

A Guide to Habitats Regulations Assessment (HRA) for Celtic Sea Floating Offshore Wind

Before awarding seabed rights for Celtic Sea Floating Offshore Wind, The Crown Estate will undertake a Plan-Level Habitats Regulations Assessment (HRA).

This process requires us to assess the potential impacts of our Floating Offshore Wind leasing plans on the most valuable habitats in the UK and the UK offshore marine area.

Document reference: 00985-43528-01-105-DOC

What is a Habitats Regulations Assessment?

The Habitats Regulations protect certain habitats and species through a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right.

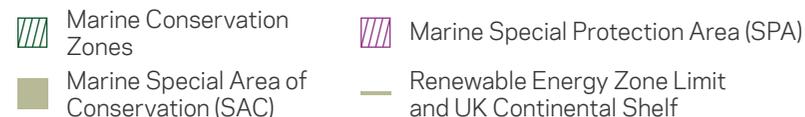
The Regulations specifically refer to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). These sites are given legal protection because they are designated for habitats and species of importance. Together they form a network of protected sites known as the national site network.

The Regulations are used to make sure that relevant plans or projects which could impact a protected site are assessed before they are authorised. A plan or project can only go ahead if certain strict conditions are met with a view to avoiding adverse impacts on the special interest features of these protected sites. The process of assessing the potential effects is known as a Habitats Regulations Assessment (HRA).

Any 'Competent Authority' that proposes to authorise, consent, or carry out a plan or project that may affect a protected site must first carry out a HRA.

In addition to sites protected under The Regulations, there are additional sites which have been protected as Marine Conservation Zones (MCZ) under the Marine and Coastal Access Act. Whilst these sites do not fall within the requirements of Habitats Regulations Assessment, The Crown Estate has committed to undertake a separate MCZ assessment to assess the potential impact of proposed Floating Offshore Wind on the designated habitats and species.

Environmentally designated sites within the Celtic Sea*



*As of 2022

Q: What is a Competent Authority?

A: A Competent Authority includes any public body which adopts a plan or carries out or commissions a project itself or which gives any authorisation or permission for a project. A Competent Authority must carry out a HRA if the plan or project could significantly affect the designated features of a protected site.

Q: Who is the Competent Authority for the Celtic Sea Floating Offshore Wind programme?

A: The Crown Estate is deemed to be a Competent Authority under the UK Habitats Regulations and as such we have a legal obligation to carry out a plan-level HRA for plan activities such as offshore wind leasing rounds, including the Celtic Sea Floating Offshore Wind programme.

We take this duty very seriously and to support delivery of the Plan-Level HRA, we will work with the independently-overseen HRA Expert Working Group which, following establishment by The Crown Estate, is chaired by Professor Dickon Howell and comprises sector-specific technical experts, the relevant UK statutory marine planning authorities, statutory nature conservation bodies and relevant non-governmental organisations to support plan-level HRA activity undertaken by The Crown Estate.

Q: What is a Special Protection Area (SPA)?

A: An area that has been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found in the UK.

Q: What is a Special Area of Conservation (SAC)?

A: An area that protects one or more special habitats and/or species which have been given special status. They provide increased protection to a variety of wild animals, plants and habitats.

Q: What is an MCZ?

A: Marine Conservation Zones (MCZ) are areas that protect a range of nationally important, rare or threatened habitats and species in the marine environment around the UK. They are designated under the provisions of the Marine and Coastal Access Act 2009. There are ninety-one MCZs around England and one in Wales.

