

INTERIM ADVICE NOTE 110/08

ASSESSMENT OF IMPLICATIONS (OF HIGHWAYS PLANS AND PROJECTS) ON EUROPEAN SITES (INCLUDING APPROPRIATE ASSESSMENT)

Summary

This Interim Advice Note:

- Provides guidance on appropriate assessment of highways plans and projects;
- Provides guidance on Regulation 69 of The Conservation (Natural Habitats, &c.) Regulations 1994; and
- Consolidates current best practice advice in this area.

Instructions for Use

This document is intended for inclusion in DMRB Volume 11 SECTION 4 (HA219) and provides supplementary information to that contained within Interim Advice Note 78/06. Volume 11, SECTION 2, Part 2. Environmental Assessments.

Non-Technical Summary

“Appropriate Assessment” is part of the process for assessing the implications of plans and projects on European Sites, designated for the nature conservation interests. These sites include Special Areas of Conservation (SACs) or candidate SACs (cSACs), Special Protection Areas (SPAs) or potential SPAs (pSPAs) and Ramsar Convention on wetland sites. This advice applies to plans and projects, where there is any possibility of a significant effect on a European Site (either alone or in combination with other plans or projects) and the plan or project is not directly connected with the management of the site(s). There does not need to be any potential direct effect (such as land take) on the European Site(s) for an ‘Appropriate Assessment’ to be required. In some circumstances, indirect effects may occur at distances of up to 30km, or occasionally further, dependant upon the nature of the habitats and species present.

The requirement to carry out appropriate assessment rests with the “Competent Authority”, which is the body giving consent to the plan or project, normally the Secretary of State or Highways Agency. Before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project, it is necessary to:

- a) confirm whether significant effects on a European Site (either alone or in combination with other plans or projects) are likely, a process which is referred to as “Screening”; and subsequently
- b) where (on the basis of objective evidence), the possibility of significant effects cannot be ruled out, then it is necessary to carry out an “Appropriate Assessment”.

Such plans and projects should normally only proceed through the normal approvals process where the outcome of a “Screening” exercise indicates that there are not likely to be significant effects or where an “Appropriate Assessment” ascertains that such plans or projects will not result in an adverse impact on the integrity of the European Site(s). A significant effect is one which would affect the integrity of the site, that is, its coherence of structure or function.

Exceptionally, where significant effects cannot be ruled out, specific additional considerations will apply, including the need for an “Assessment of Alternative Solutions”, for a consideration of whether such plans or projects must be carried out for “Imperative Reasons of Overriding Public Interest” (IROPI), and ultimately that “Compensatory Measures” are secured to ensure the overall coherence of the network of European Sites (known as Natura 2000).

TABLE OF CONTENTS

1. INTRODUCTION AND APPLICATION	5
Implementation	5
Aims and Objectives of Guidance	6
Integrating with Approvals and Delivery	6
Expertise for Assessment of Impacts on European Sites	6
Responsibility for Assessment of Implications on European Sites (and Appropriate Assessment)	6
2. LEGISLATIVE CONTEXT	8
Legislative Basis	8
Legislative Considerations	8
Case-law	9
Guidance	9
3. GENERAL PRINCIPLES AND GUIDANCE	10
Conservation of Natural Habitats, Flora and Fauna	11
European (Designated) Sites	11
Precautionary Principle	11
Objectivity	11
Proportionality	12
Setting the Level of Assessment	12
Environmental Impact Assessment, Strategic Environmental Assessment and Transport Appraisal	12
Mitigation	12
Compensatory Measures	13
Maintenance	13
4. ASSESSMENT METHODS	15
Background	15
Screening	15
Appropriate Assessment	20
Assessment of Alternatives	25
Consideration of Imperative Reasons of Overriding Public Interest (IROPI)/Compensatory Measures	28
5. REPORTING & CONSULTATION	31
Screening Decisions (including Finding of No Significant Effects Report)	31
Consultation Requirements and Public Participation	31
Mitigation Measures	31
Statement to Inform the Appropriate Assessment	31
Alternative Solutions Assessment	32
Consideration of IROPI	32
6 GLOSSARY	33
Appendix 1: Information Checklists – Screening/Appropriate Assessment	36
Appendix 2 Screening Matrix	38

Appendix 3: Finding of No Significant Effects Report Matrix - Screening Stage	40
Appendix 4: Mitigation Measures Report for the Appropriate Assessment	41
Appendix 5: Outline Contents for a Statement to Inform an Appropriate Assessment	42
Appendix 6: Alternative Solutions Assessment Matrix	46
Appendix 7: Prior Opinion/Compensatory Measures Matrix	48
Appendix 8: Habitats Directive Assessment Review Package	50

Interim Advice

1. INTRODUCTION AND APPLICATION

- 1.1 This Interim Advice Note (IAN) introduces forthcoming amendments to SECTION 4 of Volume 11 of the Design Manual for Roads & Bridges (DMRB). It provides guidance for assessment of the implications of highway construction or improvement plans and projects, including technology or maintenance projects on 'European Sites', where such sites are designated for their nature conservation interests. The whole process is referred to as Assessment of Implications on European Sites (AIES), this includes consideration of possible requirements for Appropriate Assessment (AA).
- 1.2 Decision makers, and specifically those parties acting as Competent Authorities (see below), need to understand these implications and be able to demonstrate that they have considered the requirements of the Conservation (Natural Habitats, & c.) Regulations. These Regulations are hereafter collectively referred to as the Habitats Regulations.
- 1.3 This guidance refers to the whole process by which information on these implications should be systematically collected, assessed, reported, publicised and taken into account. Reference is also made to Environmental Impact Assessment, Strategic Environmental Assessment (SEA) and Transport Appraisal, and how these are linked to consideration of potential effects on European Sites and/or requirements for AA.
- 1.4 These considerations under the Habitats Regulations are independent of any outcome of the Environmental Impact Assessment (EIA) of highways plans or projects on ecology and nature conservation. However, the two processes are closely linked and should be informed by one-another.
- 1.5 Finally, there are important legal and procedural differences between any requirements for environmental impact assessment and those relating to assessment of effects in accordance with the Habitats Regulations. AA is specifically required to inform the decision-making process where a plan or project
 - a) "is likely to have a significant effect on a European Site in Great Britain (either alone or in combination with other plans or projects)", and
 - b) "is not directly connected with or necessary to the management of the site."

Implementation

- 1.6 This guidance should be used forthwith on highways plans and projects, including those currently being progressed or under construction. That is, unless the application of this IAN would cause significant delay to the plan/project and the Highways Agency has sufficient objective evidence to demonstrate that they have satisfied the requirements of the Habitats Regulations. This must include evidence that the appropriate statutory environmental body(s) have been consulted and that regard has been taken of any representations. Further advice on application of this guidance should be obtained from the Highways Agency.
- 1.7 CHAPTER 2 sets out the legislative context for assessment of the implications of plans or projects on European Sites.
- 1.8 CHAPTER 3 covers the general principles that apply to assessment of the implications of plans or projects on European Sites and sets the context for determining the level and extent of this work.

- 1.9 CHAPTER 4 gives specific guidance on identifying the need for AA and provides a step-wise approach to undertaking AIES.
- 1.10 CHAPTER 5 gives specific guidance on reporting requirements, including those relating to consultation with both the appropriate statutory environmental bodies and the general public. It also provides guidance on reporting the outcome of each of these stages.
- 1.11 CHAPTER 6 serves as a glossary to this guidance.

Aims and Objectives of Guidance

- 1.12 The aim of this guidance is to ensure that information on the implications of plans or projects on European Sites is collected, assessed, reported, publicised and used to inform the option choice, design and decision-making process, in a timely and cost effective manner.
- 1.13 The objectives of this guidance are to provide:
- A robust approach to determination of whether plans or projects are likely to have significant effects on European Sites (and the subsequent need for AA);
 - robust approach to AA of those plans or projects in view of the conservation objectives of the European Sites; and
 - A consistent approach to reporting of impacts on European Sites.

Integrating with Approvals and Delivery

- 1.14 It is the responsibility of the Highways Agency to ensure that examination of the implications of plans or projects on European Sites is fully integrated in the design, assessment and approval processes.
- 1.15 It is emphasised that, while the requirements of the Habitats Regulations will have to be considered in all cases, it is not necessary to undertake AA for every plan/project or at every approval/delivery stage. For some plans/projects, once it is established that no significant effects are likely, assessment should stop and the decision reported accordingly. However, where information subsequently comes to light, or where there is a material change in the plan/project, previous decisions should be reviewed and if necessary revisited.

Expertise for Assessment of Impacts on European Sites

- 1.16 It is important that those involved in AIES have sufficient relevant expertise to advise upon and undertake the necessary work. The level of expertise should be commensurate with the level of complexity of the plan/project, including consideration of the number of European Sites potentially affected and the proximity of those sites. The Project Proponent should also be able to access specific expertise on the qualifying interests of the European Site.
- 1.17 The AIES should be undertaken by an Ecologist or Environmental Impact Assessment specialist meeting the following indicative professional status, training and competency requirements:
- Chartered membership or equivalent of a relevant professional institution (full membership of the Institute of Ecology and Environmental Management or other equivalent professional institute); and
 - Recent experience of working on AIES.

Responsibility for Assessment of Implications on European Sites (and Appropriate

Assessment)

- 1.18 The Habitats Regulations indicate that the person applying for any "...consent, permission or other authorisation...", known as the 'Project Proponent', is responsible for provision of information to support decisions by the 'Competent Authority' on the need for appropriate assessment and to allow the appropriate assessment to be undertaken. ". This is taken to mean the project team, including as appropriate:
- Highways Agency scheme or area staff;
 - Design consultants;
 - Contractors;
 - Design Build Finance and Operate (DBFO) companies; and
 - Managing agents.
- 1.19 The 'Competent Authority' "... includes any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office. The expression also includes any person exercising any function of a Competent Authority in the United Kingdom". This is taken to be:
- The Secretary of State for Transport (under advisement of DfT and the Highways Agency) – for new schemes and improvements requiring consent under the Highways Act 1980; and
 - The Highways Agency – for improvements carried out under general powers under the Highways Act 1980.
- 1.20 Any agency or individual taking on the functions of a Competent Authority must ensure that staff involved in advising on any decisions have sufficient relevant experience to discharge their functions. Final technical approval of any of the outputs of the AIES process must be undertaken by staff who meet the minimum relevant expertise requirements identified above and in accordance with Appendix 8 (as appropriate). This is taken to be Highways Agency Senior Ecological Advisors.

2. LEGISLATIVE CONTEXT

Legislative Basis

- 2.1 The requirement for AA originates from Article 6 of “the Habitats Directive” (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora). Provisions of this Directive have been implemented into UK legislation through The Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), and the Conservation (Natural Habitats, & c.) Regulations (Northern Ireland) 1995 (as amended).

Legislative Considerations

- 2.2 The Habitat Regulations, and their amendments (hereafter referred to as the Habitats Regulations), require Competent Authorities “...before deciding to undertake, or give any consent, permission or other authorisation...” to undertake an AA “...of the implications for the site’s conservation objectives...”, where a plan or project:

- a) “is likely to have a significant effect on a European Site in Great Britain (either alone or in combination with other plans or projects)”, and
- b) “is not directly connected with or necessary to the management of the site.”

- 2.3 In addition, in undertaking any such assessment Competent Authorities are also required to

- a) “...consult the appropriate nature conservation body...”; and
- b) “...have regard to any representations made by that body...”; and
- c) “...if they consider it appropriate, take the opinion of the general public...”

- 2.4 It is important to note that any such plan or project should normally only proceed where it has been “...ascertained that it will not adversely affect the integrity of the European Site.” Exceptionally, where there is a negative assessment conclusion, Competent Authorities may only agree to a plan or project where there are:

- a) “...no alternative solutions...”; and
- b) it “...must be carried out for imperative reasons of overriding public interest...”; and
- c) “...that any compensatory measures are taken...”

- 2.5 While the Habitats Regulations do not define the terms ‘plan’ or ‘project’, in a highways context they make specific reference to ‘construction’ and ‘improvement’ activities. Maintenance projects may lie outside the assessment of implications for European Sites under the Habitats Regulations.

- 2.6 In accordance with the European Court judgement C-127/02¹ ‘projects are defined as:

- “...the execution of construction works or of other installations or schemes...”
- “...other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.”

- 2.7 It is important to ensure (and be able to demonstrate) that any Maintenance of Highways could not reasonably be interpreted as falling within this definition of

¹ European Commission (2006). Nature and Biodiversity Cases. Rulings of the European Court of Justice. Luxembourg: Office for Official Publications of the European Communities, 2006.

