



A5 Western Transport Corridor (A5 WTC)

Appendix TNI – Theme Report: The Appropriate Assessment Process

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1. The EC Habitats Directive (Council Directive 92/43/EEC) establishes the requirement for an assessment of potential impacts of any major development proposal upon environmentally sensitive sites. This is carried out through an ‘appropriate assessment’ or Habitat Regulations Assessment (HRA) process.
2. In following the HRA process, the developing authority may prepare draft Reports on the matter and consult with the general public. The HRA process is such that these draft Reports remain live and are not fully completed until the Ministerial Decision is made on whether to proceed with the scheme / make the Statutory Orders.
3. Proposed schemes considered ‘not likely’ to have a significant effect on environmentally sensitive areas can however be ‘screened out’ (Article 6(2) of the Habitats Directive and progressed without the need for an appropriate assessment.
4. On the A5 WTC scheme, the need for an appropriate assessment was initially screened out. In the Court ruling of April 2013, the Judge however concluded that the Department had erred in law in not carrying out an appropriate assessment.
5. In addition to the need to comply with the Court ruling in relation to completion of an appropriate assessment for the River Foyle and River Finn Special Areas of Conservation (SACs), the Department considered it prudent to include other SACs and Special Protection Areas (SPAs) in the vicinity of the scheme.
6. As a result, four draft reports for consultation were developed to assess impacts on the integrity of all potentially affected European designated environmentally sensitive sites. A public consultation exercise on these draft reports was undertaken in 2014 and responses received (18 no.) will be taken into consideration in the final Reports to Inform the Appropriate Assessment.

These Reports will also be informed by any issues arising out of the Public Inquiry process. It is proposed that a second consultation will take place once these Reports are completed and prior to the Minister making his decision.