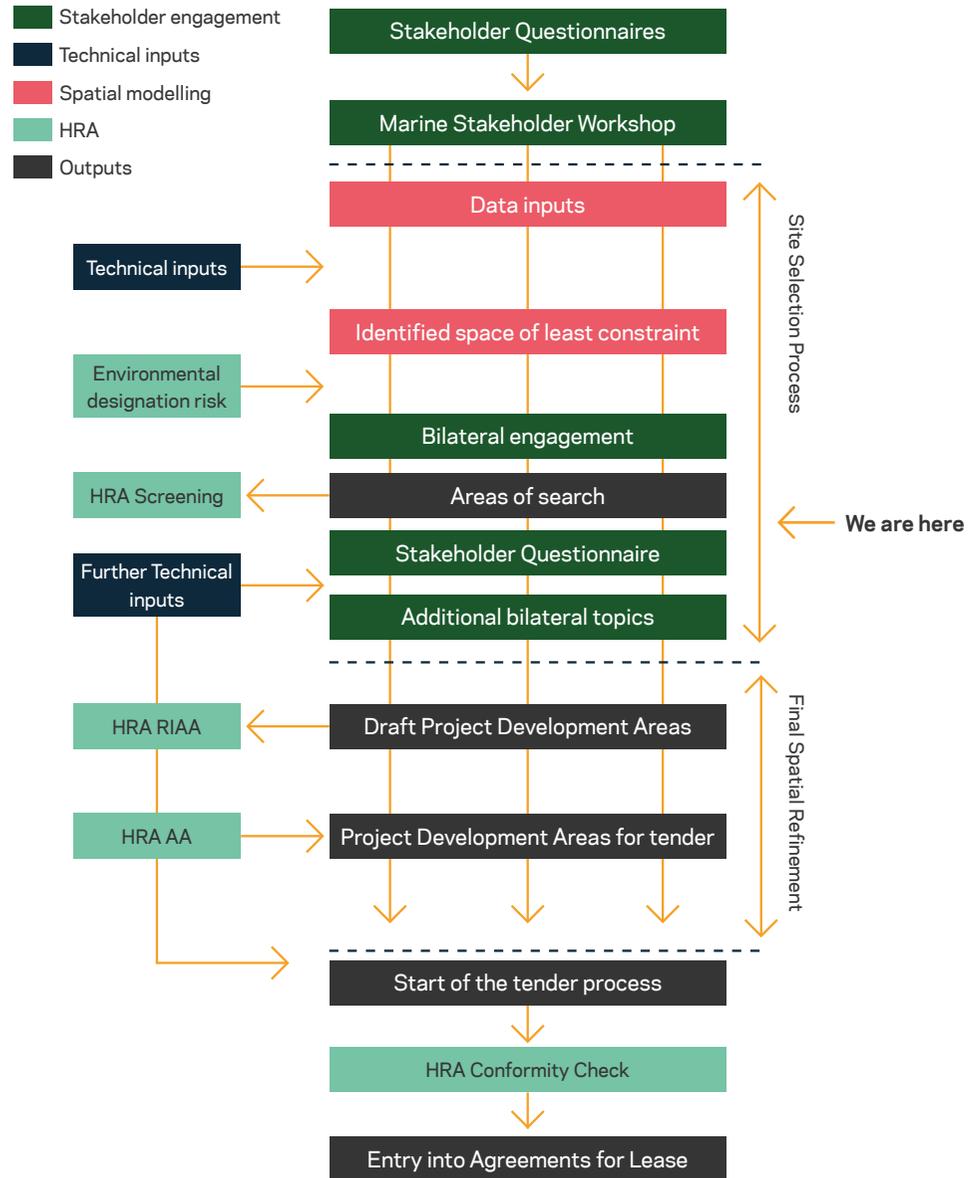
Celtic Sea Floating Offshore Wind

Offshore wind has a vital role to play in delivering the UK's decarbonisation ambitions.

Government has set an ambition to deliver up to 50GW of offshore wind capacity by 2030, including 5GW of Floating Wind. In addition, the Climate Change Committee (CCC) says the UK will need a target of up to 140GW of offshore wind to meet its legally binding target of net zero greenhouse gas emissions by 2050.

