

Habitats Regulations Appraisal

A HRA is required under Scottish law to be undertaken where there is potential for a project to affect certain types of nature conservation sites.

The conservation sites considered in HRA are:

- **Special Areas of Conservation** (including those proposed but not yet formally designated), which are designated for the presence of “qualifying features”. These may include specific habitats, combinations of habitats, species or assemblages of species, or combinations of these.
- **Special Protection Areas (SPA)** (including those proposed but not yet formally designated), which are designated for the presence of “qualifying features”. These may include bird species that are rare, vulnerable, in danger of extinction, or requiring protection due to their habitat needs. Migratory bird species are also included as qualifying features in some SPAs.
- **Ramsar Sites**, which are designated for the presence of “qualifying features” that are defined by criteria set out in the Convention on Wetlands of International Importance (the Ramsar Convention). These are typically wetland habitats that support important communities of birds.

Alongside the work to deliver the EIA, the Project team has prepared an HRA Screening Report. That report explains the HRA process and identifies the sites that could be affected by the project. Aberdeenshire Council and the Marine Directorate (on behalf of Scottish Ministers) are the competent authorities with responsibility for HRA, so they will respond to it with a formal Screening Opinion that will be used to inform the next stage of the HRA. Where the HRA Screening Report identifies the potential for “likely significant effects” on a designated site to occur and the Screening Opinion agrees with this conclusion, it will become necessary for an Appropriate Assessment to be undertaken by Aberdeenshire Council and the Marine Directorate (on behalf of Scottish Ministers).

Under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), the Conservation of Offshore Marine Habitats and Species Regulations 2017 and the Conservation of Habitats and Species Regulations 2017 (as amended), the project must provide information to allow Aberdeenshire Council and the Marine Directorate (on behalf of Scottish Ministers) to determine whether an Appropriate Assessment is required, and to subsequently undertake this as necessary. This will involve the preparation of a Report to Inform Appropriate Assessment, which will be submitted to Aberdeenshire Council and the Marine Directorate (on behalf of Scottish Ministers) alongside the EIA. Both the HRA Screening Report and the Report to Inform Appropriate Assessment will be publicly available upon submission.

