



# Strategic Environmental Assessment

## Screening Report – Cherry Willingham Neighbourhood Plan

Cherry Willingham Neighbourhood Plan

2018 - 2036

On Behalf of Cherry Willingham Parish Council

<b>Date of Assessment:</b>	15/02/2018
<b>Date/ Version of neighbourhood development plan to which Screening Report applies:</b>	Cherry Willingham Neighbourhood Plan – Regulation 14 Draft Submission received 18/01/2018.

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## 1 Introduction

1.1 This screening report determines whether or not the contents of the Cherry Willingham *Neighbourhood Plan* (CWNP) requires a Strategic Environmental Assessment (SEA), in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.2 The objectives of the CWNP are –

- *To take a positive approach that reflects the presumption in favour of sustainable development. The Parish Council will work proactively with applicants to find joint solutions, wherever possible, to secure development that improves the economic, social and environmental conditions for the whole parish.*
- *To influence the location, scale, design and type of new housing to ensure that it safeguards or improves character of local areas, meets identified local housing needs, enhances the village setting and its connection/ relationship with the surrounding countryside.*
- *To support existing and encourage new local employment opportunities within the community.*
- *Support the use of home working within the village where this can be accommodated without unacceptable impact on neighbours.*
- *To recognise the importance of our heritage assets and to encourage new developments to respect these*
- *To protect our green spaces for future generations*
- *To ensure new development in and around Cherry Willingham further contributes to the open space and recreation needs of the community.*
- *Where possible we would seek to designate spaces a 'local green space' where they are deemed important to the community.*
- *To preserve and enhance our existing public rights of way and encourage new connections to other areas of the Parish and neighbouring communities.*
- *Support the need for safe and attractive walking and cycling routes throughout the Parish.*
- *To manage development in a way that minimises any negative impact on our landscape, built environment and access to the open countryside.*

- *To protect and enhance our existing retail provision within the village and seek to encourage new provision where appropriate.*
- *To protect and enhance our existing community services and facilities and encourage new provision where appropriate.*
- *To ensure appropriate infrastructure is delivered as part of development.*
- *To minimise any potential negative impact on our existing infrastructure within the parish.*

1.3 Details of the legislation that require the need for this screening exercise and the SEA screening assessment criteria are outlined in sections 2 and 3 of this report respectively. Section 4, screens the CWNP against the criteria in section 3 and determines whether the plan is likely to have significant environmental effects and if a full SEA is required.

## 2 Legislative Background

- 2.1 The Localism Act 2011 (Schedule 9) introduced neighbourhood planning into the Town and Country Planning Act 1990. The 1990 Act, as amended by Schedule 10 of the Localism Act 2011, requires that neighbourhood development plans meet a set of basic conditions, one of which being that the making of the plan does not breach, and is otherwise compatible with, EU obligations.
- 2.2 To ensure that a Neighbourhood Plan meets this basic condition, a Strategic Environmental Assessment (SEA) may be required to determine the likely significant environmental effects of implementing the Neighbourhood Plan. The basis for Strategic Environmental legislation is European Directive 2001/42/EC, which was transposed into domestic law by the Environmental Assessment of Plans and Programmes Regulations 2004, or 'SEA Regulations'. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.3 Where a proposed plan is likely to have a significant effect on a European site or European offshore marine site (in relation to the Habitats Directive), this will also trigger the need to undertake a Strategic Environmental Assessment. Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 makes provision in relation to the Habitats Directive. The Directive requires that any plan or project likely to have a significant effect on a European site must be subject to an appropriate assessment. To achieve this, paragraph 1 of schedule 2 of the Neighbourhood Planning (General) Regulations 2012 prescribes a basic condition that the making of a Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site. Paragraphs 2 to 5 go on to amend the Conservation of Habitats and Specified Regulations 2010 so as to apply its provisions to neighbourhood development orders and plans.

2.4 This report screens the CWNP against various criteria to determine if a SEA is required. A SEA would assess the Neighbourhood Plan against the European legislation outlined above, and would conclude whether the plan does not breach, and is otherwise compatible with, EU obligations with regards to the environment.