'projects'. Consultation with the Highways Agency will always be necessary to decide on specific requirements in applying the guidance. Maintenance projects are further defined in Section 3.

Case-law

2.8 The principle source of reference for developing advice/interpretation is the European Commission and case-law provided by the EU Court of Justice, including European Commission (2006)².

Guidance

2.9 The Commission also provide guidance and clarification of certain terms or concepts in the following publications:

- 'Managing NATURA 2000 Sites'³
- 'the Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC'⁴
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of: Alternatives Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission⁵

² European Commission (2006). Nature and Biodiversity Cases. Rulings of the European Court of Justice. Luxembourg: Office for Official Publications of the European Communities, 2006.

³ European Commission (2000). Managing NATURA 2000 Sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC

⁴ European Commission (2001). Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission DG Environment, November 2001.

⁵ European Commission (2007). Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of: Alternatives Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.

3. GENERAL PRINCIPLES AND GUIDANCE

- 3.1 This section considers the principles and provides guidance for undertaking an assessment of the implications of plans and projects on European Sites. Understanding these implications, and any associated significant effects, is a key part of the planning and design process, as it may highlight significant constraints or opportunities to plans or projects.
- 3.2 Figure 3.1 illustrates the simplified generic stages, which need to be undertaken to satisfy the requirements of the Habitats Regulations. This process includes five principal consequential stages, including 'Stage 1 – Screening' which should be undertaken in all cases, followed by 'Stage 2 - Appropriate Assessment', 'Stage 3 - Alternative Solutions', Stage 4 - IROPI and/or 'Stage 5 - Compensatory Measures'. The last four stages are not mandatory in all cases. The high level outcomes are also shown, and further detail on the methods for securing these outcomes is covered in Section 4.
- 3.3 Consultation with the Highways Agency will always be necessary to decide on specific requirements in applying the guidance.

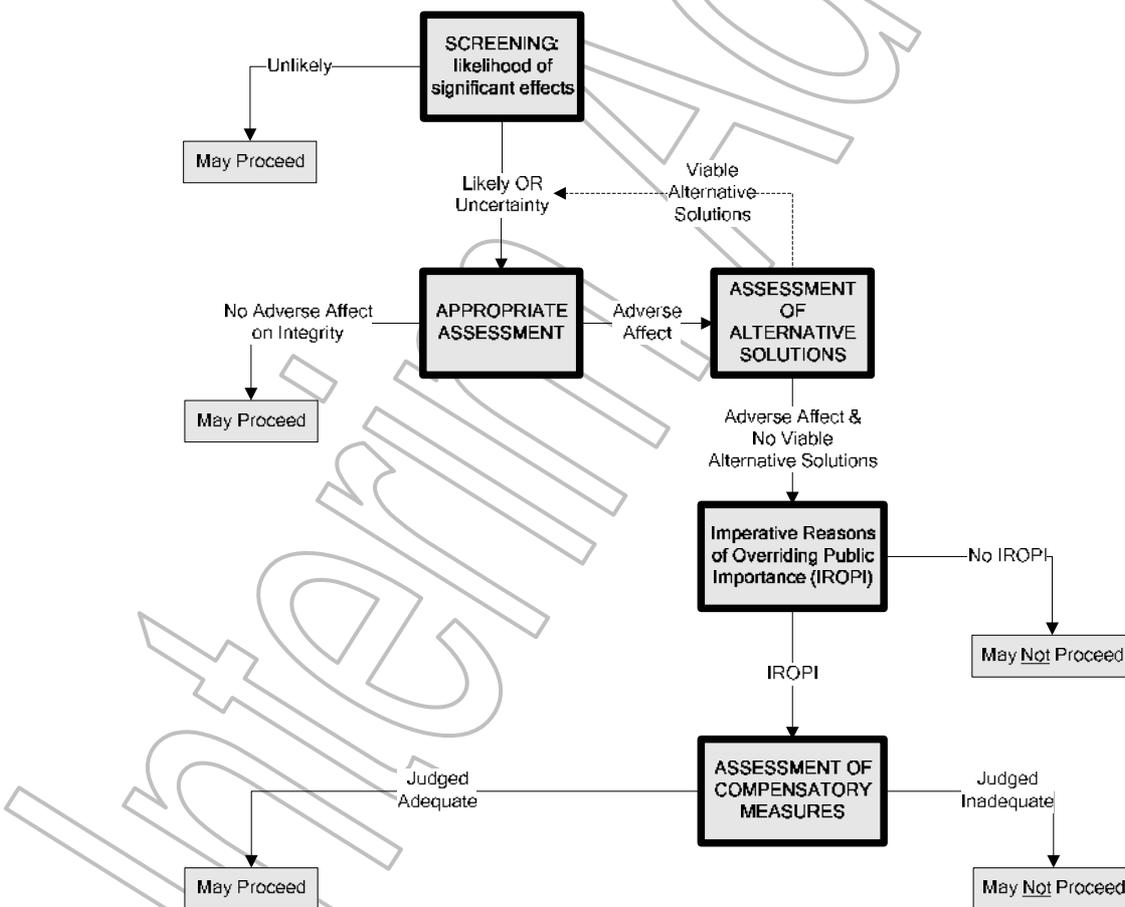


Figure 3.1 Generic Process for Assessment of the Implications on European Sites (AIES)

- 3.4 In considering the requirement for AIES, Competent Authorities and Project Proponents need to be mindful of a number of general principles, which do not in all cases align with those adopted as part of any Environmental Impact Assessment process. These general principles are addressed below, while other standard terms are defined in the glossary.

Conservation of Natural Habitats, Flora and Fauna

- 3.5 The main aim of Council Directive 92/43/EEC Directive is to promote the maintenance of biodiversity. This is achieved through measures which include establishment of a European ecological network of designated sites, with the intention of maintenance or, restoration, at a favorable conservation status of a range of habitats and species in their natural range.

European (Designated) Sites

- 3.6 For the purposes of this advice consideration should be given to assessment of the implications on those sites making up the European ecological network, also referred to as Natura 2000 sites. These should be taken as including:

- Sites of Community Importance (SCIs);
- Special Protection Areas (SPAs);
- Special Areas of Conservation (SACs);
- potential Special Protection Areas (pSPAs)
- candidate Special Areas of Conservation (cSACs); and
- RAMSAR sites.

Integrity

- 3.7 For the purposes of this advice is "... the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified."

Precautionary Principle

- 3.8 It is important to recognise that in undertaking assessment of the implications of plans and projects, there is a need to apply the "precautionary principle", that is "... *the conservation objectives ... should prevail where there is uncertainty*" or that harmful effects will be assumed in the absence of evidence to the contrary. The basis of this is the 'Communication from the Commission on the precautionary principle'⁶, which indicates that the Treaty does not define this term but that it "... *prescribes it only once*" in that its purpose is "*– to protect the environment.*" This communication goes further in providing detailed advice on when recourse to this principle is relevant, recourse to this principle should occur when there is:

- "*identification of potentially negative effects resulting from a phenomenon, product or procedure;*
- "*a scientific evaluation of risks which, because of the insufficiency of the data, their inconclusive or imprecise nature, makes it impossible to determine with sufficient certainty the risk in question*".

Objectivity

- 3.9 A high standard of proof is required at all stages of any assessment of the implications of plans and projects. During the screening stage objective evidence should be provided to justify the outcome. During the remaining AIES stages (including Appropriate Assessment), it will be necessary to provide sufficient evidence to prove any conclusions beyond any reasonable scientific doubt.

⁶ European Commission (2001) Communication from the Commission on the precautionary principle. COM/2000/0001 final.

Proportionality

- 3.10 Given the nature conservation value of European Sites, any residual impact on a qualifying interest that in the view of the Project Proponent was greater than 'negligible' would be considered to be potentially significant. However, in applying the precautionary principle it is important to recognise that any measures should not be "...disproportionate to the desired level of protection and must not aim at zero risk..."⁷

Setting the Level of Assessment

- 3.11 This guidance promotes an approach to assessment of implications that allocates effort according to: likelihood of significant effects; the opinion of the statutory environmental body; and consequences of getting the decision wrong.

Environmental Impact Assessment, Strategic Environmental Assessment and Transport Appraisal

- 3.12 AIES is independent of any outcome of the environmental impact assessment of the potential impacts of highways projects on ecology and nature conservation. However, the two processes are closely linked and reference should be made to DMRB Volume 11, SECTION 3, Part 4 Nature Conservation and Ecology. This assessment is required irrespective of whether the assessment of implications are likely to be positive or negative.
- 3.13 AIES will also need to be undertaken where plans are subject to Strategic Environmental Assessment (SEA), in this case it is unlikely that the same level of AIES that is undertaken at the project level could be followed. Where required further information should be sought from the Highways Agency.
- 3.14 The outcomes of the AIES process should also be reported within transport appraisal (e.g. webTAG or equivalent). The findings of the AIES may have a significant bearing on the outcome of the appraisal process particularly where negative impacts on the European Site are anticipated or the outcome of the Appropriate Assessment is uncertain. Such information, and the implications for the development of plans and projects, may have a significant bearing on the investment decision.

Avoidance

- 3.15 Avoidance represents the first stage in the mitigation hierarchy and should always be considered in advance of 'mitigation measures' described below. Mitigation measures contain a residual level of uncertainty (with regard to implementation and success), while avoidance is considered to be 'certain'. This is important as while the avoidance of features can be considered during a screening assessment (as the outcome is certain), mitigation measures cannot (due to their inherent uncertainty).

Mitigation

- 3.16 The European Commission's advice on Managing NATURA 2000 Sites⁸ provides an interpretation of the concept of 'mitigation measures'. This is an important concept, as mitigation should be an integral part of project development that will be examined to ascertain whether plans or projects are likely to affect the integrity of a site. For the purpose of this advice mitigation includes "... measures aimed at minimising or even cancelling the negative impact of a plan or project, during or after its completion". These are seen as "... an integral part of the specifications of a plan or project", which may be proposed by the Project Proponent or may be a requirement placed on a plan or project by the Competent Authority.

⁷ Commission of the European Communities (2000). Communication from the Commission on the precautionary principle.

⁸ European Commission (2000). Managing NATURA 2000 Sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

3.17 Mitigation is developed as a result of the iterative nature of the Appropriate Assessment process, in order to try to ensure avoidance, reduction and remediation of impacts. In this context, mitigation should be seen to be essential and mechanisms must be in place to guarantee its delivery in perpetuity. Consideration of the implementation of mitigation, should only be considered during the production of the appropriate assessment and not at the screening stage.

Consideration of Alternatives

3.18 The European Commission's guidance document (EC, 2007) on Article 6(4)⁹ indicates that "*all feasible alternatives, in particular their relative performance with regard to the conservation objectives of the Natura 2000 site, the site's integrity and its contribution to the overall coherence of the Natura 2000 Network have to be analyzed... They could involve alternative locations or routes, different scales or designs of development, or alternative processes.*"

Compensatory Measures

3.19 The European Commission's guidance document (EC, 2007), define 'compensatory measures' describing these as "... *independent of the project ...*" and that "*... they are intended to compensate for the effects on a habitat affected negatively by the plan or project*". They are considered to be additional to normal practices (mitigation and avoidance) and are intended to provide compensation for negative effects on species or habitats, as a "last resort" or where "*... no alternative solutions exist ...*"¹⁰. English Nature's guidance¹¹ supports this view, indicating that these measures seek to "*... redress but not remove residual harm to the international interests ...*" and that such measures "*... should not be considered in the appropriate assessment, but may be considered later in the decision making process.*" As such compensatory measures can be seen to have a very different emphasis to mitigation or the consideration of alternative solutions.

3.20 Compensatory measures are only appropriate if a proposed plan or project is authorised following a negative conclusion to an appropriate assessment, where there are no alternatives and the plan or project is being progressed on the grounds of Imperative Reasons of Overriding Public Interest. Compensatory Measures would be defined as essential, and as such the Highways Agency must ensure that it has the statutory powers or other mechanism to guarantee its delivery.

Maintenance

3.21 For the purposes of this guidance, Maintenance of Highways should be taken to be limited to repair, clearance of obstructions and general upkeep of highways. This definition does not include:

- construction work;
- other installations; or
- other interventions in the natural surroundings and landscape.

3.22 Where such works extend beyond this they should be considered to fall within the definition of 'projects' and assessed accordingly.

⁹ European Commission (2007). Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.

¹⁰ European Commission (2001). Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission DG Environment, November 2001.

