | No change to the screening decision |
| NE-CC-3 | <p>Proposals in the north east marine plan areas and adjacent marine plan areas that are likely to have significant adverse impact on coastal change should not be supported.</p> <p>Proposals that may have significant adverse impacts on climate change adaptation measures outside of the proposed project areas must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate the significant adverse impacts upon these climate change adaptation measures. | Screened out: This is a positive policy aimed to prevent and safeguard the current conditions of the coast. This is criteria based and does not promote or allocate development within the marine plan area. | <p>Proposals in the north east marine plan areas and adjacent marine plan areas that are likely to have significant adverse impacts on coastal change, or on climate change adaptation measures inside and outside of the proposed project areas, should only be supported if they can demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. | No change to the screening decision |

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| NE-CCUS-1 (previously NE-CCS-2) | Decommissioning Programmes for oil and gas facilities should consider the potential for re-use of infrastructure. | Yes screened in for the AAIR: This policy supports the re-use of existing infrastructure, which is positive, but without further details such reuse has the potential for impact to European sites. | Decommissioning programmes for oil and gas facilities should demonstrate that they have considered the potential for re-use of infrastructure. | No change to the screening decision |
| NE-CCUS-2 (previously NE-CCS-1) | Carbon Capture Usage and Storage proposals incorporating the re-use of existing oil and gas infrastructure will be supported. | Yes screened in for the AAIR: This policy supports the re-use of existing infrastructure, which is positive, but without further details such reuse has the potential for impact to European sites. | Carbon capture, usage and storage proposals incorporating the re-use of existing oil and gas infrastructure will be supported. | No change to the screening decision |
| NE-CCUS-3 (new policy) | Proposals associated with the deployment of low carbon infrastructure for industrial clusters should be supported. | Yes screened in for the AAIR: This policy supports the re-use of existing infrastructure, which is positive, and new infrastructure to support CCUS, both have the | Proposals associated with the deployment of low carbon infrastructure for industrial clusters should be supported. | Screened in and assessed in the revised AAIR |

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| | | potential for impact to European sites. | | |
| NE-AIR-1 | <p>Proposals must assess their direct and indirect impacts upon local air quality and emissions of greenhouse gases and air pollutants.</p> <p>Where proposals are likely to result in additional local air pollution or increased emissions of greenhouse gas or air pollutants, they must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate air pollution or greenhouse gas emissions in line with current national and local air quality objectives and legal requirements. | <p>Screened out:</p> <p>This is a positive policy aimed to reduce air pollution. This is criteria based and does not promote or allocate developments to reduced air quality within the marine plan area.</p> | <p>Proposals must assess their direct and indirect impacts upon local air quality and emissions of greenhouse gases.</p> <p>Proposals that are likely to result in increased air pollution or increased emissions of greenhouse gases must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - air pollution and or greenhouse gas emissions in line with current national and local air quality objectives and legal requirements. | No change to the screening decision |
| NE-ML-1 | <p>Public authorities must make adequate provision for the prevention, re-use, recycling and disposal of waste to reduce and prevent marine litter.</p> <p>Public authorities should aspire to undertake measures to remove marine litter within their jurisdiction.</p> | <p>Screened out:</p> <p>This policy does not specify any further developments to activities that currently take place, and focuses on improving systems already in place.</p> | <p>Public authorities must make adequate provision for the prevention, re-use, recycling and disposal of waste to reduce and prevent marine litter.</p> <p>Public authorities should aspire to undertake measures to remove marine litter within their jurisdiction.</p> | No change to the screening decision |