### 3 Criteria for Assessing the Effects of Neighbourhood Development Plans

- 3.1 Article 3(5) of Directive 2001/42/EC details the criteria for determining whether plans are likely to have significant environmental effects. This criteria is outlined below;

#### Article 3, Scope

5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.

#### Annex II Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to –
- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
  - environmental problems relevant to the plan or programme;
  - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to –
- the probability, duration, frequency and reversibility of the effects;
  - the cumulative nature of the effects;
  - the transboundary nature of the effects;

- the risks to human health or the environment (e.g. due to accidents);
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage;
  - exceeded environmental quality standards or limit values;
  - intensive land-use;
- the effects on areas or landscapes which have a recognised national, Community or international protection status.
- the cumulative nature of the effects;

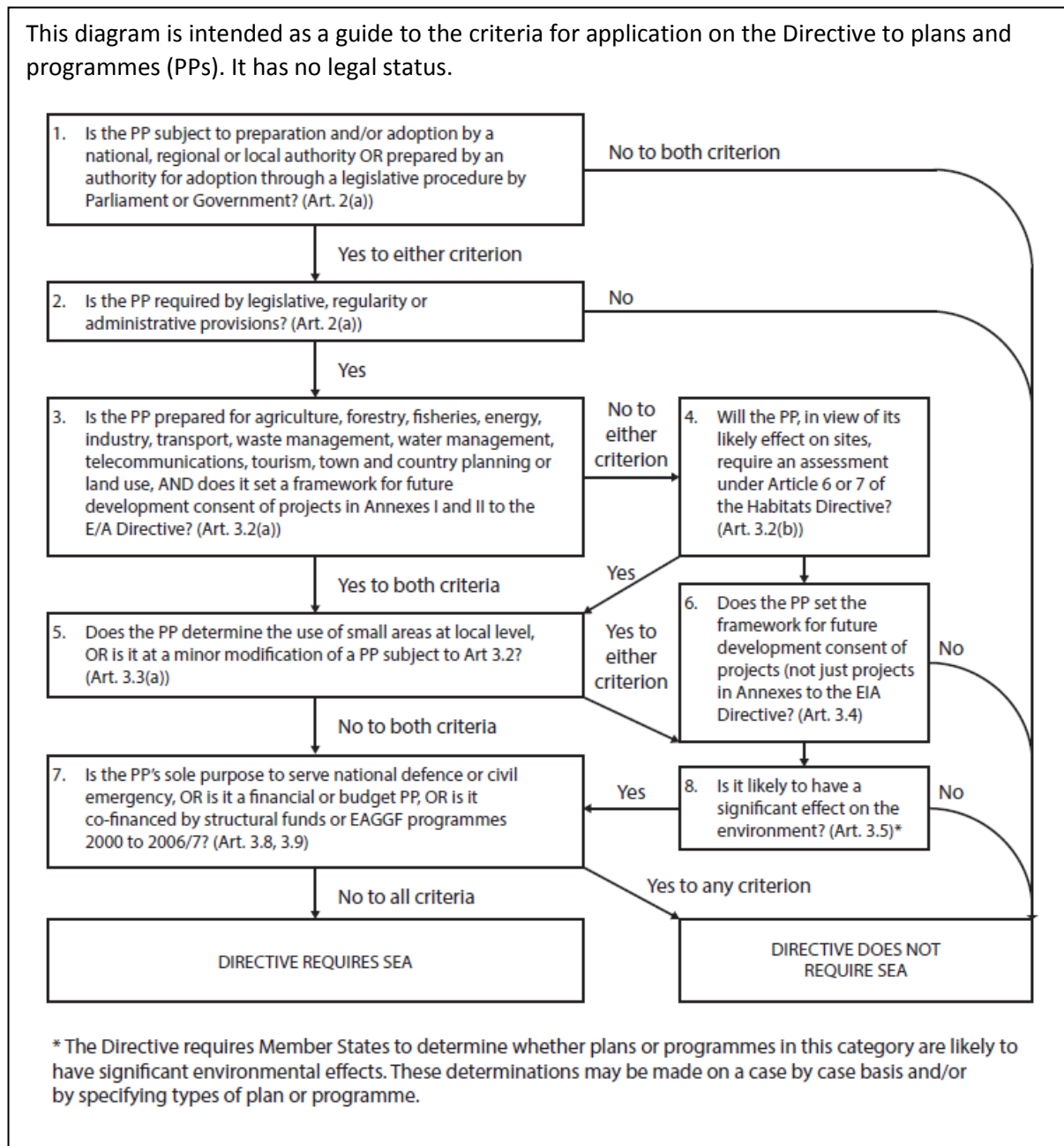
## 4 Assessment

- 4.1 The Department of the Environment has produced a flow chart diagram<sup>1</sup> which sets out the process for screening a planning document to ascertain whether a full SEA is required. See Figure 1 below.
- 4.2 Annexes I and II of Directive 2011/92/EU (as referred to in Figure 1, question 3) can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0092&from=EN>
- (See <http://ec.europa.eu/environment/eia/eia-legalcontext.htm> for details of amendments).
- 4.3 Articles 6 and 7 of the Habitats Directive (as referred to in Figure 1, question 4) can be found here: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>

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<sup>1</sup> Department of the Environment, A Practical Guide to the Strategic Environmental Assessment Directive (2005)

Figure 1: Application of the SEA Directive to plans and programmes



4.4 The process outlined in Figure 1 has been undertaken for the CWNP and the findings are outlined in Table 1. As the questions have been answered using the flow diagram above, some of the questions may not be applicable as a result of previous answers: where this is the case, the response is stated as 'not applicable'.



Table 1: Assessment of Cherry Willingham Neighbourhood Plan against Figure 1

<u>Criteria/Stage</u>	<u>Response:</u> <u>Yes/ No/ Not applicable</u>	<u>Details</u>
1. Is the Neighbourhood Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government?	<b><u>Yes</u></b>	The preparation and adoption of the CWNP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Whilst the CWNP has been prepared on behalf of Cherry Willingham Parish Council it will be adopted by West Lindsey District Council as the local authority. <b>GO TO STAGE 2</b>
2. Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions?	<b><u>Yes</u></b>	Whilst the production of a Neighbourhood Plan is not a statutory requirement and is optional, it will, if made, form part of the Development Plan for the District. It is therefore important that this screening process considers the potential effects. <b>GO TO STAGE 3</b>
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?	<b><u>Yes</u></b>	The CWNP is being prepared for town and country planning and land use. The CWNP does help set a framework for future development proposals. <b>GO TO STAGE 5</b>
4. Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive?	<b><u>N/A</u></b>	Small scale development, supported through the neighbourhood plan policies are unlikely to impact any sites under Article 6 or 7 of the Habitats Directive.
5. Does the Neighbourhood Plan determine the use of small areas at local level, OR	<b><u>Yes</u></b>	The CWNP determines the use of small areas within the local area. The CWNP is not a minor modification of a previous

is it a minor modification of a Plan subject to Article 3.2?		Neighbourhood Development Plan. <b>GO TO STAGE 6</b>
6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?	<b><u>Yes</u></b>	The CWNP will help set the framework for development consents in the neighbourhood area. <b>GO TO STAGE 8</b>
7. Is the Neighbourhood Plan's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7?	<b><u>N/A</u></b>	
8. Is it likely to have a significant effect on the environment?	<b><u>No</u></b>	<p>The scope of the proposed CWNP and the geographical area to which it applies is limited to the parish boundary. The CWNP seeks to allocate the same development sites as contained within the Central Lincolnshire Local Plan. The CWNP also provides criteria to be used to determine additional developments should they come forward.</p> <p>Other proposed policies seek to protect and enhance local character or relate to uses or sites that are unlikely to result in development that will have a significant environmental impact. Specifically upon the following designations within the Parish; Listed Buildings and Important Open spaces.</p> <p>Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types. Some of the sites, known as Special Protection Areas (SPAs) for Birds and Special Areas of Conservation (SACs), are of European importance. They have been created under the EC Birds Directive and Habitats Directive. In the UK they form part of a larger European network called Natura 2000. The CWNP is not considered likely to</p>

		have a significant impact on any Natura 2000 site.  (See Table 2: Assessment of the likely significant effects on the environment).
<b><u>Outcome</u></b>	<b><u>SEA not required</u></b>	