¹¹ English Nature (1997). HRGN1. Habitats regulations guidance note. The Appropriate Assessment (Regulation 48) The Conservation (Natural Habitats &c) Regulations, 1994.

Emergency Works

- 3.23 For the purposes of this guidance, emergency works should be taken as defects requiring prompt attention that represent an immediate or imminent hazard that needs to be corrected or made safe at the time of inspection.

Interim Advice

4. ASSESSMENT METHODS

Background

4.1 The Habitats Regulations do not specify the scope of appropriate assessments, however the European Commission's methodological guidance¹² includes a detailed methodology for compliance with Article 6(3) and (4) of the Habitats Directive. In addition, English Nature (now Natural England) guidance note¹³ includes an explanation of the 'key steps' in the Appropriate Assessment process. However it should be noted that these documents do not have any legislative status and "*Only the Courts can provide authoritative interpretation of the Regulations*". This process includes the following principal sequential steps, which together address the following considerations:

- "*determining whether the project or plan is directly connected with or necessary to the management of the site*";
- examination of the nature of the work;
- "*describing the project or plan and ... other projects or plans that in combination have the potential for having significant effects on the Natura 2000 site*";
- "*identifying the potential effects on the Natura 2000 site*"; and
- "*assessing the significance of any effects on the Natura 2000 site*".

4.2 Where a plan or project potentially affects more than one European Site, consideration should be given to examination in turn of the implications on each of these sites and separate supporting evidence should be provided for each.

Screening

Determination of Connection with Site Management

4.3 It is considered unlikely that highways activities, will satisfy the relevant tests for consideration as "*... directly connected with or necessary to the management of the site...*". The Commission's interpretation document¹⁴ indicates that the 'management' component of this statement "*... must refer to management measures that are for conservation purposes ...*", where as 'directly' refers to "*... measures that are solely conceived for the conservation management of a site and not direct or indirect consequences of other activities...*". Exceptionally, where activities are considered to meet such requirements, the formal written opinion of the statutory environmental bodies will need to be sought.

Examination of the Nature of the Work (Emergency and Maintenance Operations)

4.4 Consideration must be given to the requirements of the Habitats Regulations even as part of emergency works. If emergency works are believed to have a potential negative effect on a protected site or its qualifying interests, all reasonable efforts must be made to contact the relevant statutory environmental bodies to discuss the situation. Agreement should be sought with the relevant statutory environmental bodies on a way forward to carry out the works, using every practical means of protecting the site and its qualifying interests, while complying with all relevant legislation. If the emergency works are likely to have a significant effect on the integrity of the European Site, then they should only proceed if there is no alternative, and there are reasons of over-riding public importance. A screening matrix and, if

¹² European Commission (2001). Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission DG Environment, November 2001.

¹³ English Nature (1997). HRGN1. Habitats regulations guidance note. The Appropriate Assessment (Regulation 48) The Conservation (Natural Habitats &c) Regulations, 1994.

¹⁴ European Commission (2000). Managing NATURA 2000 Sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

required, a Statement to Inform the Appropriate Assessment may need to be produced retrospectively.

- 4.5 Consideration should also be given to the requirements of the Habitats Regulations with regard to maintenance works.

Identification of Potential Constraints on European Sites

4.6 During the development of a project, an early assessment should be undertaken to confirm whether broadly defined route corridors or the project boundary are associated with any potential constraints on European Sites. The study area for the assessment should be defined on a case-by-case basis reflecting the plan or project and the surrounding environment over which significant effects can reasonably be thought to have the potential to occur, both from the plan or project under consideration and also in combination with other plans or projects.

4.7 As a general guide, consideration should be given to any European Sites within 2km of the route corridor or project boundary. In addition, consideration should be given to any cSACs or SACs within 30km where bats are noted as one of the qualifying interests. Similarly, where a project will potentially cross or will lie adjacent to a watercourse which is upstream of a SAC or SPA, consideration should be given to potential impacts on European Sites within the same river catchment, or at greater distance if an effect pathway exists. Professional judgement should be exercised when considering the effect pathways on mobile species which occupy land outside of the designated site boundary but which are nonetheless, qualifying interests of the site. The potential presence of priority habitats or species should also be noted at this stage to inform any subsequent consideration of Imperative Reasons of Overriding Public Interest (IROPI).

Description of the Plan or Project

- 4.8 A brief description of the plan or project should be produced, including information on:
- Purpose and objective of the project or plan (giving consideration to IROPI criteria as appropriate);
 - Size, scale, area, and land-take/cover;
 - Physical changes that will take place during the various stages;
 - Resource requirements for the construction/operation and decommissioning of the project or plan (including water resources, construction materials and human presence);
 - Indicative timescales for various activities that will take place (including programmed start/ finish dates and duration of construction/operation);
 - Emissions and waste arisings and their likely means of disposal, in particular with reference to those that may be of concern to the European Sites(s); and
 - Type and location of other services that may be required to implement the plan/project, including those which are not necessarily under the direct control of the Project Proponent or within the direct scope of the plan/project that is under consideration (including services provided by statutory undertakers, pipelines, lighting, signing etc).

Characteristics of the Site(s)

- 4.9 A brief description of the European Site should be produced, including information on:
- Name of European Site and its EU code;
 - Location and distance of the European Site from the proposed works;
 - European Site size;
 - Key features of the European Site including the primary reasons for selection and any other qualifying interests;

- Vulnerability of the European Site – any information available from the standard data forms on potential effect pathways; and
- European Site conservation objectives– where these are readily available or those (relevant) conservation objectives for the corresponding Site of Special Scientific Interest (SSSI).

Initial Assessment

- 4.10 The key aspects of the plan or project identified in the description of the plan or project should be related to the key characteristics of the site, and an initial (precautionary) assessment should be undertaken of their likely significance on the European Site. This needs to include consideration of effects (including scale or magnitude), which may include those which are “... *direct, indirect, temporary or permanent, beneficial or harmful to the site, or a combination of these*”. Where information on the scale or magnitude of potential impacts is not available, this limitation should be clearly recorded.
- 4.11 This stage should also consider information on potential cumulative impacts from different projects also referred to as ‘in combination’ effects. Further advice on the assessment of cumulative impacts is provided in Interim Advice Note 81/06, however for the purposes of this guidance this should be taken to include impacts resulting from incremental changes caused by other present or reasonably foreseeable actions together with the plan or project. This would necessitate some consultation with the Highways Agency, local planning authorities and the relevant statutory environmental bodies over:
- Trunk road and motorway plans or projects which have been confirmed;
 - Development projects with valid planning permissions (including those under consideration by the planning authority); and
 - Local plan commitments and indicative timescales for implementation.

Screening Matrix

- 4.12 The information collected during the initial stages of the screening exercise should be presented in the form of a screening matrix (Appendix 2). The screening matrix is a coarse filter and should not be used to present the conclusions of the screening stage but rather the information used to derive the conclusion. The outcome of this stage should be clearly recorded within the ‘*no significant effects report*’ and an objective statement made as to whether significant effects are likely. Where there is some doubt as to the conclusion of the screening exercise or where there is insufficient objective evidence to support the conclusion, then an outcome of ‘sufficient uncertainty’ should be adopted.

Consultation

- 4.13 The Highways Agency and appropriate statutory environmental bodies should be consulted, on the basis of the draft screening matrix to obtain their opinion “... *as to whether any particular plan or project may be likely to have a significant effect on any of these sites*.”¹⁵. It is not a legal requirement to undertake consultation at the screening stage and therefore the statutory environmental bodies should be asked to respond with a justified consultation representation under the objectives of the Habitats Regulations. Any representation made by the statutory environmental bodies should be recorded and any supporting correspondence logged with the screening matrix and the information saved in registered files.

¹⁵ English Nature (1997). HRGN1. Habitats regulations guidance note. The Appropriate Assessment (Regulation 48) The Conservation (Natural Habitats &c) Regulations, 1994.

- 4.14 Where the statutory environmental body does not agree with the screening matrix, their representations should be considered and advice should be sought from the Highways Agency. In this case, it may be necessary to seek further clarification, collect additional information or revisit the initial screening assessment.

Outcome

- 4.15 Where it is concluded “... *that significant effects are likely (alone or in combination) or that sufficient uncertainty remains ...*” then the finalised Screening Matrix should be passed to the Competent Authority and the next stage of the AIES should be followed (see below). In addition, where the appropriate statutory environmental bodies have provided a formal consultation representation that disagrees with the Project Proponents ‘Screening’ conclusions (particularly where this concluded that significant effects are not likely) and this matter cannot be resolved, then the potential for significant effects must be assumed.
- 4.16 Where it can be objectively concluded that “... *there are not likely to be significant effects ...*”, and where the appropriate statutory environmental bodies have provided a formal consultation representation to support this conclusion then the finalised Screening Matrix should be passed to the Competent Authority for technical approval and a ‘no significant effects report’ should be produced (Appendix 3).

Appropriate Assessment

- 4.17 Following a conclusion of 'likely significant effects' or 'uncertainty' in the screening stage further, more detailed assessment known as Appropriate Assessment (AA) is required. AA is defined¹⁶ as "*the consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts*". The European Commission's methodological guidance¹⁷, indicates that "*A Competent Authority ... shall make an appropriate assessment of the implications for the site.*".
- 4.18 This includes two main parts, the first part is the procedural role of scoping the requirements for, gathering and submission of information, in order to produce a detailed characterisation of the site and provide further characterisation of the plan or project. This supplements data collection work undertaken during the screening stage and is the responsibility of the 'Project Proponent'.
- 4.19 The second part is the consideration of this information, or the assessment/prediction of the impact that a plan or project will have on the integrity of a European Site. While the decision is the responsibility of the Competent Authority, the Project Proponent is responsible for assembling the information necessary to undertake the assessment and for undertaking the procedural element of the appropriate assessment preparing draft documentation for the Competent Authority. The Project Proponent will usually take on the procedural role of assessment and will prepare and submit information and draft documentation for consideration by the Competent Authority. The Competent Authority will be responsible for agreeing that the 'outputs' of the process are "*.... as comprehensive and objective as possible*".

Scoping

- 4.20 The information gathered during Screening stage should be reviewed to determine whether further investigations or supplementary work are necessary. The information checklist (Appendix 1) can be used as a guide to determine whether all existing sources of information have been exhausted, and the information should be examined to determine if it is likely to be adequate for an appropriate assessment. In addition, where information is incomplete, the indicative checklist of sources of information (Appendix 1) may be consulted in order to try to identify sources of additional information. For most projects it is considered unlikely that adequate information will be obtained from existing sources of information.
- 4.21 Where supplementary data collection is required, the Project Proponent should scope any further survey fieldwork. The early involvement of the relevant statutory environmental bodies in this process is critical and their opinion should be sought on the need for supplementary data collection and the scope of any further work. It is also important to recognise that agreement should also be reached on the associated impact prediction method(s) that will be adopted.

Supplementary Data Collection

- 4.22 The Project Proponent should undertake data collection/fieldwork, in accordance with the scope of work agreed with the relevant statutory environmental bodies.

¹⁶ European Commission (2001). Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission DG Environment, November 2001.

¹⁷ European Commission (2001). Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

Impact Prediction and Assessment

4.23 The information collected during the screening stage and the results of the supplementary data collection should be used to predict the likely impacts of the plan or project on the European Site and specifically on delivery of its conservation objectives. This should be a structured, systematic and objective process, which allows consideration of the full range of potential impacts having particular regard to the potential of the plan or project to impact upon the conservation objectives of the European Site. The results of the fieldwork should be reviewed and any changes in the methodology for impact prediction should be agreed with the relevant statutory environmental bodies. The range of available methods include: direct measurements; flow charts, networks and systems diagrams; quantitative predictive models; geographical information systems (GIS); existing information; expert opinion and judgement; description and correlation (physical factors); carrying capacity analysis; and ecosystem analysis.

Consultation

4.24 The Habitat Regulations place a specific requirement on the Competent Authority to "... consult the appropriate statutory environmental bodies and have regard to any representations made by those bodies within such reasonable time as the authority may specify". In addition, there are requirements on the Competent Authority to "...take the opinion of the general public..." where they "...consider it appropriate..." and using "...such steps...as they consider appropriate". It is important that the relevant statutory environmental bodies are in agreement with the outcome of this process.

4.25 The Project Proponent should take on these responsibilities and the opinion of the relevant statutory environmental bodies should be sought on the Statement to Inform the Appropriate Assessment. This should also be made available to the general public as part of any public consultation exercise, although it should be recognised that public consultation will not always form part of the programme for development of a plan or project.

