

HABITATS REGULATIONS ASSESSMENT:

A TOOLKIT TO SUPPORT HRA SCREENING AND APPROPRIATE ASSESSMENT OF PLANS

South East Wales Strategic Planning
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INTRODUCTION TO THE TOOLKIT

This Toolkit has been produced By Enfusion Ltd to provide the members of the South East Wales Strategic Planning Group (SEWSPG) with a simple, clear, systematic method to support planners in the completion of robust and compliant Habitats Regulations Assessment (HRA) Screening and full Appropriate Assessment if necessary.

The Toolkit comprises a shared information database and standardised guidance, including assessment and reporting templates to support the delivery and completion of the HRA process. It is designed for the practitioner to use and the focus is on providing a simple, concise and logical path through the process.

The Toolkit has been produced in the context of a changing regulatory environment and prior to the publication of final guidance from the Welsh Assembly Government (WAG). It is also recognised that HRA of spatial plans is a rapidly evolving discipline that currently lacks a history of case decisions against which contentious or uncertain questions on HRA can be assessed.

The Toolkit, therefore, provides guidance that is based on experience to date, and that references available official and independent guidance on the HRA of spatial plans. Where detailed or useful guidance already exists, this work is referenced rather than repeated within the Toolkit. In all situations where there is uncertainty or specialist advice is

required, officers are advised to seek expert help from the Statutory Body, Countryside Council for Wales and suitably qualified consultants.

Structure of the Toolkit

The Toolkit is organised into five main sections:

Section One: Introduction provides an introduction to HRA and outlines the key legislation and guidance available to support the process

Section Two: HRA Screening describes the key stages for undertaking a HRA screening in order to come to a screening decision/ opinion

Section Three: Appropriate Assessment works through the stages necessary to complete the Appropriate Assessment stage of a HRA

Section Four: Information Database provides core information to support the HRA Screening and Appropriate Assessment stages including site characterisations for Natura 2000 sites in the South East Wales area and an assessment of other plans and programmes relevant to the HRA process

Section Five: Templates provides standardised templates to support HRA screening and the Appropriate Assessment stage of the HRA as necessary

INTRODUCTION TO HRA

Background to HRA

Habitats Regulations Assessment (HRA) is the process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest.¹ HRA is often referred to as 'Appropriate Assessment' (AA) although the requirement for AA is first determined by an initial 'Screening' stage undertaken as part of the full HRA.

Legislation & Guidance

The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 (N2K) sites or European Sites, and comprise:

- Special Areas of Conservation (SAC) designated under the Habitats Directive including candidate SACs (cSAC)

- Special Protection Areas (SPAs) designated under Council Directive 79/409/EEC on the conservation of wild birds the Birds Directive

In addition, the Welsh Assembly Government (WAG) expects authorities to treat the following as European Sites:

- potential Special Protection Areas (pSPA);
- Ramsar Sites designated under the Ramsar Convention on Wetlands of International Importance, and
- Offshore Marine Sites (OMS) when designated

It is Articles 6 (3) and 6 (4) of the Habitats Directive that require AA to be undertaken on proposed plans or projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more European sites either individually, or in combination with other plans and projects.

In 2007, this requirement was transposed into UK law in Part IVA of the Habitats Regulations (The Conservation (Natural Habitats, & c.)(Amendment) (England and Wales) Regulations 2007). These regulations require the application of HRA to all land use plans.

¹ HRA is also applicable at a project level where it is typically carried out in more detail.

Guidance

The Habitats Directive and the Habitats Regulations set the requirement for HRA but do not prescribe how HRA/AA should be undertaken. Draft guidance for the HRA of Plans in Wales 'The Assessment of Development Plans in Wales under the Provisions of the Habitats Regulations', has been produced by WAG as an Annex to the Technical Advice Notes (TAN)5 (David Tyldesley and Associates, October 2006). The final WAG guidance is due in 2008.

Additional guidance on HRA of plans has been produced for Local Authorities in England by the Department for Communities and Local Government (DCLG) and by independently by consultants to support planners & practitioners more widely. A list of the additional available guidance is provided in References & Bibliography in the Information Database section of this toolkit.

