

Major Infrastructure and Environment Unit

Background

The Government undertook the Habitats and Wild Birds Directives Implementation Review between November 2011 and March 2012. The Review identified 28 measures to help improve the implementation of the Directives in England and relevant UK waters, for the benefit of both the economy and the environment.

One measure established the cross-Government Major Infrastructure and Environment Unit (MIEU). The MIEU sits in Defra and has a remit to facilitate swift, proportionate resolution of Habitats and Wild Birds Directives issues for nationally significant infrastructure projects in England at pre-application¹.

Role of the MIEU

The MIEU is primarily focused on nationally significant infrastructure projects going through the National Infrastructure Directorate in the Planning Inspectorate. It will undertake work in two broad areas:

- Working with priority projects to facilitate resolution of specific Habitats and Wild Birds Directives issues they may encounter
- Identifying and resolving cross-cutting Habitats and Wild Birds Directive issues affecting the pipeline of infrastructure projects

Priority projects

The MIEU has assessed all nationally significant infrastructure projects in England currently in pre-application to identify projects which have complex Habitats and Wild Birds Directives issues that need to be resolved at the pre-application stage. A number of these projects have been prioritised for MIEU attention using five weighted-criteria:

- i. Scale of potential impacts, alone or in-combination, from the project to European protected site(s) and / or species.
- ii. Level of complexity and outstanding Habitats and Wild Birds issues to be resolved.
- iii. Level of current and planned engagement between parties involved and administrative complexities (e.g. trans-boundary issues, multiple Competent Authorities).
- iv. Timetable for when the project is expected to be submitted to the National Infrastructure Directorate in the Planning Inspectorate.
- v. Size of project – for energy projects this is MW capacity; for non-energy projects this is cost of project.

The MIEU continues to assess NSIPs and identify priority projects to offer its assistance in identifying and resolving outstanding issues ahead of submission to the Planning Inspectorate for Examination. Assistance varies between projects but involves a meeting between the MIEU and developer and discussing ways in which

¹ The MIEU may work with the Countryside Council for Wales and Scottish Natural Heritage as some English nationally significant infrastructure projects may also be, or have environmental effects, in the Devolved Administrations.

the MIEU can support progress of the NSIP at pre-application, such as convening all parties involved to agree evidence needs and a timetable to allow the project to go to application on schedule.

In doing this, the MIEU does not seek to influence decisions on whether projects comply with the Habitats Directive and cannot review decisions that have already been taken by competent authorities.

Strategic issues

The MIEU is also looking to improve the process for the pipeline of future infrastructure projects. It is doing this by identifying and resolving strategic issues relating to compliance with the Habitats and Wild Birds directives – for instance those affecting a specific sector or an area of the country where multiple infrastructure projects are planned.

A number of pieces of work have already been completed to address strategic issues:

- Guidance on alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI), and compensatory measures was published in December 2012. This guidance is intended to clarify the circumstances in which projects can go ahead despite having adverse effect on the integrity of a European site
- Advice on the circumstances in which a Competent Authority may, or should, adopt the reasoning or conclusions of another Competent Authority was published in July 2012. The advice is intended to streamline decision-making by avoiding duplication of work and coordinating the efforts of different Competent Authorities
- Introduction in September 2012, of a new process for agreeing evidence requirements and timescales for nationally significant infrastructure projects in England with significant Habitats and Wild Birds Directives issues to resolve. This will give greater certainty to developers on the evidence they need to provide to obtain a swift decision on their project's compliance with the Habitats and Wild Birds Directives.

Further information

The MIEU's terms of reference are available at:

<http://www.defra.gov.uk/habitats-review/files/habitats-review-mieu.pdf>

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