Table 2: Assessment of the likely significant effects on the environment

Step 8

SEA Directive criteria and Schedule 1 of Environmental Assessment of plans and programmes Regulations 2004	West Lindsey District Council Assessment	Likely significant environmental effect?
<b>1. The characteristics of plans and programmes, having regard, in particular, to-</b>		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The CWNP would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development projects. However, the CWNP would only apply to a very limited geographical area (parish boundary).	<b><u>No</u></b>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The CWNP is required to be in general conformity with the strategic policies contained within development plan for the Local area, in this case the Central Lincolnshire Local Plan (CLLP). There is no requirement for any replacement CLLP to conform to the policies of the CWNP.	<b><u>No</u></b>
(c) the relevance of the plan or programme for the integration of environmental considerations in	The proposed CWNP includes policies which seek to preserve green spaces. It is therefore considered that the Draft Plan does integrate environmental considerations with a view to promoting sustainable development.	<b><u>No</u></b>

particular with a view to promoting sustainable development;		
(d) environmental problems relevant to the plan or programme; and	<p>There are no areas within the built up area of Cherry Willingham located within a designated flood zone. However, the southern Parish boundary adjoins the River Witham. Therefore, the low lying area immediately to the north of the River is located within flood zone 2 and 3 (highest risk). The flood risk area does not coalesce with the built settlement, the nearest area within Cherry Willingham lies approximately 100m to the north of the flood risk area. There is no additional fluvial flood risk within the parish in addition to that posed by the River Witham. There are no specific implications for these areas in the draft plan.</p> <p><i>Environment Agency flood maps provide information on flood risk and surface water:</i>  <a href="http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?topic=floodmap#x=357683&amp;y=355134&amp;scale=2">http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?topic=floodmap#x=357683&amp;y=355134&amp;scale=2</a></p>	<b><u>No</u></b>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The CWNP is not directly relevant to the implementation of any Community legislation.	<b><u>No</u></b>
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to-</b>		
(a) the probability, duration, frequency and reversibility of the effects;	Whilst effects of the CWNP may not be reversible they are anticipated to be minimal, in terms of probability, duration and frequency. Specifically, given the small scale nature of development that is supported under the plan policies.	<b><u>No</u></b>
(b) the cumulative nature of the effects;	The cumulative effects of the plan are expected to be limited.	<b><u>No</u></b>
(c) the transboundary nature of the effects;	It is not anticipated that any effects will be transboundary.	<b><u>No</u></b>