Outcomes

4.26 There are three potential outcomes from the assessment stage, it may be determined that evidence is sufficient and that it demonstrates beyond reasonable scientific doubt that there will be no adverse effects; that the evidence is sufficient but that it indicates that there will be an adverse effect; or that there is insufficient information or evidence to make a determination. Where the latter conclusion is reached then the 'precautionary principle' should be applied and it should be assumed that adverse effects would result.

4.27 The principal considerations at this stage are whether it has been concluded that the plan or project may have adverse affects and whether the relevant statutory environmental bodies are in agreement with the stated outcome. Where it can be concluded that the project will not adversely affect the integrity of the site, the normal approvals process can be followed and the requirements in terms of appropriate assessment are complete. Where this cannot be concluded or where the relevant statutory environmental bodies are not in agreement, and where they have evidence to support this challenge, then there is a need to proceed on the basis that the plan or project will adversely affect the integrity of the site. As such there is a need to proceed to the later stages of the AIES, including considering alternatives, IROPI and compensatory measures.

- 4.28 All of the information that has been collected during the appropriate assessment must be presented in a manner that will allow for consultation with the relevant statutory environmental bodies. An indicative format for this report has been included in Appendix 5 and is referred to as the 'Statement to Inform the Appropriate Assessment'. Advice should be sought from the Highways Agency on the output and the Project Proponent's normal review procedures should be followed, An indicative checklist for the review has been included in Appendix 8. The final statement to inform the appropriate decision should be forwarded to the Highways Agency for their registered files.

Interim Advice

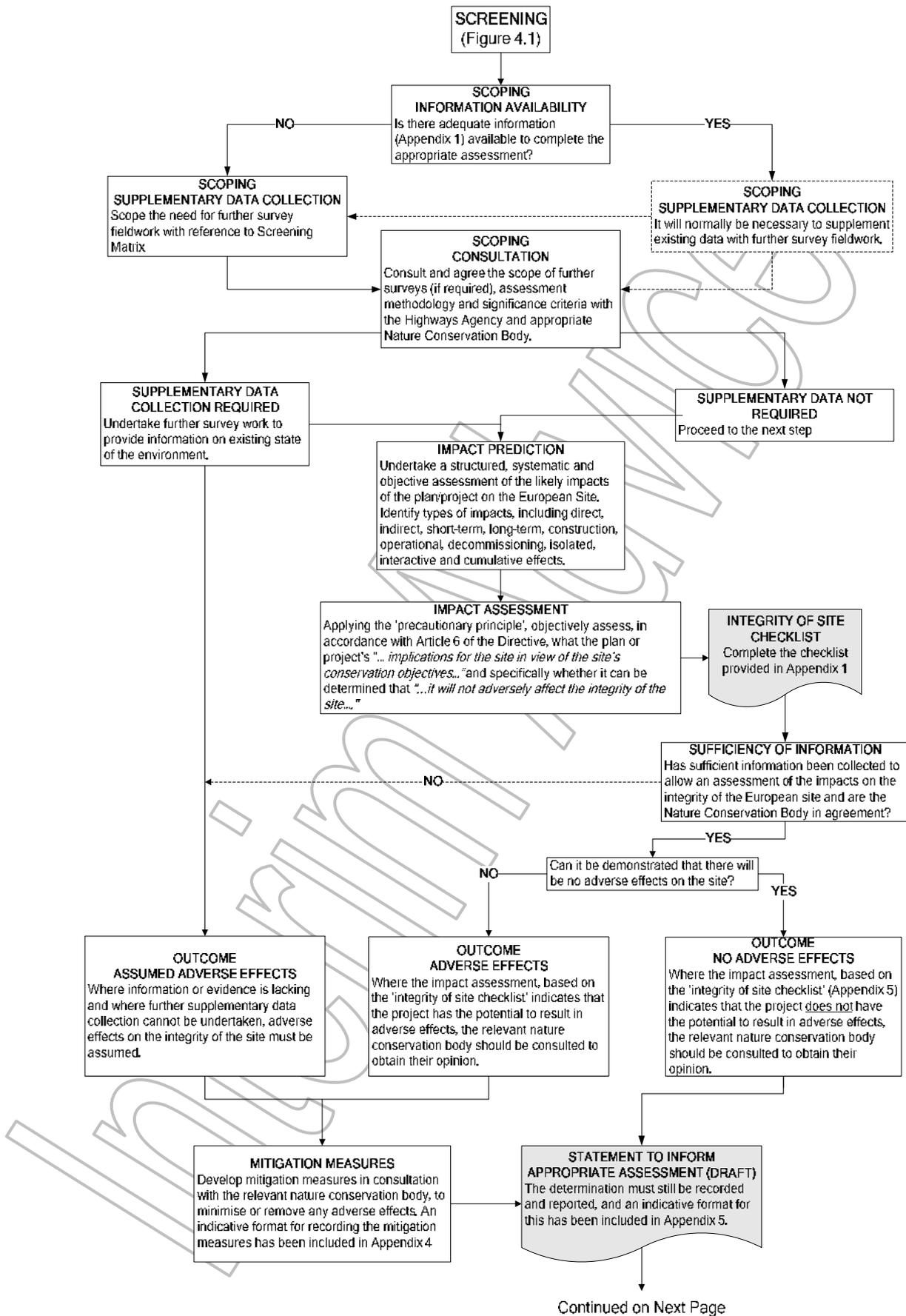


Figure 4.2 - Generic Appropriate Assessment Process

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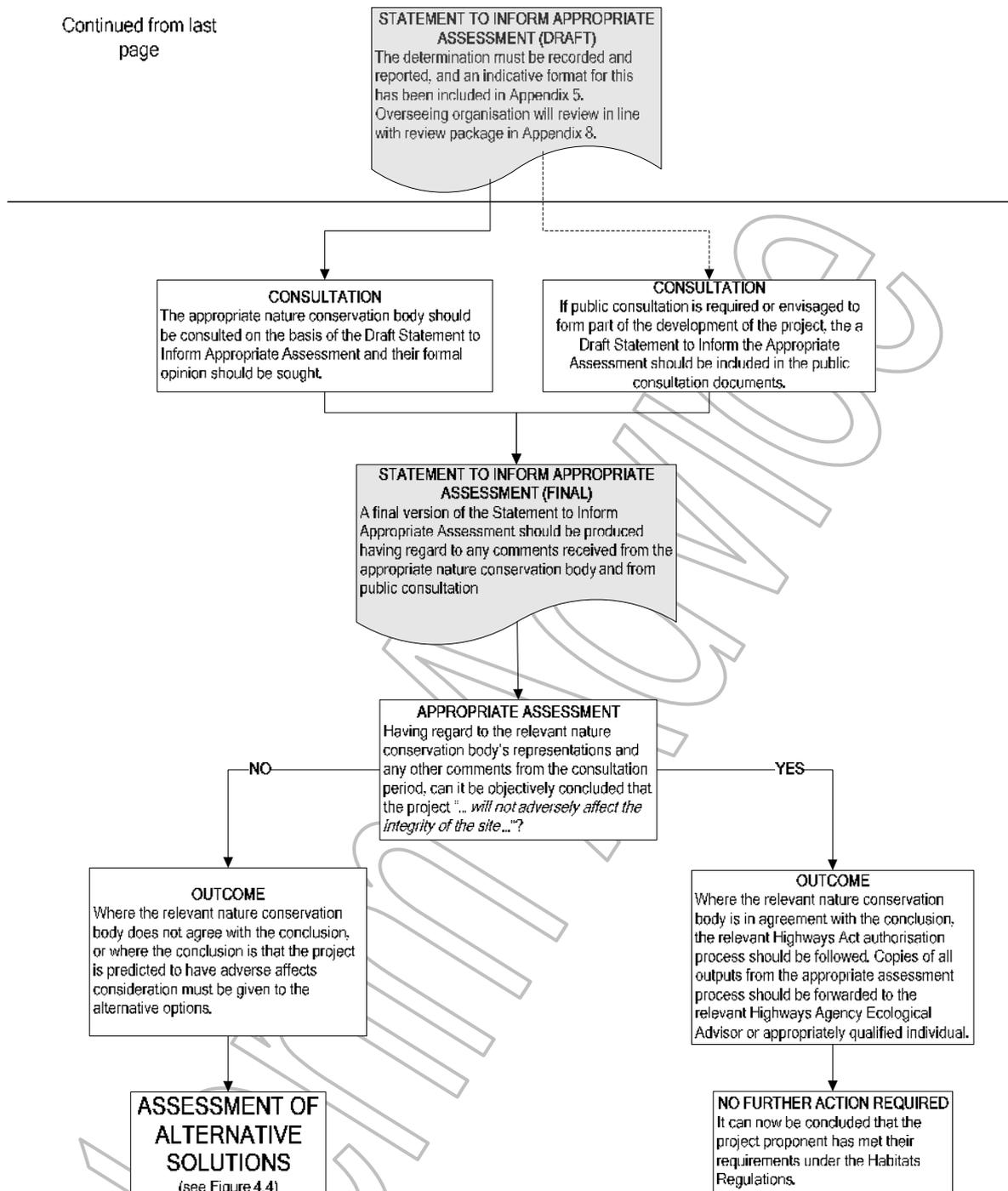


Figure 4.3 - Generic Appropriate Assessment Process (continued)

Assessment of Alternatives

- 4.29 Where it cannot be objectively concluded that the plan or project will not have an adverse impact on the integrity of the site, or where the relevant statutory environmental bodies do not agree with this conclusion it is necessary to assume that adverse impacts will occur. Given this there is a need to undertake an assessment of alternative solutions. While the guidance clearly recognises the specific roles that both Project Proponents and Competent Authorities have in this stage of the appropriate assessment process, it also recognises that the Project Proponent will usually submit information for consideration by the Competent Authority. As such and given the previous advice on Competent Authorities, it is assumed that for all plans or projects the 'Project Proponent' will take on the procedural role of identifying and assessing alternatives and will prepare the draft documentation. There will be a requirement for the Competent Authority to agree that the 'outputs' of the process are as comprehensive and objective as possible.
- 4.30 This includes two main parts, but the process is fairly involved and as such can be broken down into a larger number of steps. In order to address the indicative stages outlined the following steps are recommended (summarised in Figure 4.4).

Justification for Consideration of Alternative Solutions

- 4.31 Plans or projects, which are considered to "...adversely affect the integrity of the site..." cannot proceed until alternative solutions have been assessed. The objectivity of this assessment may be the subject of scrutiny and the Project Proponent must therefore ensure they have sufficient evidence to support the decision.

Identifying Alternative Solutions

- 4.32 The Project Proponent should use information from the Environmental Impact Assessment Scoping Report to provide information on the alternative solutions that have been considered. A range of possible alternative solutions are presented in Figure 4.4 and for each identified alternative it will be necessary to provide a description of each of them. The European Commission's advice on Managing NATURA 2000 Sites¹⁸ indicates that '*all feasible alternatives, in particular, their relative performance with regard to the conservation objectives of the Natura 2000 site, the site's integrity and its contribution to the overall coherence of the Natura 2000 network have to be analysed*' and that this might involve '*alternative locations or routes, different scales or designs of development, or alternative processes*'.
- 4.33 It is important to note that the requirements for the consideration of alternatives within EIA is not as stringent as the requirements for consideration within AIES. In EIA there is no formal requirement to consider alternative solutions, but all alternative solutions which have been considered need to be described. In AIES, where there are potentially significant effects, then all reasonable alternatives must be considered.

Assessing Alternative Solutions

- 4.34 Once the alternative solutions have been identified an assessment of them is required. This assessment should follow a similar process to that used to undertake the appropriate assessment of the proposed or preferred solution (see Figure 4.2-4.3). The level of detail of information will vary depending on circumstances, but will need to ensure that sufficient information is available to make a reasoned, objective and transparent decision. Information should be provided as to the feasibility of each solution, in relation to "buildability" and cost effectiveness. It should however be noted that economic criteria by themselves, cannot be seen as overruling ecological criteria

¹⁸ European Commission (2007). Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.

and the appropriate assessment outcomes¹⁹. Further options development may be required at this stage to allow a more comprehensive consideration/assessment of identified alternative solutions.

Alternative Solutions Matrix

4.35 The outcome of the assessment of the identified alternative solutions then needs to be recorded. An indicative format for this has been included in Appendix 6 and is referred to as the 'Alternative Solutions Matrix' (Appendix 6). This will serve as the evidence of legislative compliance. It is then for the Project Proponent to determine whether they can conclude that there is an absence of alternative solutions, informed by plan or project environmental or other Reports.