The methods and approach outlined in this Toolkit are based on the current WAG guidance and emergent practice which recommends that HRA is approached in three main stages:

HRA: KEY STAGES (see Table 1)

- STAGE 1: Screening for Likely Significant Effect
- STAGE 2: Appropriate Assessment
- STAGE 3: Procedures where Significant Effect on the Integrity of International Sites Remains

Timing

HRA should be undertaken as early as possible in the plan making process alongside other assessment processes (Strategic Environmental Assessment/ Sustainability Appraisal) so that it informs and guides decision making. Where plans are already underway HRA should be undertaken at the earliest opportunity with a view to formalising the HRA documentation at the pre-deposit consultation and deposit stages of the Local Development Plan (LDP).

Consultation

The competent authority should take advice from and consult with the Statutory Body Countryside Council for Wales (CCW) throughout the HRA process. It is also recommended that the Environment Agency Wales (EAW) and local authority ecologists are included as consultees as necessary.

Public consultation is a discretionary requirement for HRA however, good practice indicates that HRA reports be made available alongside public consultation on the LDP.

HINTS & TIPS!

- Begin early
- Seek advice from and consult with CCW and wider stakeholders

Table 1 Habitats Regulations Assessment: Key Stages	
Stage 1	
Screening for likely significant effect	<ul style="list-style-type: none"> Identify international sites in and around the plan/ strategy area in search area/ buffer zone agreed with the Statutory Body the Countryside Council for Wales Examine conservation objectives of the interest feature(s)(where available) Review LDP policies and proposals and consider potential effects on European sites (magnitude, duration, location, extent) Examine other plans and programmes that could contribute to 'in combination' effects Produce Screening Assessment
	<ul style="list-style-type: none"> If no effects likely – report no significant effect (taking advice from CCW as necessary). If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to stage 2
Stage 2	

Table 1 Habitats Regulations Assessment: Key Stages	
Appropriate Assessment	<ul style="list-style-type: none"> Complete additional scoping work including the collation of further information on sites as necessary to evaluate impact in light of conservation objectives Agree scope and method of AA with CCW Consider how plan 'in combination' with other plans and programmes will interact when implemented (the Appropriate Assessment) Consider how effect on integrity of site could be avoided by changes to plan and the consideration of alternatives Develop mitigation measures (including timescale and mechanisms)
	<ul style="list-style-type: none"> Report outcomes of AA including mitigation measures, consult with CCW and wider [public] stakeholders as necessary If plan will not significantly effect European site proceed without further reference to Habitats Regs
Stage 3	

Table 1 Habitats Regulations Assessment: Key Stages	
Procedures where significant effect on integrity of international site remains	<ul style="list-style-type: none">▪ Consider alternative solutions, delete from plan or modify▪ Consider if priority species/ habitats affected▪ Identify 'imperative reasons of overriding public interest' (IROPI) economic, social, environmental, human health, public safety▪ Notify Welsh Assembly Government▪ Develop and secure compensatory measures

HRA SCREENING

Introduction

The purpose of 'Screening' is to make an initial evaluation of the Plan's potential effects on one or more European sites in order to determine whether or not a more detailed Appropriate Assessment is required. The detail and depth of information gathered for a Screening should be sufficient to allow an informed decision to be reached. The WAG guidance supports a more 'front loaded' approach where information gathered at the Screening is substantive and sufficient to support subsequent more detailed assessment if required.

Screening: Key Tasks

The process of Screening can be broken down into four main task areas. Each Task is outlined in more detail below.

HRA Screening: Key Tasks

- Task 1: Identification & Characterisation of European Sites
- Task 2: Review and screening of Development Plan to identify potential impacts and likely effects on European Sites
- Task 3: Consideration of other plans and projects that may act 'in-combination'
- Task 4: Screening Assessment, recording the opinion and the supporting information and analysis

Task 1: Identification & Characterisation of European Sites

Identification of European Sites

The first stage of the Screening process is to identify the European sites both within and outside the plan area that may be affected by the plan.

HRAs published to date have typically considered European sites with a 10-15km boundary around the plan area. It is important to remember however, that distance in itself is not a definitive guide to the likelihood or severity of an impact [inaccessibility/ remoteness is typically more relevant] as factors such as the prevailing wind direction, river flow and ground water flow direction will all have a bearing on the relative distance at which an impact can occur. This means that a plan directing development some distance away (i.e. beyond 15km) from a European Site could still have effects on the site and therefore, needs to be considered as part of the screening process. CCW advice should be sought on which European sites are to be included in the Screening.

