

GUIDELINES TO PROPONENTS FOR PREPARING THE NECESSARY INFORMATION FOR THE APPROPRIATE ASSESSMENT OF PROJECTS OR ACTIVITIES UNDER THE PROTECTION AND MANAGEMENT OF NATURE AND WILDLIFE ORDINANCE (PMNWO) 26 OF 2007 AND THE GAME AND WILD BIRDS ORDINANCE (GWBO) 21 OF 2008.

1. Background

1.1 Section 10 of the PMNWO and section 10 of the GWBO in combination with the policy statement signed by Admin Sec on 20 July 2007, stipulate that any project or activity (whether or not requiring a building or any other permit), which is not directly related to or necessary to the management of any area within a designated or candidate Special Area of Conservation (SAC) and/or Special Protection Area (SPA), but which may either on its own or in combination with other projects, plans or activities affect such an area, is subject to an appropriate assessment (AA) by a competent authority (Her Majesty's Forces or the SBAA Senior Environmental Adviser) of its implications in view of the conservation objectives of the area. A project or activity likely to affect an SAC/SPA will only be approved if the appropriate assessment concludes that it will not have an adverse effect on the integrity or the character of the area. In exceptional cases, and in the absence of satisfactory alternatives the Chief Officer may decide to approve a project or activity, notwithstanding that it may have an adverse effect on the integrity or the character of the site, for imperative reasons of overriding public interest. When a designated or a candidate SAC hosts a priority plant or fauna species or a priority natural habitat type the Chief Officer may only approve a project or activity, which may have an adverse effect on the integrity or the character of the site, on grounds of public health or safety or for reasons relating to beneficial consequences of primary importance for the environment. The AA requirement applies even if the project or activity is at some distance away from the SAC/SPA but may have a direct or indirect, temporary or permanent impact on such area, such as for example the construction of a dam which may have an impact on the hydrology of a wetland system several kilometres downstream. The AA is independent of any EIA required under the EIA Ordinance or any other type of assessment. Projects or activities for the purposes of these guidelines include the execution of any construction works or other installation or scheme; or (b) any other intervention in the environment, (such as for example change of farming practices), including the extraction of mineral resources.

2. Required information

2.1 Context of the proposed, project or activity

The proponents are required to provide the Chief Officer with an option study of all possible alternatives to the proposed project or activity, as well as any reasons of overriding public interest - including those of a social or economic nature; public health or safety; and beneficial consequences for the environment. They should also provide any known information on existing plans, projects or activities, which may have combined effects with those of the proposal.

2.2 Required information for the proposed, project or activity

For any project or activity prescribed at section 1 above, the proponents are required to provide the competent authority with the following information in the given format. The examples provided are only indicative and are by no means exhaustive, whereas the competent authority may require additional information specific to the, project or activity, including information already available; new information from surveys that may need to be carried out; and data analysis, predictions, comparisons or assessments of a technical nature.

A. Contents

B. Introduction

B1 Background to activity/development (A brief summary)

B2 Full details of proposed works on site, including a site plan at Section E7).

(Note: Site may be inspected by a representative of SBAA Environment Department and therefore the details given should be accurate to ensure that the AA clearly reflects the extent of the project and leaves no room for doubt.)

C Survey and site assessment

C1 Pre-existing information on Habitat/Species at survey site

C2 Status of species/Habitat in the local/regional area

C3 Objective(s) of survey

C4 Survey area

C5 Habitat description (based on daytime visit(s))

C6 Field Survey

C6.1 Methods

C6.2 Timing

C6.3 Weather conditions

C6.4 Personnel

C7 Results (to include raw data, any processed or aggregated data, and negative results as appropriate)

C8 Interpretation and evaluation

C8.1 Presence/absence

C8.2 Population/habitat area size class assessment

C8.3 Site status assessment (combining quantitative, qualitative, functional and contextual factors)

C8.4 Constraints (factors influencing survey results)

C9 Map(s) of survey area (with habitat description, survey results marked on map if appropriate).

C10 Cross-referenced photographs of key habitat features (if appropriate)

D Impact assessment

D1 Pre- and mid-activity impacts (e.g. access and travel on/off-site, assembly of construction components, structures and hard surfaces, demolitions, environmental incidents and accidents (e.g. spillages), ground and excavation works, services and utilities (power, water, drainage etc), removal or disruption of soil, siting and removal of site compounds, storage areas, vegetation clearance, waste generation and emissions, use of chemicals/pesticides/fertilisers, increased public access and recreational pressure, presence of pets and other animals, introduction of plants, fire risks, disruption or other impact on hydrology/coastal processes, etc)

D2 Long-term impacts (habitat loss, modification, fragmentation, etc)

D3 Post-activity interference impacts (disturbance, etc)

D4 Other impacts

D5 Summary of impacts at the site level

D6 Summary of impacts in a wider context

D7 Map(s) to show impacts (clear indication of which areas would be affected and how)

E Mitigation and compensation

E1 Mitigation strategy (overview of how the impacts will be addressed in order to ensure no detriment to the maintenance of the population/area at a favourable conservation status)

E2 Receptor site selection (for translocations if appropriate)

E2.1 Existing species/Habitat status (give survey data of translocation area)

E2.2 Location, ownership and status

- E2.3 Habitat description, size, boundaries
 - E3 Habitat creation, restoration and/or enhancement (as appropriate)
 - E3.1 Aquatic habitats
 - E3.2 Terrestrial habitats
 - E3.3 Integration with roads and other hard landscapes
 - E3.4 Integration with other species/habitat requirements
 - E4 Capture, exclusion and translocation of species
 - E4.1 Timing, effort, methods, layout of capture/exclusion methods, translocation
 - E5 Post-development site safeguard and monitoring effort
 - E5.1 Habitat management and maintenance (either set out details here, or if complex then give outline here and give details as an annexed stand-alone plan)
 - E5.2 Population/Habitat monitoring
 - E5.3 Mechanism for ensuring delivery (include who will undertake the work, and reporting details)
 - E6 Timetable of works (phasing diagram to include all works associated within section E, and to indicate construction works timing)
 - E7 Site plan to show all work covered by the licence
 - E8 Map to show the extent of each party's interest on site (if appropriate)
 - E9 Map to show location of receptor site in relation to development site
 - E10 Map to show capture and exclusion works
 - E11 Map to show habitat creation, restoration and/or enhancement
 - E12 Map to show post activity management (if appropriate)
 - E13 diagram to show capture/exclusion apparatus (only required if non-standard techniques are proposed)
- (Note: Plans or maps should not exceed A3 size)

F Summary

F1 Summary of development and mitigation (NB to include overall consideration of the three main licensing criteria; effect on conservation status, purpose, and alternatives)

G References

H Annexes

- H1 Management and maintenance plan
- H2 Pre-existing survey reports

This information should be presented in a report and would normally be authored by an Environmental professional holding relevant qualifications and experience. Membership of a relevant professional institution would also be desirable.

Environment Department

HQ SBAA

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