In support of this, The Crown Estate intends to lease seabed rights in the Celtic Sea region for the purpose of developing Floating Offshore Wind projects with a capacity of up to 4GW by 2035 – enough to power over four million homes. Through engagement and technical analysis, five broad Areas of Search (AoS) have been identified in the region. These areas are the foundation for further spatial refinement work in a period in which further stakeholder engagement and technical inputs will guide the siting of the Project Design Areas (PDAs), where Project Sites for floating offshore wind projects may be sited within the Celtic Sea region.

The spatial design process is guided by a methodology that incorporates stakeholder engagement at its core. To date The Crown Estate has engaged in three phases ensuring the broad variety of views are understood from the wide range of activities, users and sensitivities within the Celtic Sea region. Engagement has delivered greater insight into available data and evidence in the region and allowed stakeholder feedback to be incorporated into the spatial design from the outset, informing the AoS locations. The next phase in spatial design is spatial refinement. The process for refinement will continue to be iterative in nature and includes further stakeholder engagement as well as the input of technical analysis including wake loss modelling. The Crown Estate will use these additional inputs to refine down the AoS to smaller PDAs that may be carried forward and included within the leasing offer to developers.



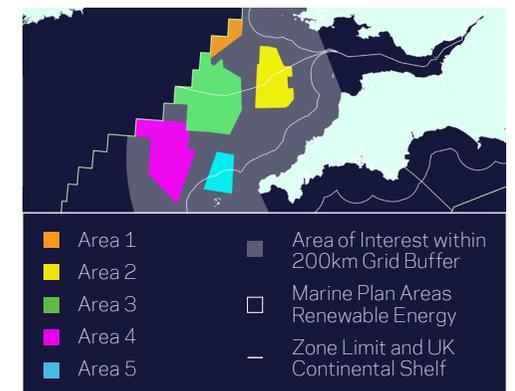
Q: What is an MCZ assessment?

A: Under Section 125 of the Marine and Coastal Access Act 2009, we have a responsibility to exercise our functions in a manner that best furthers the conservation objectives of any affected MCZ and to consider the risk of our decisions in hindering conservation objectives for a MCZ. If we believe there may be a significant risk of this we must inform the appropriate statutory conservation body. To assist us in discharging this duty, an MCZ assessment will consider the potential impacts of the development of Floating Offshore Wind in the Celtic Sea on the protected features of any MCZ, the processes on which the conservation of these features depend and the achievement of the conservation objectives stated for any affected MCZ.

Q: How are sites being identified to form the Celtic Sea Floating Offshore Wind Plan, and how will these fit into the HRA process?

A: The Crown Estate, in undertaking its spatial design process upfront (with refinement alongside the HRA) will identify the Project Development Areas (PDA) which will be assessed within the HRA. To date, we have identified five Areas of Search (AoS) (as below) within which PDAs will be identified for 4GW of Floating Offshore Wind.

These AoS will be integrated into the HRA Screening process ahead of PDA identification, with the PDA to be used to inform detailed assessment which will be reported in the Report to Inform Appropriate Assessment (RIIA). The refinement of the AoS to PDA will be undertaken as described in our site selection report, the first draft of which can be found [here](#). This could lead to a range of outcomes, with PDAs either spread across, or concentrated into fewer, AoS.



Plan-Level HRA Process for Celtic Sea Floating Offshore Wind

The Celtic Sea Floating Offshore Wind Plan-Level HRA process is a multi-stage process which will identify the Likely Significant Effects of the Celtic Sea Floating Offshore Wind programme on protected sites. Where there are Likely Significant Effects, the process then determines whether there is a risk of an adverse effect on the integrity of the affected sites in relation to their conservation objectives.

The process, illustrated below, involves an initial screening stage to establish whether there are any Likely Significant Effects on protected sites.

Based on our experience and understanding of the complex marine environment, there is a strong possibility that we will not be able to rule out Likely Significant Effects at this stage.