Consultation

4.36 The Project Proponent should consult the relevant statutory environmental bodies to seek their representation on the outcome of the assessment of alternatives.

Outcome

4.37 Where the relevant statutory environmental bodies are in agreement with the conclusion that alternative solutions do not exist then it will be necessary to record the evidence of assessment.

4.38 Where no alternative exists and where adverse impacts remain it will then be for the Project Proponent to undertake an assessment, to establish whether there are imperative reasons of overriding public interest (IROPI), see Figure 4.5.

¹⁹ European Commission (2007). Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.

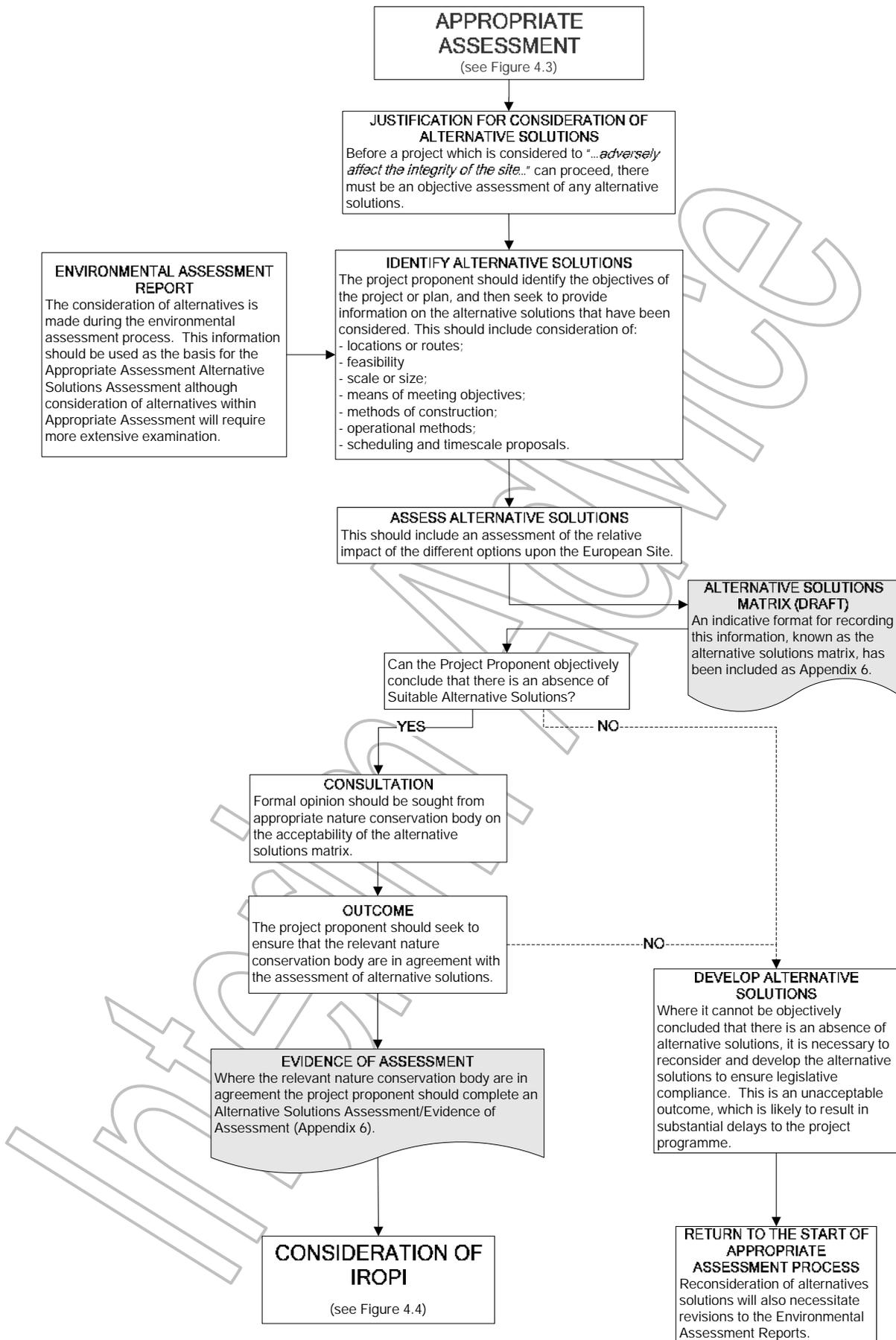


Figure 4.4 – Assessment of Alternative Solutions Process

Consideration of Imperative Reasons of Overriding Public Interest (IROPI)/Compensatory Measures

- 4.39 Where it has been determined that adverse impacts remain and that no alternative solutions exist the Competent Authority will determine whether there are any imperative reasons of overriding public interest (IROPI) and will look to identify and assess compensatory measures. As such, and given the previous advice on Competent Authorities, it is assumed that for all projects the 'Project Proponent' may take on part of the procedural role in preparing documentation for consideration by the Competent Authority. There will be a requirement for the Competent Authority to provide technical approval to the 'outputs' of that process (see Section 1). Progressing the schemes on IROPI grounds is considered to be a last resort and the decision will be scrutinised by the Competent Authority and Statutory Environmental Bodies.
- 4.40 The process is fairly involved and can be broken down into a larger number of steps. In order to address the indicative stages outlined above the following steps are recommended (summarised in Figure 4.5).

Consideration of the requirements of Annex I & II

- 4.41 Consideration must be given to whether priority species or habitats as listed in the Habitats Directive are present at the site. This consideration may limit the possible application or consideration of IROPI and should be informed by information collected during the Screening or Appropriate Assessment stages.

Consideration of IROPI

- 4.42 Where IROPI cannot be established the plan or project may not proceed.
- 4.43 Where there is an absence of priority habitats or species, then the consideration of IROPI is not constrained, other than it must still be in accordance with the Habitats Regulations. As such, consideration should be given to reasons of:
- a social or economic nature;
 - human health or public safety;
 - beneficial consequences of primary importance for the environment; or
 - other imperative reasons of overriding public interest.
- 4.44 Where priority habitats or species are present the consideration of IROPI will, in accordance with the Habitats Regulations, be limited. In this case the IROPI does not include those of a social or economic nature. As such, where there are human health or safety considerations or important environmental benefits then the project may proceed to consideration of Compensatory Measures.
- 4.45 Exceptionally, where other imperative reasons are considered to be relevant the European Commission's prior opinion must be sought on the acceptability of these before proceeding to consideration of Compensatory Measures. Where the outcome of this consultation is that these are not acceptable the plan or project may not proceed.

Design and Assessment of Compensatory Measures

- 4.46 Where it is determined that there are IROPI the Project Proponent must inform the Competent Authority. For the project or plan to proceed it will be necessary to design, implement, manage and monitor compensation measures. Additionally the Competent Authority will need to inform the European Commission in consultation with DfT and DEFRA, of the outcome of this process. Legal advice and the involvement of DEFRA will be necessary before a plan or project may proceed. The

submission should be based on the Compensatory Measures/Prior Opinion Matrix (Appendix 7).

Outcome

- 4.47 If the Competent Authority is minded to allow the plan or project to proceed, then the European Commission will need to be informed about the committed compensation measures via written submission issued through DEFRA. This submission should be based on the Compensatory Measures/Prior Opinion Matrix (Appendix 7).

Interim Advice

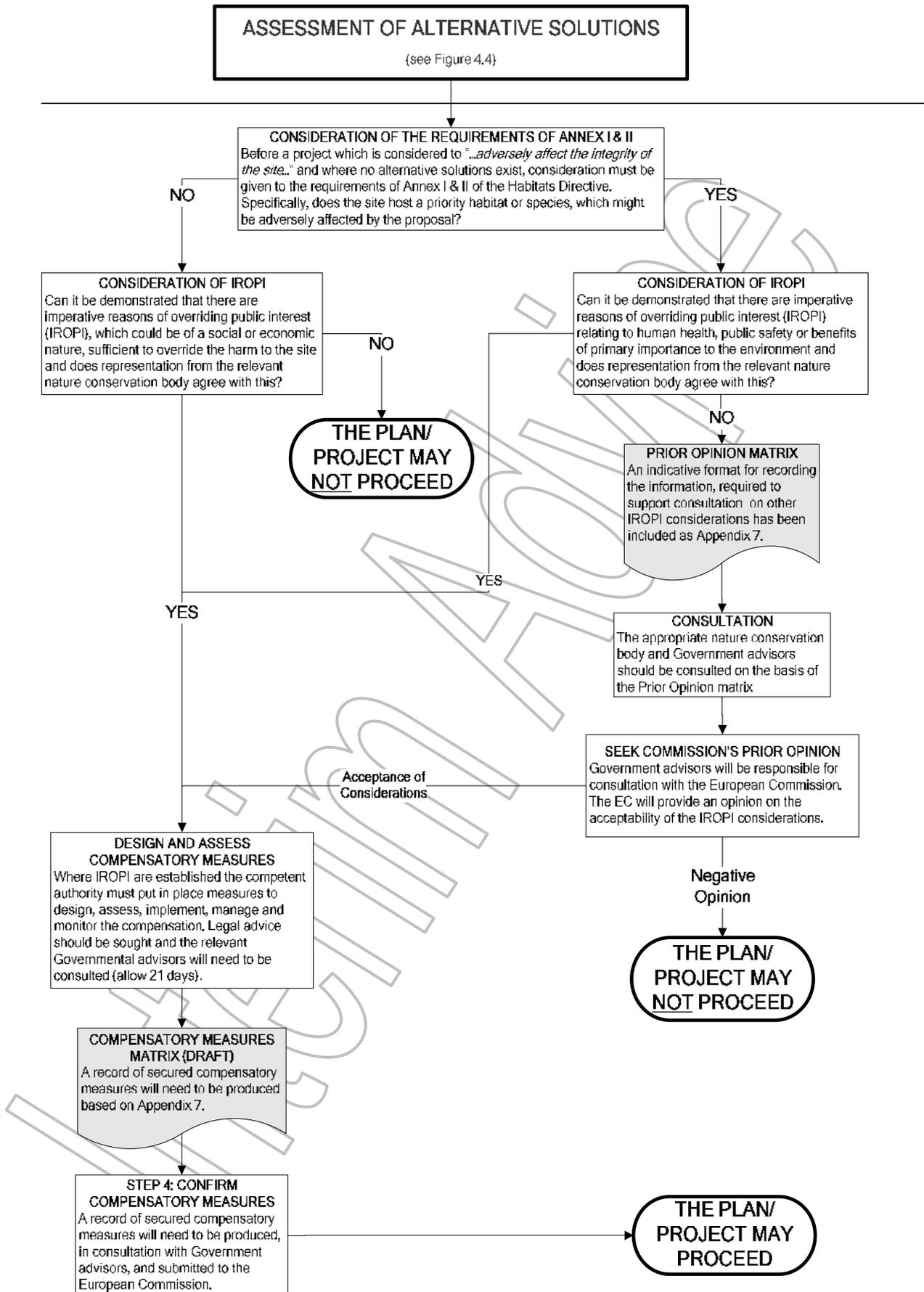


Figure 4.5 – Assessment of IROPI/Compensatory Measures Process

5. REPORTING & CONSULTATION

- 5.1 A suite of reporting tools have been included as Appendices 2 - 7 of this Interim Advice Note. The tools provide a framework for ensuring that the required information is reported at each stage of the AIES. They are not intended to be exhaustive and may need to be modified for use with particular projects. Similarly, while their use is recommended they are not considered to be mandatory and equivalent reports which present the information required within the tools can be prepared as an alternative.

Screening Decisions (including Finding of No Significant Effects Report)

- 5.2 Information gathered during the screening process should be reported within a **screening matrix**. A template for this matrix is provided in Appendix 2. This screening matrix should be used as the basis for consultation with the appropriate statutory environmental bodies to obtain their opinion "... *as to whether any particular plan or project may be likely to have a significant effect on any of these sites*".
- 5.3 The Project Proponent determines, using the response provided by the statutory environmental bodies that "significant effects are likely (alone or in combination) or that sufficient uncertainty remains ...", or that "there are not likely to be significant effects ...". On the basis of this determination the screening matrix should be finalised. It is important to note that any impact considered to be greater than negligible would be considered potentially significant.
- 5.4 Where significant effects are likely or where sufficient uncertainty remains the screening matrix should be passed to the Competent Authority and the next stage in the appropriate assessment process followed.
- 5.5 Where there are not likely to be significant effects the finalised screening matrix should be used as the basis for a 'no significant effects report' (Appendix 3)

Consultation Requirements and Public Participation

- 5.6 The requirement to gather information and undertake further survey work in addition to the information gathered during the completion of the screening matrix should be agreed with the relevant statutory environmental bodies. Scoping checklists are included within Appendix 1. The relevant statutory environmental bodies should also be consulted upon the methodology proposed for the assessment.