(d) the risks to human health or the environment (for example, due to accidents);	There are no significant risks anticipated, and it is considered that the CWNP will enhance human health and the environment. <i>Defra:</i> <a href="http://uk-air.defra.gov.uk/aqma/">http://uk-air.defra.gov.uk/aqma/</a> <i>Health indicators:</i> <a href="https://www.neighbourhood.statistics.gov.uk/">https://www.neighbourhood.statistics.gov.uk/</a>	<b><u>No</u></b>
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The CWNP area is very local in extent and the plan will only apply to a population in the region of 3,500 people and a geographical area of 420ha. Any effects of the plan are likely to be local in nature. <i>Neighbourhood Statistics:</i> <a href="https://www.neighbourhood.statistics.gov.uk/">https://www.neighbourhood.statistics.gov.uk/</a> <i>Nomis (Labour market statistics):</i> <a href="https://www.nomisweb.co.uk/">https://www.nomisweb.co.uk/</a>	<b><u>No</u></b>
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	The CWNP mirrors the residential allocations contained within the CLLP. In addition the CWNP promotes the protection of the built, historic and natural environment. One draft policy actively seeks to ensure that developments are designed to respond and enhance the existing village character. Any effects of the plan are expected to be positive on these characteristics. <i>Multiagency geographic information centre (MAGIC):</i> <a href="http://magic.defra.gov.uk/">http://magic.defra.gov.uk/</a> <i>Lincolnshire Wildlife Trust:</i> <a href="http://www.glnp.org.uk/lincolnshire-landscapes/central-lincolnshire-biodiversity-opportunity-mapping.php">http://www.glnp.org.uk/lincolnshire-landscapes/central-lincolnshire-biodiversity-opportunity-mapping.php</a> <i>Heritage assets:</i> <a href="https://historicengland.org.uk/listing/the-list/">https://historicengland.org.uk/listing/the-list/</a> <i>Material Assets:</i> <a href="http://maps.environment-agency.gov.uk/wiyby/wiybyController?topic=waste&amp;layerGroups=default&amp;lang=e&amp;ep=map&amp;scale=1&amp;x=357682.99999999994&amp;y=355133.99999999994">http://maps.environment-agency.gov.uk/wiyby/wiybyController?topic=waste&amp;layerGroups=default&amp;lang=e&amp;ep=map&amp;scale=1&amp;x=357682.99999999994&amp;y=355133.99999999994</a> <i>Agricultural Land Classification (ALC):</i> <a href="http://magic.defra.gov.uk/">http://magic.defra.gov.uk/</a> <a href="http://publications.naturalengland.org.uk/category/5954148537204736">http://publications.naturalengland.org.uk/category/5954148537204736</a>	<b><u>No</u></b>

(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Any effects of the plan are expected to be positive. <i>Natural Character Areas (NCA):</i> <a href="https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles#ncas-in-east-midlands">https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles#ncas-in-east-midlands</a>	<b>No</b>
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## 5 Consultation of Statutory Agencies

- 5.1 The assessment in section 4 indicates that it is unlikely that there will be any significant environmental effects arising from the CWNP (as submitted at the date of this assessment) and thus a SEA is not required. The relevant Statutory Agencies, namely the Environment Agency, Historic England and Natural England, have been consulted as part of the screening report on the CWNP in its current form.
- 5.2 The responses received during this consultation are detailed below:

### The Environment Agency –

*“We consider that the plan is unlikely to have significant effects on those aspects of the environment within our remit and we therefore have no comments to make on this report.”*

### Historic England –

*“On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.”*

### Natural England –

*“It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.”*

## 6 Screening Outcome

- 6.1 As a result of the assessment in section 4, West Lindsey District Council considers it unlikely that there will be any significant environmental effects arising from the Cherry Willingham Neighbourhood Plan, as submitted at the date of this assessment. As such, based on the

contents of the draft Cherry Willingham Neighbourhood Plan, on which this screening was undertaken, a full SEA does not need to be undertaken.

- 6.2 **If the objectives, aims and/ or policies covered by the CWNP should change (other than minor changes), or specific sites are allocated for development, this screening process should be repeated for the revised plan. Please contact West Lindsey District Council for advice in such instance.**

## 7 Appendix A – Definitions

### Projects in Annexes I and II to the EIA Directive 2011/92/EU

#### ANNEX I

#### PROJECTS REFERRED TO IN ARTICLE 4(1)

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more;  
  
(b) Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors <sup>(1)</sup> (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. (a) Installations for the reprocessing of irradiated nuclear fuel;  
  
(b) Installations designed:
  - (i) for the production or enrichment of nuclear fuel;
  - (ii) for the processing of irradiated nuclear fuel or high-level radioactive waste;
  - (iii) for the final disposal of irradiated nuclear fuel;
  - (iv) solely for the final disposal of radioactive waste;
  - (v) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.
4. (a) Integrated works for the initial smelting of cast iron and steel;  
  
(b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20 000 tonnes of finished products, for friction material, with an annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilisation of more than 200 tonnes per year.



6. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are:
  - (a) for the production of basic organic chemicals;
  - (b) for the production of basic inorganic chemicals;
  - (c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
  - (d) for the production of basic plant health products and of biocides;
  - (e) for the production of basic pharmaceutical products using a chemical or biological process;
  - (f) for the production of explosives.
7.
  - (a) Construction of lines for long-distance railway traffic and of airports <sup>(2)</sup> with a basic runway length of 2 100 m or more;
  - (b) Construction of motorways and express roads <sup>(3)</sup>;
  - (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road or realigned and/or widened section of road would be 10 km or more in a continuous length.
8.
  - (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes;
  - (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tonnes.
9. Waste disposal installations for the incineration, chemical treatment as defined in Annex I to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste <sup>(4)</sup> under heading D9, or landfill of hazardous waste, as defined in point 2 of Article 3 of that Directive.
10. Waste disposal installations for the incineration or chemical treatment as defined in Annex I to Directive 2008/98/EC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day.
11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

12. (a) Works for the transfer of water resources between river basins where that transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year;
- (b) In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 % of that flow.

In both cases transfers of piped drinking water are excluded.

13. Waste water treatment plants with a capacity exceeding 150 000 population equivalent as defined in point 6 of Article 2 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment <sup>(5)</sup>.
14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes/day in the case of petroleum and 500 000 cubic metres/day in the case of gas.
15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.
16. Pipelines with a diameter of more than 800 mm and a length of more than 40 km:
  - (a) for the transport of gas, oil, chemicals;
  - (b) for the transport of carbon dioxide (CO<sub>2</sub>) streams for the purposes of geological storage, including associated booster stations.
17. Installations for the intensive rearing of poultry or pigs with more than:
  - (a) 85 000 places for broilers, 60 000 places for hens;
  - (b) 3 000 places for production pigs (over 30 kg); or
  - (c) 900 places for sows.
18. Industrial plants for the production of:
  - (a) pulp from timber or similar fibrous materials;
  - (b) paper and board with a production capacity exceeding 200 tonnes per day.
19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.
20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.

21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tonnes or more.
22. Storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide <sup>(6)</sup>.
23. Installations for the capture of CO<sub>2</sub> streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations covered by this Annex, or where the total yearly capture of CO<sub>2</sub> is 1,5 megatonnes or more.
24. Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.

## ANNEX II

### PROJECTS REFERRED TO IN ARTICLE 4(2)

#### 1. AGRICULTURE, SILVICULTURE AND AQUACULTURE

- (a) Projects for the restructuring of rural land holdings;
- (b) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;
- (c) Water management projects for agriculture, including irrigation and land drainage projects;
- (d) Initial afforestation and deforestation for the purposes of conversion to another type of land use;
- (e) Intensive livestock installations (projects not included in Annex I);
- (f) Intensive fish farming;
- (g) Reclamation of land from the sea.

#### 2. EXTRACTIVE INDUSTRY

- (a) Quarries, open-cast mining and peat extraction (projects not included in Annex I);
- (b) Underground mining;
- (c) Extraction of minerals by marine or fluvial dredging;
- (d) Deep drillings, in particular:
  - (i) geothermal drilling;
  - (ii) drilling for the storage of nuclear waste material;
  - (iii) drilling for water supplies;
 with the exception of drillings for investigating the stability of the soil;

(e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.

### 3. ENERGY INDUSTRY

(a) Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I);

(b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex I);

(c) Surface storage of natural gas;

(d) Underground storage of combustible gases;

(e) Surface storage of fossil fuels;

(f) Industrial briquetting of coal and lignite;

(g) Installations for the processing and storage of radioactive waste (unless included in Annex I);

(h) Installations for hydroelectric energy production;

(i) Installations for the harnessing of wind power for energy production (wind farms);

(j) Installations for the capture of CO<sub>2</sub> streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations not covered by Annex I to this Directive.

### 4. PRODUCTION AND PROCESSING OF METALS

(a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting;

(b) Installations for the processing of ferrous metals:

(i) hot-rolling mills;

(ii) smitheries with hammers;

(iii) application of protective fused metal coats;

(c) Ferrous metal foundries;

(d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.);

(e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;

- (f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;
- (g) Shipyards;
- (h) Installations for the construction and repair of aircraft;
- (i) Manufacture of railway equipment;
- (j) Swaging by explosives;
- (k) Installations for the roasting and sintering of metallic ores.