If this is the case, we will undertake an Appropriate Assessment (AA). This is an objective, scientific assessment of the implications for the designated features of any protected sites potentially affected by the Celtic Sea Floating Offshore Wind Plan.

It will provide a better understanding of the potential effects and identify measures which can be put in place to cancel, avoid or reduce those effects.

If an adverse effect on the integrity of a protected site cannot be ruled out usually we would not be able to proceed with the plan. However, in exceptional circumstances, where an adverse effect cannot be ruled out, we may (at our discretion, and in accordance with the relevant considerations under the Habitat Regulations) consider making use of the derogation process (see Stages 3 and 4 overleaf).

However, this would be on the condition that all those measures necessary to compensate for the adverse effect are put in place and the relevant shortlisted project may also be required to adopt those mitigation measures identified in Stage 2 of the HRA process.

Throughout the Plan-Level HRA process, we will be supported by expert independent advisors, and we will consult with the relevant UK statutory marine planning authorities, statutory nature conservation bodies and relevant non-governmental organisations.

Q: What is the difference between Plan-Level and Project-Level HRA?

A: The Celtic Sea Floating Offshore Wind leasing round comprises a plan in accordance with the Habitats Regulations, we will therefore carry out Plan-Level HRA to assess the likely significant effects of the Plan on protected sites within the UK and the UK offshore marine area. This will determine whether we progress sites into the commercial tender, and ultimately grant Agreements for Lease to prospective developers.

Assuming we award Agreements for Lease, successful developers would commence project specific environmental assessments – including a more in-depth, detailed Project-Level HRA as part of their application for development consent through the statutory planning process.

Q: What is the most likely outcome of the HRA?

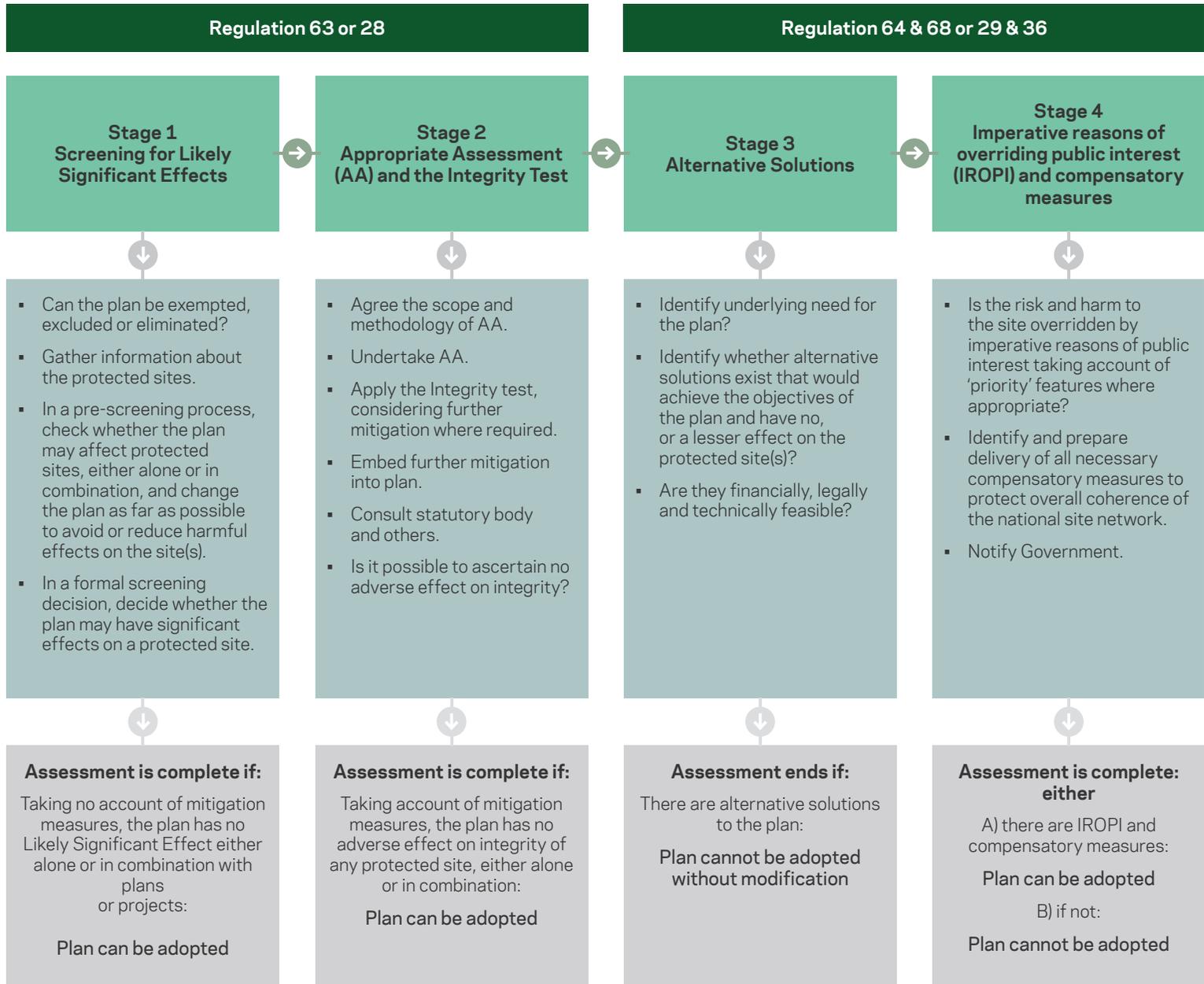
A: We cannot pre-empt the outcome of the HRA process and remain open to all available options under the Habitats Regulations, including pursuing a derogation. We will consider specific compensatory measures if the need arises, at the appropriate stage of the HRA process, supported by expertise and guidance from the independently overseen Expert Working Group.