Mitigation Measures

- 5.7 Where adverse effects are likely then mitigation measures must be developed to reduce the adverse effects. Appendix 4 provides a Mitigation Measures Report Form which should be completed and used as the basis for consultation with the relevant statutory environmental bodies.

Statement to Inform the Appropriate Assessment

- 5.8 All information gathered during the Screening and Appropriate Assessment stages should be compiled and reported within the **Statement to Inform the Appropriate Assessment**. This should include details of the proposed activities, information on the affected European Sites and details of the anticipated impacts, mitigation proposed to avoid or reduce the adverse impacts. In addition the statement to inform the appropriate assessment must present details of the consultation undertaken with the relevant statutory environmental bodies and for certain projects, the general public. An outline contents of the Statement to Inform the Appropriate Assessment is provided in Appendix 5.

- 5.9 Where the Statement to Inform the Appropriate Assessment concludes that there will be no residual adverse impacts on the European Site the project may proceed. Where the conclusions are that there will be adverse impacts of greater than 'negligible' magnitude, or where there remains insufficient information to conclude that there will be no impact then a formal consideration of alternative solutions will be required.

Alternative Solutions Assessment

- 5.10 The Project Proponent should compile an assessment of Alternative solutions which should be presented within an **Alternative Solutions Assessment Matrix** (Appendix 6). This matrix should be used as the basis for consultation, by the Competent Authority, with the relevant statutory environmental bodies. Where the matrix concludes that there are no alternative solutions to the project and this has been agreed during the consultation exercise the information should be formally reported within the **Alternative Solutions Assessment Matrix** (Appendix 6). It will then be necessary for the Project Proponent to establish a case for Imperative Reasons of Overriding Public Importance (IROPI) to justify the project proceeding.
- 5.11 Where alternative solutions do exist these should be developed further and a full AA completed, if appropriate, for the viable alternative solutions. It should be noted that this is not considered to be an acceptable outcome as this will almost certainly lead to considerable delays to the project programme. This emphasises the need for early consideration of alternative solutions.

Consideration of IROPI

- 5.12 Where the assessment has concluded that the project will "...adversely affect the integrity of the site..." and that there are no alternative solutions to the project the project may only proceed if the IROPI test is satisfied.
- 5.13 The Competent Authority may exceptionally need to complete a **Prior Opinion/Compensatory Measures Matrix** (Appendix 7) as the basis for consultation on other imperative reasons, where priority species or habitats are present, with the relevant statutory environmental bodies and government advisors and in turn with the European Commission. In any case where IROPI is established, measures to compensate for the negative impact must be developed and reported within the **Prior Opinion/Compensatory Measures Matrix** (Appendix 7), in order to allow for consultation with the statutory environmental bodies and Government advisors and for submission to the European Commission.

6 GLOSSARY

Appropriate assessment - “the consideration of the impact on the integrity of the Natura 2000/European Site of the project or plan, either alone or in combination with other projects or plans, with respect to the site’s structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts”

Compensatory measures – Where, in the absence of alternatives, the importance of the development is judged, to outweigh the harm to a European Site, compensatory measures must be taken to ensure that the overall coherence of the Natura 2000 network is protected. These are “... independent of the project ...” and “... they are intended to compensate for the effects on a habitat affected negatively by the plan or project”. They are considered to be additional to normal practices (read mitigation and avoidance) and are intended to provide compensation for negative effects on species or habitats, as a “last resort” and where “... no alternative solutions exist ...”

Conservation objectives – these are not defined, however they may be considered to be the reasons for which the site was classified or designated. These are often available for a particular site in documents such as Management Plans, Site Issue Briefings and Condition Tables.

Competent Authority – “includes any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office. The expression also includes any person exercising any function of a Competent Authority in the United Kingdom.” For the purposes of this advice the Competent Authority will generally be the Highways Agency. Final technical approval of any of the outputs of the AIES process must be undertaken by staff who meet the minimum relevant expertise requirements identified above. In England this is taken to be Highways Agency Senior Ecological Advisors.

Conservation status - Article 1(e) of the Habitats Directive, defines the ‘conservation status’ of a natural habitat as “...the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2...”. Article 1(i) of the Habitats Directive, defines the ‘conservation status’ of a species as “...the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2...”.

Emergency operation – defects requiring prompt attention that represent an immediate or imminent hazard that needs to be corrected or made safe at the time of inspection. The Habitats Regulations consider operations carried out under these circumstances to be a “reasonable excuse” provided that details of the operation and the emergency are notified to the relevant nature conservation body as soon as practical after commencement.

European Site – Regulation 10 of the Habitats Regulations defines a ‘European Site’ as “...a special area of conservation; a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive; a site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period or pending a decision of the Council under Article 5(3); or an area classified pursuant to Article 4(1) or (2) of the Wild Birds Directive.”, that is

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Additionally, amendments to these regulations extends this definition to include sites in England which are "...included in the list of sites which has been proposed by the Secretary of State and transmitted to the Commission under regulation 7...", that is candidate Special Areas of Conservation (cSACs). In England, Government policy in the form of Planning Policy Statement 9 extends definition to include potential Special Protection Areas (pSPAs) and Ramsar sites. In summary, for the purposes of this advice European Sites, this is taken to include SACs, SPAs, Ramsar sites, cSACs and pSPAs

Favourable conservation status – the conservation status of a site can be described as 'favourable', in terms of its habitats in accordance with Article 1(e) of the Habitats Directive, when "...its natural range and areas it covers within that range are stable or increasing, and the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and the conservation status of its typical species is favourable...". The conservation status of a site can be described as 'favourable', in terms of its typical species in accordance with Article 1(i), when "...population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis...".

Imperative reasons of overriding public interest (IROPI) – the concept is not defined in the Habitats Directive, however Article 6(4) indicates that this includes social or economic considerations. Where a priority habitat or species is adversely affected, only considerations "... relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest ." may be cited. [These considerations may be taken into account in the consideration of effects on the conservation objectives of a site.] The approval of plans or projects, using this concept should, according to the European Commission's advice , give consideration to whether the plan or project is:

- a) of overriding public importance;
- b) of long-term interest.

Integrity – according to PPS 9 this is "... the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified."

Mitigation measures - the European Commission's NATURA 2000 advice defines 'mitigation measures' as "... measures aimed at minimising or even cancelling the negative impact of a plan or project, during or after its completion". These are seen as "... an integral part of the specifications of a plan or project", which may be proposed by the proponent of a project or may be a requirement placed on a plan or project by the Competent Authority. As such, mitigation is developed as a result of the iterative nature of the Appropriate Assessment process, in order to try to ensure avoidance, reduction and remediation of impacts.

Natura 2000 sites – "For the purposes of Article 6 assessments, Natura 2000 sites are those identified as sites of Community importance (SACs) under the Habitats Directive or classified as special protection areas (SPAs) under the Birds Directive 79/409/EEC".

Priority habitat types and priority species – those listed and so marked in Annex I and II of the Habitats Directive.

Project Proponent – the person applying for any “...consent, permission or other authorisation...”, with responsibilities for provision of information to support decisions by the ‘Competent Authority’ on the need for appropriate assessment and to allow the appropriate assessment to be undertaken. In England, this is taken to mean the project team, including as appropriate:

- Highways Agency scheme or area staff;
- Design consultants;
- Contractors;
- Design Build Finance and Operate (DBFO) companies;
- Managing Agents.

Public body – defined in Regulation 6 of the Habitats Regulations as “any local authority, joint board or joint committee”

Public office – defined in Regulation 6 of the Habitats Regulations as “an office under Her Majesty; an office created or continued in existence by a public general Act of Parliament; or an office the remuneration in respect of which is paid out of money provided by Parliament.”

Qualifying interests - those habitats or species that are the reason for selection of a European Site.

Significant effect – There is no empirical definition of a significant effect. Definitions of significance depend entirely upon the chosen methodology of assessment. In the case of effects on European Sites, this is normally considered as an effect that could affect the integrity of the site. Given the nature conservation value of the sites in a European context, any residual impact on a qualifying interest that in the view of the Project Proponent was greater than ‘negligible’ would be considered significant.

Statement to Inform Appropriate Assessment – relates to a statement published to support the process under Regulations 48 and 49 of the Habitats Regulations. It should assess the environmental implications of the project, whether alone or in combination with other plans or projects, on the site and its qualifying interests. The statement can be included within an Environmental Statement, or published as a separate document. It would usually be prepared and published by the relevant Highways Authority.

Statutory Environmental Bodies – those organisations with statutory obligations for providing direct nature conservation advice or advice on associated environments. In England, this is taken to include Natural England (NE) and Environment Agency (EA) Although it is recognised that the principle responsibility for securing compliance with the Habitats Regulations lies with the former organisation.

Appendix 1: Information Checklists – Screening/Appropriate Assessment

(adapted from European Commission, 2002)

These checklists are provided as information for individuals completing Appropriate Assessment and are not required as part of submissions to statutory environmental bodies or the Competent Authority.

Screening	
Project Reference:	
Date of Completion:	
Author:	
Verified:	
Have these features of the project or plan been identified?	Delete as appropriate
Size, scale, area, land-take, etc	✓/x
Physical and Biological characteristics of area affected by plan or project	✓/x
Physical changes that will flow from the project or plan (from excavation, piling, dredging, etc).	✓/x
Resource requirements (water abstraction etc).	✓/x
Emissions and waste (disposal to land, water or air).	✓/x
Transportation requirements	✓/x
Duration of construction, operation, etc.	✓/x
Project programme	✓/x
Distance from European Site	✓/x
Information on qualifying interests of the European Site	✓/x
Cumulative impacts with other projects or plans (<i>with indication of assumptions</i>)	✓/x
Sources of Information	
<i>A range of information sources may need to be consulted, these include:</i>	
<ul style="list-style-type: none"> ▪ The Natura 2000 standard data form for the site ▪ Existing and historical maps ▪ Land-use and other relevant existing plans ▪ Existing site survey material ▪ Existing data on hydrogeology ▪ Existing data on key species ▪ Environmental statements for similar projects or plans elsewhere ▪ Site management plans ▪ Geographical information systems ▪ Site history files ▪ Site Issues Briefings. 	

Appropriate Assessment	
Project Reference:	
Date of Completion:	
Author:	
Verified:	
Are the following known or available?	Delete as appropriate
<i>Information about the project or plan</i>	✓/x
Full characteristics of the project or plan which may affect the site	
The total range or area the plan will cover	✓/x
Size and other specifications of the project	✓/x
The characteristics of existing, proposed or other approved projects or plans which may cause interactive or cumulative impacts with the project being assessed and which may affect the site	✓/x
Planned or contemplated nature conservation initiatives likely to affect the status of the site in the future	✓/x
The relationship (eg key distances etc) between the project or plan and the European Site	✓/x
The information requirements (eg EIA/SEA) of the Competent Authority	✓/x
Are the following known or available?	Delete as appropriate
<i>Information about the site</i>	✓/x
The reasons for the designation of the European Site	
The conservation objectives of the site and the factors that contribute to the conservation value of the site	✓/x
The conservation status of the site (favourable or otherwise)	✓/x
The existing baseline condition of the site	✓/x
The key attributes of any Annex I habitats or Annex II species on the site	✓/x
The physical and chemical composition of the site	✓/x
The dynamics of the habitats, species and their ecology	✓/x
Those aspects of the site that are sensitive to change	✓/x
The key structural and functional relationships that create and maintain the site's integrity	✓/x
The seasonal influences on the key Annex I habitats or Annex II species on the site	✓/x
Other conservation issues relevant to the site, including likely future natural changes taking place	✓/x

Appendix 2 Screening Matrix

(taken from: European Commission, 2002)

Plan or Project Name:		
Natura 2000 Site under Consideration		
Date:	Author (Name/Organisation):	Verified (Name/Organisation):
Description of Project/Plan		
Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the European Site by virtue of:		
▪ Size and scale (<i>road type and probable traffic volume</i>);		
▪ Land-take;		
▪ Distance from the European Site or key features of the site (<i>from edge of the project assessment corridor</i>);		
▪ Resource requirements (<i>from the European Site or from areas in proximity to the site, where of relevance to consideration of impacts</i>);		
▪ Emissions (<i>eg polluted surface water runoff – both soluble and insoluble pollutants, atmospheric pollution¹</i>);		
▪ Excavation requirements (<i>eg impacts of local hydrogeology</i>)		
▪ Transportation requirements		
▪ Duration of construction, operation etc;		
▪ Other.		
Characteristics of European Site(s)		
A brief description of the European Site should be produced, including information on:		
▪ Name of European Site and its EU code;		
▪ Location and distance of the European Site from the proposed works;		
▪ European Site size;		
▪ Key features of the European Site including the primary reasons for selection and any other qualifying interests;		
▪ Vulnerability of the European Site – any information available from the standard data forms on potential effect pathways;&		
▪ European Site conservation objectives – where these are readily available		