#### 5. MINERAL INDUSTRY

- (a) Coke ovens (dry coal distillation);
- (b) Installations for the manufacture of cement;
- (c) Installations for the production of asbestos and the manufacture of asbestos products (projects not included in Annex I);
- (d) Installations for the manufacture of glass including glass fibre;
- (e) Installations for smelting mineral substances including the production of mineral fibres;
- (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

#### 6. CHEMICAL INDUSTRY (PROJECTS NOT INCLUDED IN ANNEX I)

- (a) Treatment of intermediate products and production of chemicals;
- (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;
- (c) Storage facilities for petroleum, petrochemical and chemical products.

#### 7. FOOD INDUSTRY

- (a) Manufacture of vegetable and animal oils and fats;
- (b) Packing and canning of animal and vegetable products;
- (c) Manufacture of dairy products;
- (d) Brewing and malting;
- (e) Confectionery and syrup manufacture;
- (f) Installations for the slaughter of animals;

(g) Industrial starch manufacturing installations;

(h) Fish-meal and fish-oil factories;

(i) Sugar factories.

#### 8. TEXTILE, LEATHER, WOOD AND PAPER INDUSTRIES

(a) Industrial plants for the production of paper and board (projects not included in Annex I);

(b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles;

(c) Plants for the tanning of hides and skins;

(d) Cellulose-processing and production installations.

#### 9. RUBBER INDUSTRY

Manufacture and treatment of elastomer-based products.

#### 10. INFRASTRUCTURE PROJECTS

(a) Industrial estate development projects;

(b) Urban development projects, including the construction of shopping centres and car parks;

(c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);

(d) Construction of airfields (projects not included in Annex I);

(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);

(f) Inland-waterway construction not included in Annex I, canalisation and flood-relief works;

(g) Dams and other installations designed to hold water or store it on a long-term basis (projects not included in Annex I);

(h) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;

(i) Oil and gas pipeline installations and pipelines for the transport of CO<sub>2</sub> streams for the purposes of geological storage (projects not included in Annex I);

(j) Installations of long-distance aqueducts;

- (k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;
- (l) Groundwater abstraction and artificial groundwater recharge schemes not included in Annex I;
- (m) Works for the transfer of water resources between river basins not included in Annex I.

#### 11. OTHER PROJECTS

- (a) Permanent racing and test tracks for motorised vehicles;
- (b) Installations for the disposal of waste (projects not included in Annex I);
- (c) Waste-water treatment plants (projects not included in Annex I);
- (d) Sludge-deposition sites;
- (e) Storage of scrap iron, including scrap vehicles;
- (f) Test benches for engines, turbines or reactors;
- (g) Installations for the manufacture of artificial mineral fibres;
- (h) Installations for the recovery or destruction of explosive substances;
- (i) Knackers' yards.

#### 12. TOURISM AND LEISURE

- (a) Ski runs, ski lifts and cable cars and associated developments;
- (b) Marinas;
- (c) Holiday villages and hotel complexes outside urban areas and associated developments;
- (d) Permanent campsites and caravan sites;
- (e) Theme parks.

- 13. (a) Any change or extension of projects listed in Annex I or this Annex, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I);
- (b) Projects in Annex I, undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.

## Article 6 and 7 of the Habitats Directive - 92/43/EEC

### Article 6

1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.
2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.
3. Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.
4. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

### Article 7

Obligations arising under Article 6 (2), (3) and (4) of this Directive shall replace any obligations arising under the first sentence of Article 4 (4) of Directive 79/409/EEC in respect of areas classified pursuant to Article 4 (1) or similarly recognized under Article 4 (2) thereof, as from the date of implementation of this Directive or the date of classification or recognition by a Member State under Directive 79/409/EEC, where the latter date is later.

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SEA directive - <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001L0042> – accessed 15/02/2018

Habitats directive - <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043> - accessed 15/02/2018