Q: What is a HRA Conformity Check?

A: The HRA Conformity Check will, following conclusion of the commercial tender process, ensure that the outcomes of the tender are aligned with the outcomes of the HRA. The conformity check will also assure The Crown Estate that the conclusions of the HRA remain valid, prior to adoption of the plan by entering into agreements with prospective developers.

Q: Around commercial tender process

Our commercial tender process is in development. We will make further announcements in due course.



Adapted from an extract of The Habitats Regulations Assessment Handbook, www.dtapublications.co.uk © DTA Publications Limited (October 2018) all rights reserved.

Next steps

Using the AoS we have started the Screening stage of the Plan level assessment process. This will identify which protected sites and features could be affected as a result of the development of Floating Offshore in the Celtic Sea and should therefore be taken into our next stage of detailed assessment.

Alongside this, as described in our draft Site Selection Methodology [here](#), we will be refining our AoS to identify smaller Project Development Areas (PDA) which will form the basis for our detailed assessments. These PDAs will be significantly smaller, and represent an area that, subject to the outcome of the HRA, could be taken into the commercial leasing process and subsequently taken forwards by a developer to project level consenting and development.

Our detailed assessment, which will be reported in the RIAA, will consider the potential for adverse effects on the integrity of a protected site from the development of Floating Offshore Wind. Should the potential for adverse effects be identified arising from the detailed assessment we may identify mitigation that can be applied, either by modifying or removing a PDA, or by identifying restrictions on what can be constructed or the manner of construction, such as the turbine size, or clearance from the sea surface to the turbine blade.