INFORMATION DATABASE

For each Authority with the SEWSPG area European sites within individual plan area boundaries and within a 15km search area are identified in the Information Database.

Characterisation of European Sites

The aim of European site characterisation is to understand the nature of the site and the reasons for its designation. This involves gathering data on a number of key factors; the Sites':

- Qualifying Interests
- Conservation Objectives
- Condition Status
- Key Environmental Conditions (factors that support site integrity)
- Vulnerabilities (pressures and trends affecting site integrity)

Qualifying Features will be an Annex I habitats listed under the Habitats Directive or an Annex II species as listed under the Directive. Bird species protected under Article 4.1, 4.2 and Annex I of the Birds Directive are also qualifying features. For Ramsar sites it is any feature listed under the criteria of the Ramsar Convention.

Conservation Objectives are set out in the Core Management Plans for European sites produced by CCW. The role of the Conservation Objectives is to deliver against the aims of the Habitats Directives: to achieve the maintenance, or where appropriate the restoration of the 'favourable conservation status' of habitats and species features for which SACs and SPAs are designated

HINTS & TIPS!

Qualifying Features information can be accessed through the JNCC website www.jncc.gov.uk and in CCW Core Management Plans for European sites, which also include details of site Conservation Objectives <http://www.ccw.gov.uk/landscape-wildlife/protecting-our-landscape/special-sites-project-landing.aspx>

Condition Status is described by CCW as 'a description of the state of a [site] feature that comprises both its condition and the state of factors likely to affect it'. In other words it tells you both how a site is currently faring and what its future prospects are. Condition assessment to determine status (e.g. favourable, unfavourable) is undertaken by CCW and the information is provided in the Core Management Plans.

Key Environmental Conditions information provides background on factors, be they physical (e.g. ground water flow) or anthropogenic (e.g. farming practices, grazing regimes) that serve to provide the core environmental conditions necessary to support site integrity. Wider environmental trends (e.g. background air quality) also provide valuable contextual information.

Vulnerabilities (existing pressures and trends) are linked to the key environmental conditions information and focus specifically on areas of sensitivity for sites by identifying threats (e.g. scrub encroachment, predation from domestic pets).

INFORMATION DATABASE

Full characterisations for all the European sites within the SEWSPG area and in a 15km area around the Authorities' boundaries are provided in the Information Database Section

Task 2: Review and screening of Development Plan to identify potential impacts and likely effects on European Sites

Screening Task 2 involves reviewing the Development Plan and considering the potential impacts arising and their likely effects on the identified European Sites at a strategic level.

A review of the Development Plan should firstly identify:

- its purpose/aims/objectives
- its spatial extent and the period of implementation
- any known development allocations including the quanta of development (e.g. housing, highway, industrial/ employment)

The Plan should then be screened at a strategic level to determine which policies have the potential for significant effect on the European Sites identified at Task 1. A template for screening the plan is provided in the Information Database. The screening is directed by a set of criteria designed to help you consider whether or not the plan [in implementation] is likely to result in significant effects.

The purpose of this 'plan level' screening is to assist in determining whether or not the plan on its own is likely to have a significant effect and to ensure that the HRA screening stage overall focuses on those elements of the plan where significant effects are most likely. The outcome of this task should be a clearer view of which elements of the plan have the potential to generate effects that may be

significant for European Sites, and which elements can be screened out from further consideration.

HINTS & TIPS!

Screening of plan policies can be used as an early & iterative tool to inform plan development

Task 3: Consideration of other plans and projects that may act 'in-combination'

A key requirement of the Habitats Directive is to determine whether the Plan is likely to have a significant effect when considered in combination with other plans and projects. The main driver for addressing plans in combination is ensuring that cumulative effects are captured. For example, the effects of a plan on air quality may be insignificant when considered alone, but when combined with the effects of increased air pollution from other plans, may lead to significant adverse impacts on site integrity.

Plans & Project to Consider

Determining which plans and projects to consider requires a pragmatic approach given the nature and scale of development occurring at any one time in the South East Wales Region. Existing official guidance suggests focusing on other development plans, sectoral plans and significant project directing spatial development in the region.