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| NE-ML-2 (previously NE-ML-3) | <p>Proposals that facilitate waste re-use or recycling to reduce or remove marine litter will be supported.</p> <p>Proposals that could potentially increase the amount of marine litter in the marine plan area, must include measures to:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate waste entering the marine environment. | <p>Screened out:</p> <p>This policy promotes improvement to marine environments, and so no significant effects are likely.</p> | <p>Proposals that facilitate waste re-use or recycling to reduce or remove marine litter will be supported.</p> <p>Proposals that could potentially increase the amount of marine litter in the marine plan area, must include measures to, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - waste entering the marine environment. | No change to the screening decision |
| NE-WQ-1 | <p>Proposals that enhance and restore water quality will be supported.</p> <p>Proposals that cause deterioration of water quality must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate deterioration of water quality in the marine environment. | <p>Screened out:</p> <p>This policy does not specifically promote any activity/development with potential significant effects to European sites, but provides guidance on how potential impacts should be addressed.</p> | <p>Proposals that protect, enhance and restore water quality will be supported.</p> <p>Proposals that cause deterioration of water quality must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - deterioration of water quality in the marine environment. | No change to the screening decision |

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| NE-ACC-1 | <p>Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, and that demonstrate the future provision of services for tourism and recreation activities, will be supported.</p> <p>Where appropriate and inclusive enhanced public access cannot be provided, proposals should demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impacts on public access. | <p>Yes screened in for the AAIR:</p> <p>This policy supports proposals for tourism and recreational services. As such, there is a possibility that issues relating to recreational pressure could pose as a likely significant effect to European sites located within catchment of the marine plan area.</p> | <p>Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, including the provision of services for tourism and recreation activities, will be supported.</p> <p>Proposals that may have significant adverse impacts on public access should demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. | <p>No change to the screening decision</p> |

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| NE-TR-1 | <p>Proposals that promote or facilitate sustainable tourism and recreation activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported.</p> <p>Where proposals may have a significant adverse impact on tourism and recreation activities they must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate that impact. | <p>Yes screened in for the AAIR:</p> <p>This policy promotes activities that could potentially have a significant effect on European sites. Whilst the word 'sustainable' is used, this does not rule out potential significant effects.</p> | <p>Proposals that promote or facilitate sustainable tourism and recreation activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported.</p> <p>Proposals that may have significant adverse impacts on tourism and recreation activities must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant. | No change to the screening decision |
| NE-SOC-1 | Those bringing forward proposals are encouraged to consider and enhance public knowledge, understanding, appreciation and enjoyment of the marine environment as part of (the design of) the proposal. | <p>Yes screened in for the AAIR:</p> <p>This policy does not specify any activity that could potentially have an adverse impact on European sites. However, in consultation Natural England suggested that schemes to promote increased education and enjoyment of the marine environment could still have adverse effects.</p> | Those bringing forward proposals should consider and demonstrate how their development shall enhance public knowledge, understanding, appreciation and enjoyment of the marine environment as part of (the design of) the proposal. | No change to the screening decision |

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| NE-DEF-1 | Proposals in or affecting Ministry of Defence areas should only be authorised with agreement from the Ministry of Defence. | Screened out: This policy does not promote or allocate development within the marine plan area. | Proposals in or affecting Ministry of Defence areas should only be authorised with agreement from the Ministry of Defence. | No change to the screening decision |
| NE-MPA-1 | <p>Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.</p> <p>Proposals that may have adverse impacts on the objectives of marine protected areas must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate adverse impacts, with due regard given to statutory advice on an ecologically coherent network. | Screened out: This policy promotes improvement to marine environments, and so no significant effects are likely. | <p>Proposals that support the objectives of marine protected areas and the ecological coherence of the marine protected area network will be supported.</p> <p>Proposals that may have adverse impacts on the objectives of marine protected areas must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts, with due regard given to statutory advice on an ecologically coherent network. | No change to the screening decision |
| NE-MPA-2 | Proposals that enhance a marine protected area's ability to adapt to climate change, enhancing the resilience of the marine protected area network will be supported. | Screened out: Improved resilience of marine protected areas to climate change is promoted by this policy, | Proposals that enhance a marine protected area's ability to adapt to climate change, enhancing the resilience of the marine protected area network will be supported. | No change to the screening decision |