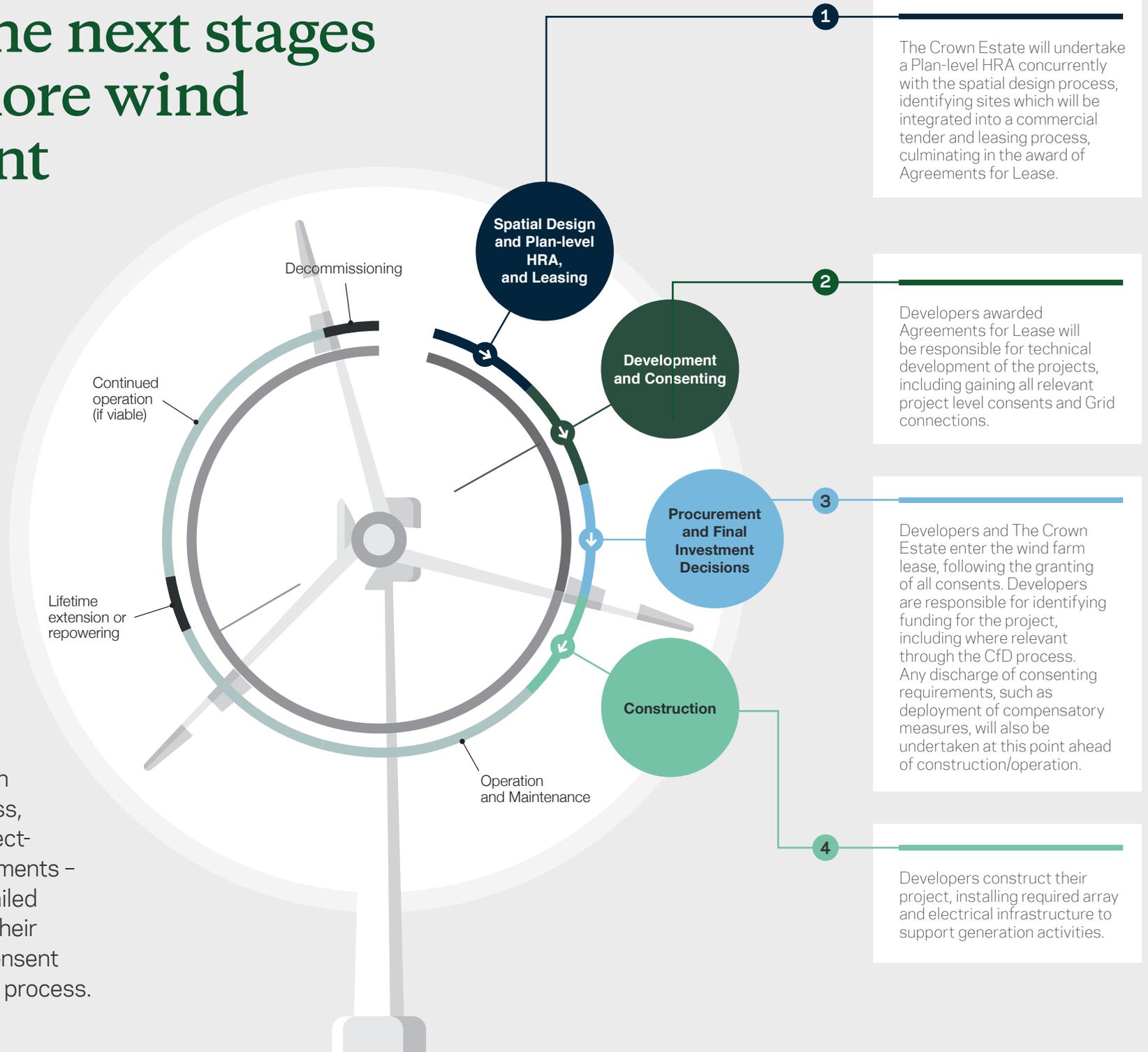
In order for the Plan to proceed, the conclusion of the HRA must be that there is no adverse effect on the integrity of the protected sites.