Examples include:

- The Wales Spatial Plan Update
- Adjacent Local Development Plans
- Sectoral plans, e.g. waste and transport
- Strategies that set the framework for, or will have a strong influence on, project level decisions e.g. Tourism Strategies

INFORMATION DATABASE

A core list of key plans, programmes, projects and strategies relevant to the South East Wales Planning Authorities have been reviewed for the purposes of 'in-combination' assessment. Full details, including the potential effects arising are identified in the Information Database.

There is no single agreed method for addressing the issue of in-combination effects, however, current practice and available guidance suggests a staged approach which takes into account the following:

- a) if it can be clearly demonstrated that the plan will not result in any effects at all that are relevant to European site integrity then the plan should proceed without considering the HRA requirement (including the in-combination test) further
- b) if there are identified effects arising from the plan, even if they are perceived as minor and not likely to have a significant effect on the European Site[s] alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects

Task 4: Screening Assessment, recording the opinion and the supporting information and analysis

Task 4, the Screening Assessment, is where the information gained through Tasks 1-3 is brought together to inform the Screening Opinion.

This means considering:

- The information gathered on the European sites
- The review of the Plan and its likely impacts (including the findings of the Plan screening, as these are the policy proposals that you will be considering further in your Screening Assessment)
- The review of other relevant plans, programmes, projects and strategies

The core part of the assessment process involves taking a view of the impacts arising from the plans (and in-combination plans) and determining whether or not the effects of these impacts will be significant when considered against the factors necessary to support the integrity of a European site.

The process of considering and recording this information is captured in the Significant Effects Screening Template which is provided in the Information Database. This template presents a transparent method of recording how the analysis of significant effects has been considered, including

demonstrating that the 'in-combination' requirement has been dealt with.

HINTS & TIPS!

What is significant?

Significance is typically determined by considering the following factors in relation to the effect:

- Extent – will the effect be localised or occur across the whole site?
- Complexity – is the impact pathway direct or are there potentially multiple routes?
- Probability – how likely is it that the effect will occur?
- Duration – how long is the effect likely to last?
- Frequency – is the effect likely to occur on a regular basis?
- Reversibility – will the effect be temporary or permanent?

Screening Decision

The Significant Effects Screening Template provides the main record of your screening analysis. At this point you will have determined whether the effects you identified in Tasks 2 & 3 in

relation to the sites characterised in Task 1 are: significant; are not significant; or are uncertain.

It is useful to record these findings in a short descriptive narrative as part of your screening report. See the Templates Section of this toolkit for the HRA Screening Report template.

Pre Report Consultation

At this stage it is good practice, prior to the production of the Screening report, to discuss your findings with CCW (and EAW as necessary). This allows you to take regard of CCW's opinion prior to any wider consultation. Additional comments can then be addressed and incorporated into the report prior to publication.

If your finding is one of 'no significant effect' then the completion of the HRA Screening Report concludes the HRA process for your plan. You should ensure that your report is supported by a formal written consultation commentary from CCW confirming your conclusions. If your findings suggest the potential for significant effect at one or more European Sites, or uncertainty remains, then the precautionary principle applies and you should proceed to the more detailed 'Appropriate Assessment' stage of the HRA process.

Next Stages (AA Scope)

If you have determined that a more detailed Appropriate Assessment (AA) is required, then it is useful to agree the

scope of this work with CCW during your discussions and before concluding the screening consultation phase.

Your Screening work will have identified the nature of the impacts associated with your plan and the vulnerabilities associated with the European Site[s]. You should therefore seek advice on additional information to support the AA and also discuss and agree the proposed method for the AA (see the Appropriate Assessment section of this toolkit).

HRA Screening Report

Use the HRA Screening Report template, provided in the Templates Section of this toolkit to complete and finalise your Screening. This Report provides a systematic and transparent record of your process and findings, including future AA work if required.

If the findings are that there will be no significant effect then the LPA should ensure that the HRA is submitted to WAG at the relevant formal plan consultation phase [deposit stage].

Consultation

The Habitats Regulations [Section 85B(2)] require the plan making/competent authority to consult the appropriate nature conservation statutory body [CCW], however, the Regulations leave consultation with other bodies and the public to the discretion of the plan making authority. The draft WAG guidance states that it is good practice to make

information on HRA available to the public at each formal development plan consultation stage.