¹ Highways Agency, Scottish Office Industry Department, Welsh Office, and Department of the Environment for Northern Ireland (1994). Design Manual for Roads and Bridges Volume 11, Section 3, Part 4

Plan or Project Name:	
Natura 2000 Site under Consideration	
Assessment Criteria	
Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Site.	
Initial Assessment	
The key characteristics of the site and the details of the European Site should be considered in identifying potential impacts.	
Describe any likely changes to the site arising as a result of:	
<ul style="list-style-type: none"> ▪ Reduction of habitat area; ▪ Disturbance to key species; ▪ Habitat or species fragmentation; ▪ Reduction in species density; ▪ Changes in key indicators of conservation value (water quality etc.); ▪ Climate change. 	
<i>Describe any likely impacts on the European Site as a whole in terms of:</i>	
<ul style="list-style-type: none"> ▪ Interference with the key relationships that define the structure of the site; ▪ Interference with key relationships that define the function of the site. 	
<i>Indicate the significance as a result of the identification of impacts set out above in terms of:</i>	
<ul style="list-style-type: none"> ▪ Reduction of habitat area; ▪ Disturbance to key species; ▪ Habitat or species fragmentation; ▪ Loss; ▪ Fragmentation; ▪ Disruption; ▪ Disturbance; ▪ Change to key elements of the site (e.g. water quality, hydrological regime etc). 	
Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.	
<i>Outcome of screening stage (delete as appropriate).</i>	Significant Effects are Likely/ Sufficient Uncertainty Remains/ Not Likely to be Significant Effects
<i>Are the appropriate statutory environmental bodies in agreement with this conclusion (delete as appropriate and attach relevant correspondence).</i>	YES/NO

Appendix 3: Finding of No Significant Effects Report Matrix - Screening Stage

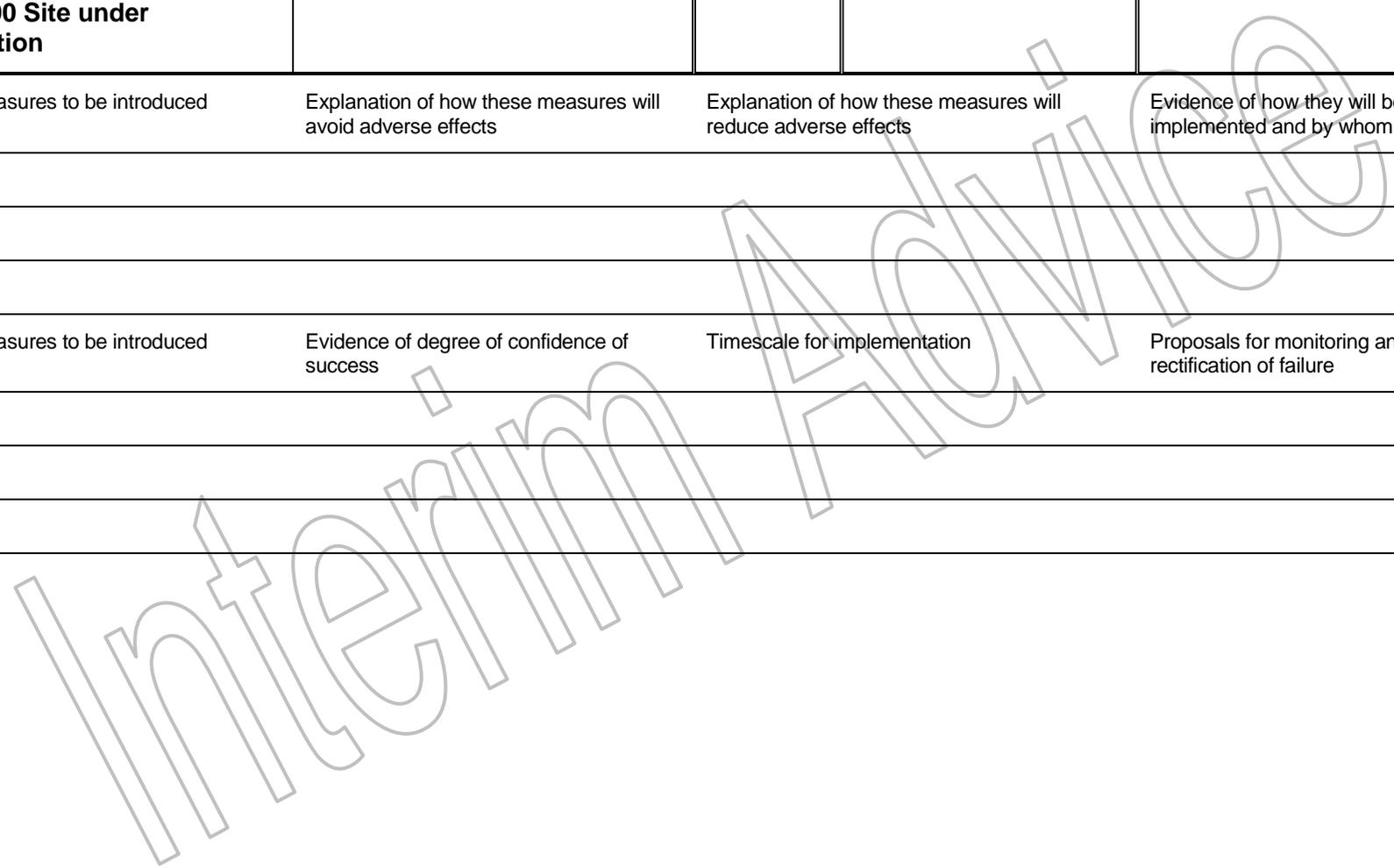
(adapted from: European Commission, 2002)

Plan or Project Name:			
Natura 2000 Site under Consideration			
Date:	Author (Name/Organisation):	Verified (Name/Organisation):	
Name and location of European Site			
Description of the project or plan			
Is the project or plan directly connected with or necessary to the management of the site (provide details)?			
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?			
The Assessment of Significance of Effects			
Describe how the project or plan (alone or in combination) is likely to affect the European Site.			
Explain why these effects are not considered significant.			
List of agencies consulted: provide contact name and telephone or e-mail address.			
Response to consultation.			
Data Collected to carry out the Assessment			
Who carried out the assessment?	Sources of data	Level of assessment completed	Where can the full results of the assessment be accessed and viewed?

Appendix 4: Mitigation Measures Report for the Appropriate Assessment

(adapted from: European Commission, 2002)

Plan or Project Name:		Date:	Author (Name/Organisation):	Verified (Name/Organisation):
Natura 2000 Site under Consideration				
Ref:	Measures to be introduced	Explanation of how these measures will avoid adverse effects	Explanation of how these measures will reduce adverse effects	Evidence of how they will be implemented and by whom
	1			
	2			
	3			
Ref:	Measures to be introduced	Evidence of degree of confidence of success	Timescale for implementation	Proposals for monitoring and for rectification of failure
	1			
	2			
	3			



Appendix 5: Outline Contents for a Statement to Inform an Appropriate Assessment

(adapted from: European Commission, 2002)

1. Executive Summary

A separate non-technical summary (NTS) may also be produced.

2. Introduction

A brief background to the issues should be presented, including the site(s) affected, the nature of the proposals the findings of the screening assessment and thus why the assessment is being undertaken.

A statement of qualification of the author of the Appropriate Assessment.

The screening matrix should be provided as an appendix.

3. Background to the Project

A description of the main features of the plan or project should be described. The following information should be presented:

- Purpose and objectives of project including strategic importance of the project./
- The physical land-take of the project
- Key stages of the project and the various timescales thereof.
- Resource requirements throughout the lifetime of the project.
- Waste products arising during construction and operation
- Any other services (e.g. pipelines, electricity, etc) which will be required as part of the plan or project.

In addition maps and plans should be provided which illustrate the nature of the works planned as part of the plan or project.

4. Protected Sites Potentially Affected by the Proposals

The European Site or sites affected by the proposals should be described with reference to the following:

- Physical area of the European Site
- The qualifying interests, i.e. (habitats and Key/Priority species) of the European Site.
- Conservation objectives of the site and any planned conservation initiatives for the European Site.
- Details of the existing baseline conditions of the site including details of data collection methodologies, and consultations undertaken.
- The value of the site and the qualifying interests therein to the Natura 2000 network.
- Likely future changes in baseline conditions at the site in the absence of the plan or project.
- Details of the key species, habitat dynamics and functional relationships that maintain the sites 'integrity'.

In addition maps should be provided indicating the relative positions of the European Site to the plan or project.

For each site, present a summary of its reasons for designation. The notification details can be presented in an appendix.

5 Assessment Methodologies and Assumptions

The assessment techniques, including details of how magnitude is calculated and the significance criteria used during the assessment of impacts should be described or referenced in this section. Reference should be made to assessment techniques within DMRB Volume 11.

This chapter should also present details of those elements of the project which are considered to be design and which are considered as mitigation. Only the design elements of the project will have been considered at the screening stage. Mitigation should be considered in response to impacts on the European Site identified in Chapter 6.

A brief description of alternative solutions considered as part of the EIA should also be presented here.

Details of how cumulative impacts have been considered should also be presented here. Cumulative impacts should also be considered within Chapter 6.

6. Potential Impacts on Protected Sites

For each site information should be presented which clearly identified the specific nature of the impacts of the plan or project on the European Site. The nature of the impacts should be clearly defined and described in terms of the following:

- Where the impact directly or indirectly affects the site.
- Loss of Area of European Site
- Change in species population numbers of qualifying interests
- Disturbance to species within European Site
- Effects of fragmentation caused by the plan or project.
- The reversibility of the impacts
- The duration (i.e. long- or short-term)

The sources of information used to make this assessment should be clearly set out. This may be from the E.I.A for the project or from surveys commissioned specifically to answer questions raised as part of the appropriate assessment process. There should be a statement as to how far professional judgement has been used if there are not fully sufficient professional methodologies to enable the impacts to be categorically defined. If a qualifying interest is not affected, this should be clearly stated.

It will be necessary to support objective evidence with scientific data in order to prove the findings of the assessment of impacts beyond all reasonable scientific doubt.

The following boxes provide examples of considerations to be made when identifying potential impacts of plans or projects.

Integrity of Site Checklist

Conservation objectives

Does the project or plan have the potential to:

- cause delays in progress towards achieving the conservation objectives of the site?
- Interrupt progress towards achieving the conservation objectives of the site?
- disrupt those factors that help to maintain the favourable conditions of the site?
- Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site?

Other indicators

Does the project have the potential to:

- cause changes to the vital defining aspects (eg nutrient balance) that determine how the site functions as a habitat or ecosystem?
- change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the site?
- interfere with predicted or expected natural changes to the site (such as water dynamics or chemical composition)?
- reduce the area of key habitats?
- reduce the population of key species?
- change the balance between key species?
- reduce the diversity of the site?
- result in disturbance that could affect population size or density of the balance between key species?
- result in fragmentation?
- result in loss or reduction of key features (eg tree cover, tidal exposure, annual flooding, etc)?

7. Mitigation

Details should be provided of the proposals to avoid, reduce and remediate any potential impacts. This should include sufficient information on the design, construction and monitoring of such measures to allow their likely success to be determined.

Confirmation should be produced to illustrate the applicant's ability to deliver the mitigation. Evidence of where similar mitigative techniques have been used previously would also be helpful.

Details should also be provided on the consultation undertaken with the relevant statutory environmental bodies with regard to the proposed mitigation.

The impacts of the proposals following mitigation should be re-assessed again stating the assessment methodology used.

8. Proposals for Monitoring and Reporting

The details of monitoring methodology, criteria for success and reporting mechanisms should be provided.

9. Consultations

Details of consultation responses should be presented throughout the Statement to inform the Appropriate Assessment. A summary of the consultations undertaken and the responses received should be presented within this chapter.

Evidence of iterative consultation with Natural England and other stakeholders should be presented with copies of correspondence in an appendix.