However if a mitigation alone is not sufficient to reduce the impacts below an acceptable level, and the Plan would adversely affect the integrity of any protected site(s), The Crown Estate may nonetheless choose to progress the plan under a derogation. This will require us to demonstrate that:

1. there are no alternative solutions that meet the objectives of the Plan and reduce or avoid an adverse effect on the integrity of the site(s);
2. there are imperative reasons of overriding public interest sufficient to override the harm to the site(s) and;
3. compensatory measures necessary to ensure the overall coherence of the national site network can be secured.

What are the next stages of the offshore wind development process?

If an AfL is secured, projects will progress to the next stage of the offshore wind project life-cycle, which is illustrated on the right. As part of this process, developers will undertake project-specific environmental assessments – including a more in-depth, detailed project-level HRA – as part of their application for development consent through the statutory planning process.



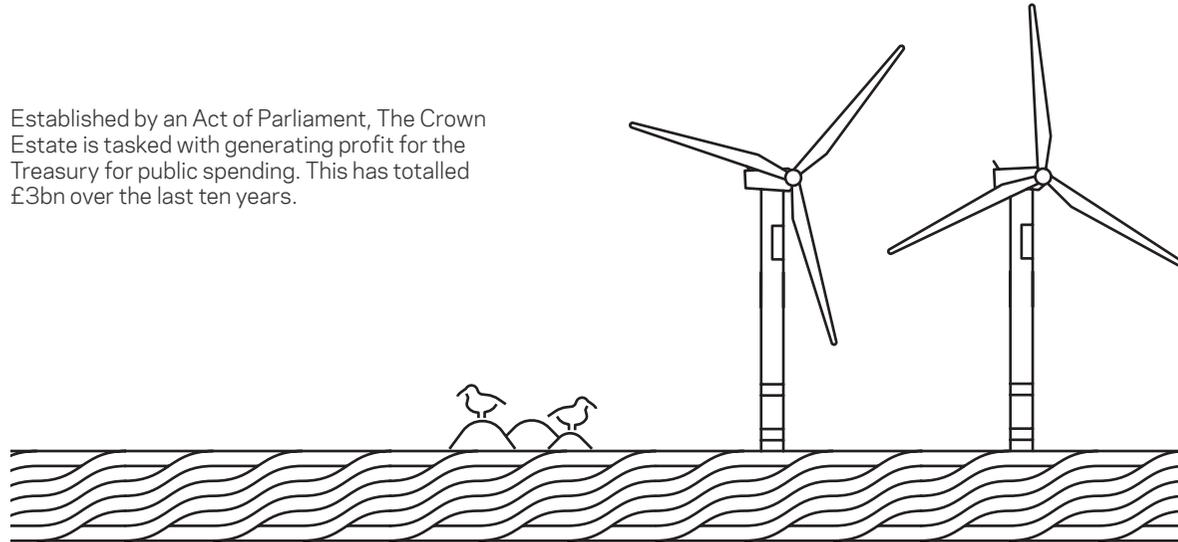
About The Crown Estate

The Crown Estate is a unique business with a diverse portfolio that stretches across the country.

In addition to its role in the offshore renewables sector, as manager of the seabed and half the foreshore around England, Wales and Northern Ireland, it also plays a role in marine aggregates, CCUS, cables and pipelines.

Its portfolio also includes: some of central London's best places to work, shop and experience; regional retail and leisure destinations across the country; a substantial rural portfolio; and the Windsor Estate, including the world-renowned Windsor Great Park.

Established by an Act of Parliament, The Crown Estate is tasked with generating profit for the Treasury for public spending. This has totalled £3bn over the last ten years.



Find out more

You can read more about the Celtic Sea Floating Offshore Wind programme, and find copies of our technical documents, [here](#) on our website.

Alternatively please email us at Offshorestakeholder@thecrownestate.co.uk

¹ The Habitats Regulations still apply now the United Kingdom has departed from the European Union in line with the Conservation of Habitats and Species (Amendment) (EU Exit) regulations 2019, having come into force on exit day. More information is available [here](#).