It is, therefore, recommended that the HRA Screening Report is made available alongside the plan you have been assessing. In the case of Local Development Plans which have also been subject to Strategic Environmental Assessment and Sustainability Appraisal, the HRA Report may be linked to or if appropriate incorporated [e.g. as a distinct chapter] within these documents. The key requirement is for the HRA to be clearly identified and distinct process. The consultation period for the HRA should be in line with the requirements set out in the Community Involvement Scheme.

HINTS & TIPS!

Carry out consultation with CCW iteratively as the HRA develops to ensure that your findings are well informed and supported. Wider stakeholders including, groups with nature conservation interests can provide useful information to support the assessment process.

TEMPLATES

The reporting template for the HRA Screening Report provides a structured way of reporting the Screening findings.

APPROPRIATE ASSESSMENT

Introduction

This section of the toolkit provides a framework for approaching the second stage of a HRA – the Appropriate Assessment (AA). The purpose of the AA is to critically examine the impacts identified by the Screening process and closely examine the effects on European sites and the potential for avoidance and mitigation.

Appropriate Assessment Key Tasks

The AA can be broken down into a number of key tasks.

AA: Key Tasks

- Task 1: Scoping and Additional Information Gathering
- Task 2: Assessing the Impacts – Appropriate Assessment
- Task 3: Avoidance and Mitigation
- Task 4: AA Conclusions and Recommendations

Task 1: Scoping and Additional Information Gathering

The main purpose of scoping at this point of the HRA is to address information gaps and secure sufficient data to ensure that a meaningful AA of effects can be undertaken. This information gathering phase will be informed by your earlier consultation with CCW and wider stakeholders in the Screening stage.

The information gathered may include:

- gathering more information about the European sites [s], for example, survey/ study information that provides greater detail about the nature of the habitats/ species and their responses to identified effects
- additional data on background environmental conditions, for example, known concentrations of air pollutants at the site[s] and current background trends
- further analysis of potential 'in-combination' plans and projects, for example, known infrastructure projects will localised effects that may be relevant to the site[s] being assessed

HINTS & TIPS!

The WAG guidance recognises that the HRA of plans under Regulation 85 will not as detailed, as that undertaken for project level consents assessed under Regulation 48 of the Habitats Regulations. Accordingly your approach should be as 'rigorous ... as can reasonably be undertaken' given the constraints of content, details and geographic extent of the plan.

Task 2: Assessing the Impacts – Appropriate Assessment

Examining the effects of the policies and proposals identified during the Screening phase is the core focus of the AA. The aim of Task 2 is to really concentrate on: the nature of the impact; its magnitude; and likelihood that it will persist during the plan's implementation phase.

To do this consideration should be given to whether the impacts are:

Direct – e.g. habitat loss

Indirect – e.g. disturbance or trampling due to recreation

Cumulative – e.g. an increase air pollutants as a result of traffic growth

A useful approach for addressing these issues and ensuring that the AA is focused and systematic is to take each identified impact in turn and use a key set of questions to guide the assessment.

Issue: E.g. Recreational Pressure

What are the issues arising from the plan? Provide a comprehensive outline of the impacts identified and their origins; include consideration of whether the impacts are direct, indirect or cumulative.

How might the European Site be affected? Describe how the impacts identified may lead to effects at the sites given your

knowledge about environmental conditions and vulnerabilities.

What other plans and projects could lead to in-combination effects? Revisit the screening analysis and your observations about the potential for cumulative impacts to ensure that you have capture the potential effect arising from the interaction of plans.

The answers to these questions will give you the core analysis for your assessment and the Templates section of this toolkit provides an Appropriate Assessment Template to capture and present the information.

It is possible that having completed this analysis the assessment indicates that there will be no significant effect. It is important to note that the onus is on the plan making authority to be clear that there will be no adverse effect on integrity a the site[s]. If uncertainty exists then the precautionary principle applies and significant effects should be assumed.

HINTS & TIPS!

It is recommended that the HRA process including the AA stage combines a 'plan' and a 'site' focus.

- Focusing on the plan helps you to understand which elements have the potential to affect European site integrity and how the plan may be amended to avoid or mitigate impacts arising.
- Focusing on the site ensure that you understand the environmental conditions of the site and the factors required to maintain site integrity, and therefore how the plan may impact. A site focus also closely reflects the intent of the Habitats Directive.