10. Conclusions

Based on the information presented, it should be made clear:

- a) Is the proposal directly connected with or necessary to site management for nature conservation?
- b) Is the proposal likely to have a significant effect on the features of the site of European Importance, alone or in combination with other plans and projects?
- c) What are the implications of the effects of the proposal on the site's conservation objectives and will it delay or interrupt progress towards achieving the objectives?
- d) Can it be ascertained that the proposal will not adversely affect the integrity of the site beyond reasonable scientific doubt?

Given the nature conservation value of the sites in a European context, any residual impact on a qualifying interest that in the view of the Project Proponent was greater than 'negligible' would be considered significant.

11. References

Appendices

1. Screening Matrix
2. Citation sheets for European sites;
3. Any plans or diagrams showing the relationship between the project in relation to the relevant site(s) in wider context and in detail;
4. Baseline information summaries (if no ES is supplied);
5. Consultation responses;
6. Supporting method statements.

Appendix 6: Alternative Solutions Assessment Matrix

(taken from: European Commission, 2002)

This matrix combines the Alternative Solutions Assessment Matrix, the Alternative Solutions Statement and the Evidence of Assessment Matrix as provided in European Commission, 2002. Consequently this matrix should be completed in several stages, in particular pre- and post-consultation with the statutory environmental bodies.

Plan or Project Name:		
Natura 2000 Site under Consideration		
Date:	Author (Name/Organisation):	Verified (Name/Organisation):
Assessment of alternative solutions		
The description and objectives of the project or plan		
The 'do nothing' alternative		
Predicted adverse effects of the project or plan on the European Site following the appropriate assessment		
Comparison with chosen project or plan		
Possible alternative solutions	Evidence of how the alternative solutions were assessed	Description of the relative effects on the conservation objectives of European Site (greater or less adverse)
*Alternative 1		
*Alternative 2		
*Alternative 3		
Alternative size and scale		
*Alternative 1		
*Alternative 2		
*Alternative 3		
Alternative means of meeting objectives		
*Alternative 1		
*Alternative 2		
*Alternative 3		
Alternative methods of construction		
*Alternative 1		
*Alternative 2		
*Alternative 3		

Plan or Project Name:	
Natura 2000 Site under Consideration	
Alternative operational methods	
*Alternative 1	
*Alternative 2	
*Alternative 3	
Alternative decommissioning methods	
*Alternative 1	
*Alternative 2	
*Alternative 3	
Alternative timescales	
*Alternative 1	
*Alternative 2	
*Alternative 3	
<i>* These alternatives are not necessarily the same, the number of alternatives and type may vary for each aspect considered.</i>	
Conclusions on assessment of alternatives	
Describe the alternative solution that would avoid or minimise significant impacts on the European Site	
Explain why the proposed project or plan is favoured over the other alternative solutions assessed.	
Provide an overall statement to explain why it is considered that in this instance there are no alternative solutions that would avoid reducing the conservation value of the European Site	
Consultation on the Assessment of Alternatives	
<i>Background to consultation</i>	
Who Carried out the Assessment	
Sources of Data Consulted (summary)	
Level of Impact Assessment (i.e. EIA / ES)	
List of agencies consulted	Response to consultation

Appendix 7: Prior Opinion/Compensatory Measures Matrix

(taken from: European Commission 2000)

Member State:	Date of Completion:
Plan or Project Name/Reference:	
Information to the European Commission according to Article 6 of the 'Habitats' directive (Directive 92/43/EEC)	
Documentation sent for:	<input type="checkbox"/> Information under Article 6(4)1 <input type="checkbox"/> Opinion under Article 6(4)2
Competent national authority:	
Address:	
Contact person:	
Tel., fax, e-mail:	
1. Plan or project	
Name and code of European Site affected:	
<input type="checkbox"/> An SPA under the 'Birds' directive <input type="checkbox"/> Hosting a priority habitat/species	<input type="checkbox"/> A proposed SCI under the 'Habitats' directive
Summary of the plan or project having an effect on the site:	
2. Negative effects	
Summary of the assessment of the negative effects on the site:	
<p><i>NB: This summary should focus on the adverse effect expected on the habitats and species for which the site has been proposed for the Natura 2000 network, include the appropriate maps and describe the already decided measures.</i></p>	

3. Alternative solutions

Summary of alternative solutions studied by the Member State:

Reasons why the competent national authorities have concluded that there is absence of alternative solutions:

4. Imperative reasons

Reason to nevertheless carry out this plan or project:

- Imperative reasons of overriding public interest, including those of a social or economic nature (in the absence of priority habitat/species)
- Human health
- Public safety
- Beneficial consequences of primary importance for the environment
- Other imperative reasons of overriding public interest

Short description of the reason:

5. Compensation measures

Foreseen compensatory measures and timetable:

Appendix 8: Habitats Directive Assessment Review Package

(taken from: European Commission, 2002)

Plan or Project Name:		
Natura 2000 Site under Consideration		
Date:	Author (Name/Organisation):	Verified (Name/Organisation):
Review criteria	Review Grade	Comments
1. Executive Summary/NTS		
Has an NTS been completed and does it accurately reflect the findings of the appropriate assessment.		
Additional criteria as required		
Overall grade, Section 1		
2. Introduction		
Introduction to project and the context behind the appropriate assessment.		
Qualification of author of Appropriate Assessment meets minimum standards as outlined within Chapter 1.9 of this advice note		
Details of the Screening Exercise should be presented within this chapter.		
Additional criteria as required		
Overall grade, Section 2		
3. Background to the Project		
A brief description of the main features of the project		
* The purpose(s) and objectives of the project or plan are fully explained		
* Plans, diagrams and maps are provided which clearly identify the location of the proposed project or plan		
* The size, scale, area and land-take/cover of the project or plan are fully explained		
* Provides details of the physical changes that will take place during the various stages of the project or plan		
Describes the resource requirements for the construction/operation and decommissioning of the project or plan (including water resources, construction material and human presence)		
* Describes the timescales for the various activities that will take place as a result of the project or plan (including likely start and finish dates)		
Describes any wastes arising, or other residues (including quantities), and their means of disposal		

Plan or Project Name:		
Natura 2000 Site under Consideration		
* Identifies any wastes and other residues (including quantities) that may be of particular concern in the context of the European Site		
Describes any additional services required to implement the project or plan (including pipelines, overhead electricity lines, <i>lighting, signage etc</i>), their location and means of construction		
Additional criteria as required		
Overall grade, Section 3		
4. Protected Sites Potentially Affected by the Proposals		
Description of the European Site		
* Describes the site in terms of its physical area, habitat types, presence of key species, etc		
* Sets out in full the conservation objectives of the site including the factors that contribute to the conservation value of the site		
Explains any planned or contemplated nature conservation initiatives likely to affect the site in the future		
Explains the existing baseline conditions — including species and habitat dynamics and ecology (including seasonal fluctuations); the physical and chemical composition and the key structural and functional relationships that maintain the site's integrity		
* Provides details of the value of the site to the Natura 2000 network (e.g. 15 % of population in the Member State)		
Provides an indication of how the baseline conditions of the site will change in the future in the absence of the project or plan		
Describes the methodologies used to gather information on the baseline conditions of the site		
Identifies the organisations consulted to gather information on the baseline conditions of the site		
Provides details of the organisations consulted to gather information on the baseline conditions of the site		
Additional criteria as required		
Overall grade, Section 4		

Plan or Project Name:		
Natura 2000 Site under Consideration		
5. Assessment Methodologies and Assumptions		
The methods of assessment and prediction are clearly explained and the sources of information are provided and fully justified		
* Identifies all projects or plans that may, in combination with the proposed project or plan, give rise to adverse effects on the European Site		
Defines the boundaries used when identifying cumulative effects		
Defines the timescale over which cumulative effects have been considered		
Identifies the potential cumulative pathways		
Alternative Solutions and project options as considered in EIA are presented		
Additional criteria as required		
Overall grade, Section 5		
6. Potential Impacts on Protected Site		
* The effects of the project or plan on the conservation objectives of the site are explained in full		
* Any loss of area of the site, or reduction in species population, is quantified and assessed in terms of its impact upon the conservation objectives of the site and its impact on key habitats and species		
Likely impacts on the site due to disturbance, disruption, fragmentation and chemical changes, etc. are fully assessed and explained		
Additional criteria as required		
Overall grade, Section 6		
7. Mitigation		
Appropriate mitigation measures have been identified and these have been clearly distinguished from measures considered integral within project design.		
The likely efficacy of mitigation measures has been assessed.		

Plan or Project Name:		
Natura 2000 Site under Consideration		
There is clear evidence that the mitigation measures have been assessed against the 'mitigation hierarchy' (with the avoidance of adverse impact on the site being the preferred outcome)		
There is clear evidence that the mitigation measures can be secured over the short, medium and long term through legal or financial mechanisms		
There is clear evidence that the mitigation measures have the support of the relevant nature conservation agencies		
Additional criteria as required		
Overall grade, Section 7		
8. Proposals for Monitoring and Reporting		
Details have been provided on how the European Site will be monitored during Construction.		
Details have been provided on how the performance of mitigation intended to reduce impacts will be monitored.		
Details of how the findings of monitoring will be reported to the relevant statutory environmental bodies have been clearly defined.		
9. Consultations		
Have adequate consultations been undertaken with the relevant statutory environmental bodies		
Have consultations been undertaken with other relevant organisations (e.g. the Environment Agency)		
Are all consultees in agreement with the findings of the statement to inform the Appropriate Assessment		
10. Conclusions		
Where a conclusion is drawn that there will be no impacts upon the integrity of the European Site has this been proven beyond all reasonably scientific doubt?		
Where significant impacts upon the European Site are anticipated has the need for consideration of alternative solutions been identified?		

Plan or Project Name:		
Natura 2000 Site under Consideration		
Review criteria	Review Grade	Comments
Overall Review Grade for the Article 6 Assessments of the Case		
1. Executive Summary / NTS		
2. Introduction		
3. Background to the Project		
4. Protected Sites Potentially Affected by the Proposals		
5. Assessment Methodologies and Assumptions		
6. Potential Impacts on Protected Sites		
7. Mitigation		
8. Proposals for Monitoring and Reporting		
9. Consultations		
10. Conclusions		
Overall grade for the assessments		
General Overall Comments on the Adequacy of the Assessments		
Review Criteria for Assessment of Alternative Solutions Matrix, IROPI and Compensatory Measures		
Alternative Solutions		
All feasible alternative solutions have been identified and fully assessed in terms of their likely impacts upon the European Site		
The identified alternatives have been reviewed and assessed by the relevant nature conservation agencies and the Competent Authority		
Any statement that there is an absence of alternative solutions is fully explained and fully justified		
Additional criteria as required		
Overall grade		
Imperative Reasons of Overriding Public Interest (IROPI)		
Have IROPI considerations relating to human health, public safety or benefits of primary importance to the Environment been described satisfactorily?		
Have IROPI considerations of a social or economic nature been described satisfactorily?		
Are the relevant statutory environmental bodies in agreement with the conclusions of the IROPI assessment?		
Additional criteria as required.		
Overall grade		

Plan or Project Name:		
Natura 2000 Site under Consideration		
Review criteria	Review Grade	Comments
Compensatory Measures		
The nature of the compensatory measures is fully explained		
The compensatory measures have been fully assessed in terms of their ability to maintain the coherence of Natura 2000 network		
There is clear evidence (from past experience or detailed studies) that the compensatory measures will be successful		
There is clear evidence that the compensatory measures have been the subject of wide-ranging consultation with relevant agencies and organisations		
The features that make up the compensatory measures (e.g. area of land etc.) can be secured for their future nature conservation interest in the short, medium and long term		
The compensatory measures are the subject of an implementation plan that includes clear objectives and a monitoring and management regime		
There is evidence that, should monitoring reveal failures in the compensatory measures ability to achieve their original objectives, steps will be taken to address and rectify those failures		
Additional criteria as required		
Overall grade		

Review Grades:

A = the information provided is complete, with no significant omissions, and the conclusions drawn can be reasonably and objectively accepted.

B = The information provided is not complete, but, in the circumstances of the particular case, the conclusions drawn can be reasonably and objectively accepted.

C = The information provided is not complete; there are significant omissions, and it will be necessary to seek clarification on certain issues before the conclusions drawn can be reasonably and objectively accepted.

D = The information provided is wholly inadequate and there can be no confidence in the conclusions drawn from the evidence

N/A

* Those review questions marked with a * are considered crucial for the completion of a comprehensive Appropriate Assessment. Where a review question marked with a * is scored a C or D the overall score for that section can be no higher than the score for this question.