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| | <p>Proposals that may have adverse impacts on an individual marine protected area's ability to adapt to the effects of climate change and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate adverse impacts.</p> | <p>and so no significant effects are likely</p> | <p>Proposals that may have adverse impacts on an individual marine protected area's ability to adapt to the effects of climate change and so reduce the resilience of the marine protected area network, must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts.</p> | |
| NE-MPA-3 | <p>Where statutory advice states that a marine protected area site condition is deteriorating or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered.</p> | <p>Screened out: Improved resilience of marine protected areas to climate change is promoted by this policy, and so no significant effects are likely.</p> | <p>Where statutory advice states that a marine protected area site condition is deteriorating or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered.</p> | <p>No change to the screening decision</p> |
| NE-MPA-4 (previously NE-MPA-6) | <p>Proposals must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate significant adverse impacts on designated geodiversity.</p> | <p>Screened out: This policy does not promote increased activity or development, and so no significant effects are likely.</p> | <p>Proposals that may have significant adverse impacts on designated geodiversity must demonstrate that they will, in order of preference:</p> <p>a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p> | <p>No change to the screening decision</p> |

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| NE-BIO-1 (previously NE-BIO-4) | <p>Proposals that enhance the distribution of priority habitats and priority species will be supported.</p> <p>Proposals that may have significant adverse impacts on the distribution of priority habitats and priority species must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate d) compensate for significant adverse impacts. | <p>Screened out:</p> <p>This is a positive policy intended to enhance the distribution of protected species and priority habitats. This is criteria based and does not promote or allocate developments that are expected to have significant adverse impacts within the marine plan area.</p> | <p>Proposals that enhance the distribution of priority habitats and priority species will be supported.</p> <p>Proposals that may have significant adverse impacts on the distribution of priority habitats and priority species must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate <ul style="list-style-type: none"> - adverse impacts so they are no longer significant d) compensate for significant adverse impacts that cannot be mitigated. | No change to the screening decision |
| NE-BIO-2 (previously NE-BIO-1) | <p>Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration will be supported.</p> <p>Proposals that may cause significant adverse impacts on native species or habitat adaptation or connectivity, or native species migration must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise | <p>Screened out:</p> <p>This is a positive policy aimed to enhance and facilitate marine and intertidal habitats and species. This is criteria based and does not promote or allocate developments that are expected to have significant adverse impacts within the marine plan area.</p> | <p>Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration will be supported.</p> <p>Proposals that may cause significant adverse impacts on native species or habitat adaptation or connectivity, or native species migration must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate | No change to the screening decision |

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| | <p>c) mitigate significant adverse impacts d) compensate for significant adverse impacts.</p> | | <p>- adverse impacts so they are no longer significant d) compensate for significant adverse impacts that cannot be mitigated.</p> | |
| NE-BIO-3 | <p>Proposals that deliver environmental net gain for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services will be supported.</p> <p>Proposals must take account of the space required for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services, and demonstrate that they will in order of preference:</p> <p>a) avoid b) minimise c) mitigate d) compensate for net habitat loss and deliver environmental net gain.</p> | <p>Screened out: This is a positive policy intended to enhance and facilitate marine and intertidal habitats and species. This is criteria based and does not promote or allocate developments that are expected to have significant adverse impacts within the marine plan area.</p> | <p>Proposals that conserve, restore or enhance coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services will be supported.</p> <p>Proposals must take account of the space required for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services, and demonstrate that they will in order of preference:</p> <p>a) avoid b) minimise c) mitigate d) compensate for - net habitat loss.</p> | <p>No change to the screening decision</p> |