Task 3: Mitigation Measures (avoidance)

A core aim of HRA (and wider assessment processes SA/SEA) is to inform the planning process by sifting out potentially damaging elements of the plan and either replacing them with elements that can provide more positive outcomes, or developing policy safeguards that protect against damage at sensitive sites.

HINTS & TIPS!

Recent case law has shown that mitigation measures can be taken into account when reaching a decision on the likelihood of significant effect.²

Considering mitigation measures is, therefore, an integral part of the HRA process. At its simplest mitigation may be about removing the policy or proposal. Can the policy be amended? Can an alternative location be proposed?

Mitigation measures may also involve more targeted strategies, but you must be clear that it is possible for the solutions proposed to be delivered through the planning system and have a means for ensuring that they will be effective.

Mitigation examples:

- Provision of defined alternative recreational spaces to buffer SAC where housing allocations threaten disturbance
- Include requirements for pollution control strategies at employment sites where risks to SAC downstream
- Ensuing provision of alternative water supplies/ strict standards for water efficiency/ neutrality supply drawn from European Site

² Hart District Council Vs Secretary of State for Communities and Local Government (May 2008); Planning (25th July, 2008) Mitigation Plan Counts on Appropriate Assessment.

Task 4: AA Conclusions & Recommendations

Following the assessment and, if necessary the consideration of mitigation measures, you should be in a position to set out your conclusions as to whether the plan is likely to have a significant effect on the integrity of the European site[s] under consideration. If you have determined that mitigation measures will be required, then you must indicate clearly how implementation will take place to ensure that there will be no significant effect.

If our final conclusions are that the plan will not adversely affect the integrity of any European site then you should summarise the findings of your assessment. Use the HRA Report Template from the Templates section of the toolkit to organise your analysis.

Task 5: Consultation

As noted previously it is good practice to consult iteratively with your key [including statutory] stakeholders during the HRA process. If you have proposed mitigation measures as part of the AA stage, then it useful at this stage to seek their views on whether your proposals are robust and can be implemented; as well as on the conclusions of the assessment overall.

HINT & TIPS!

Authorities should use the HRA process to amend and develop the plan in order to avoid, remove or mitigate significant effects on European sites.

It is considered that only in exceptional circumstances will HRAs progress to the consideration of Alternative Solutions and Imperative Reasons of Overriding Public Interest (IROPI) – these are difficult hurdles to pass, as yet untested in UK law.

Remaining Adverse Effects on Site Integrity

If the conclusion of your assessment is that adverse effects on site integrity remain then you are referred to the current WAG guidance which sets out diagrammatically how to comply with Regulations 85C and 85E. In summary, the key steps to follow are:

1. Consideration of Alternative Solutions
2. Imperative Reasons of Overriding Public Interest ((IROPI)

Alternative Solutions

Whilst the official guidance details the consideration of alternatives as an option following the main AA, in reality reasonable alternatives should be taken into account

throughout the HRA process alongside the plan development. Specifically, the HRA process should be used to address the potential impacts of different options/ alternatives as you uncover them, with the results guiding and informing planners.

As noted by Scott Wilson et al (2006) the Habitats Directive allows for alternative solutions to be sought outside the plan boundaries, therefore you should also be prepared to think creatively when considering potential options.

If suitable alternatives are available, that ensure there will be no significant effect at any European site then the plan must be amended to accommodate the revised proposals (Regulation 85C). If there are no alternative solutions available then the Authority will need to consider whether there are reasons of overriding public interest that justify the adoption of the plan despite the potentially significant effects on European site integrity.

Imperative Reasons of Overriding Public Interest ((IROPI)

The official WAG guidance sets out the specific steps to be followed should you consider it necessary to consider the IROPI rationale for your plan. The guidance states that ' there will be few cases where it can be judged that imperative reasons of overriding public interest will allow a plan to proceed that will have an adverse effect on the integrity of European sites'.

In the exceptional event that the IROPI test is passed compensatory measures must be secured, including a programme of implementation and monitoring in advance of the plan.

HINTS & TIPS!

IROPI, should in all cases be viewed as a last resort with potentially high associated costs.