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| NE-INNS-1 (previously NE-NIS-1) | <p>Proposals that reduce the risk of introduction and/or spread of invasive non-native species should be supported.</p> <p>Proposals must put in place appropriate measures to avoid or minimise significant adverse impacts that would arise through the introduction and transport of invasive non-native species, particularly when:</p> <ol style="list-style-type: none"> 1) moving equipment, boats or livestock (for example fish or shellfish) from one water body to another 2) introducing structures suitable for settlement of invasive non-native species, or the spread of invasive non-native species known to exist in the area. | <p>Screened out:</p> <p>This policy proposes measures that will reduce negative impacts to the marine environment, and so no significant effect is likely.</p> | <p>Proposals that reduce the risk of introduction and/or spread of invasive non-native species should be supported.</p> <p>Proposals must put in place appropriate measures to avoid or minimise significant adverse impacts that would arise through the introduction and transport of invasive non-native species, particularly when:</p> <ol style="list-style-type: none"> 1) moving equipment, boats or livestock (for example fish or shellfish) from one water body to another 2) introducing structures suitable for settlement of invasive non-native species, or the spread of invasive non-native species known to exist in the area. | No change to the screening decision |
| NE-INNS-2 (previously NE-NIS-2) | <p>Public authorities with functions to manage activities that could potentially introduce, transport or spread invasive non-native species should implement adequate biosecurity measures to avoid or minimise the risk of introducing, transporting or spreading invasive non-native species.</p> | <p>Screened out:</p> <p>This policy proposes measures that will reduce negative impacts to the marine environment, and so no significant effect is likely.</p> | <p>Public authorities with functions to manage activities that could potentially introduce, transport or spread invasive non-native species should implement adequate biosecurity measures to avoid or minimise the risk of introducing, transporting or spreading invasive non-native species.</p> | No change to the screening decision |

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| NE-DIST-1 | Proposals that may have significant adverse impacts on highly mobile species through disturbance or displacement must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts. | Screened out: This policy is criteria based and does not promote or allocate development within the marine plan area. | Proposals that may have significant adverse impacts on highly mobile species through disturbance or displacement must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant. | No change to the screening decision |
| NE-UWN-1 | Proposals that result in the generation of impulsive sound must contribute data to the UK Marine Noise Registry as per any currently agreed requirements. Public authorities must take account of any currently agreed targets under the Marine Strategy Part One Descriptor 11. | Screened out: This policy does not promote additional activity that generates impulsive sound, but sets out guidelines for data contribution. | Proposals that result in the generation of impulsive sound must contribute data to the UK Marine Noise Registry as per any currently agreed requirements. Public authorities must take account of any currently agreed targets under the Marine Strategy Part One Descriptor 11. | No change to the screening decision |
| NE-UWN-2 | Proposals that result in the generation of impulsive or non-impulsive noise must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse impacts on highly mobile species | Screened out: This policy does not promote additional activity that generates underwater noise, but provides guidelines on how any such activities must show they are not having an | Proposals that result in the generation of impulsive or non-impulsive noise must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate | No change to the screening decision |

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| | d) if it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding. | adverse impact on mobile species. | - adverse impacts on highly mobile species so they are no longer significant. If it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding. | |
| NE-CE-1 | Proposals which may have adverse cumulative effects with other existing, authorised or reasonably foreseeable proposals must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate significant adverse cumulative and/or in-combination effects. | Screened out: This is a positive policy that ensures proposals are assessed in-combination with other plans and projects across the marine plan area.. This is criteria based and does not promote or allocate development within the marine plan area. | Proposals which may have adverse cumulative effects with other existing, authorised or reasonably foreseeable proposals must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - adverse cumulative and/or in-combination effects so they are no longer significant. | No change to the screening decision |
| NE-CBC-1 (previously NE-GOV-1) | Proposals must consider cross-border impacts throughout the lifetime of the proposed activity. Proposals that impact upon one or more marine plan areas or impact upon terrestrial environments must show evidence of the relevant public authorities (including other countries) being consulted and responses considered. | Screened out: This policy promotes improving the assessment of potential impacts associated with activities, and so no adverse impacts to European sites would be expected. | Proposals must consider cross-border impacts throughout the lifetime of the proposed activity. Proposals that impact upon one or more marine plan areas or terrestrial environments must show evidence of the relevant public authorities (including other countries) being consulted and responses considered. | No change to the screening decision |

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