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THE DRAFT NATIONAL POLICY STATEMENT FOR NATIONAL NETWORKS

HABITATS REGULATIONS ASSESSMENT

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1. INTRODUCTION

- 1.0.1 The Secretary of State for Transport intends to designate a National Policy Statement (NPS) for national road and rail networks, pursuant to the Planning Act 2008, and to that end is consulting on a draft of that Statement.
- 1.0.2 The National Networks National Policy Statement (NN NPS) sets out the Government's policy for the future development of nationally significant infrastructure projects (NSIPs) on the road and rail networks in England. The thresholds for NSIPs are defined in the Planning Act 2008 as amended by The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013.¹ These developments are referred to as national road, rail and strategic rail freight interchange developments in this document.
- 1.0.3 This Habitats Regulations Assessment (HRA) Report sets out the findings of the HRA for the NN NPS.

¹The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013 No.1883 Article 4

2. SUMMARY OF NATIONAL POLICY STATEMENT FOR NATIONAL ROAD AND RAIL NETWORKS POLICY

2.0.1 The vision and strategic policy objectives that the NN NPS is intended to meet are as follows:

The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:

- Networks with the capacity and connectivity to support national and local economic activity and facilitate growth and create jobs;
- Networks which support and improve journey quality, reliability and safety;
- Networks which support the delivery of environmental goals and the move to a low carbon economy; and
- Networks which join up our communities and link effectively to each other.

2.0.2 The NN NPS identifies a compelling need for development of the national road, rail and strategic rail freight networks. In their current state, without development, the national networks will act as a constraint to sustainable economic growth, quality of life and wider environmental objectives.

2.0.3 The Government's policy is for a significant and balanced package of improvements and enhancements across the road and rail networks, targeting key pressure points and transforming the networks for the longer term. This needs to be seen in the context of a significant package of measures to protect the environment and support sustainable transport on the national networks. Across the modes the Government's policy is to:

- **Roads** – reduce congestion and unreliability by focusing on improving and enhancing the existing national road network, including through enhancements beyond the existing highway boundary. However, in some cases, to meet the demands on the national road network it will not be sufficient to simply expand capacity on the existing network and so some new road alignments and corresponding links will be needed.
- **Rail** – improve the capacity, capability and reliability of the rail network at key locations for both passenger and freight movements to improve journey times, and to maintain or improve operational performance. Where this incremental approach is not sufficient, new or re-opened alignments to improve capacity, speed, connectivity and reliability should be considered. Where major new inter-urban alignments are required, high speed rail alignments are expected to offer the most effective way to provide a step change in inter-city capacity and connectivity, as well as helping to deliver long term sustainable economic growth.
- **Strategic Rail Freight Interchanges** – support the transfer of freight from road to rail and facilitate sustainable rail freight growth. To this end, there is a need for an expanded network of SRFIs to serve regional, sub-regional and cross-regional markets providing good connectivity with both the road and rail network. These will be private sector, commercial developments that need to be located near the business markets they will serve – major urban centres, or groups of centres – and be linked to key supply chain routes. Given the need for effective connections for both rail and road, the number of locations suitable as SRFIs will be limited, which will restrict the scope for developers to identify viable alternative sites.

- 2.0.4 Whilst most schemes will be brought forward primarily for economic reasons, Government policy is also to bring forward schemes to improve safety, enhance the environment and improve accessibility for pedestrians and cyclists.

3. REQUIREMENTS OF THE DIRECTIVES AND REGULATIONS

3.0.1 The main objectives of the Habitats Directive are:

"to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies", Article 2(1); and

"to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest", Article 2(2).

3.0.2 Under Article 6 of the Habitats Directive, an assessment is required where a plan or project is likely to have significant effects upon a Natura 2000 site. This must be interpreted as meaning that any plan or project is to be subject to an assessment if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site. It is recognised that there may be limitations or uncertainties in predicting effects on European sites at the NPS level. The requirement, where uncertainty exists, is to ensure the precautionary approach is applied, and if necessary, that the plan accounts for and directs the continuation of the HRA process.

3.0.3 Natura 2000 is a network of sites designated to conserve natural habitats and species that are rare, endangered, vulnerable or endemic within the European Community. This includes Special Areas of Conservation (SAC) designated under the Habitats Directive for their habitats and/or species of European importance and Special Protection Areas (SPA) designated under the Conservation of Wild Birds Directive for rare, vulnerable and regularly occurring migratory bird species and internationally important wetlands.

3.0.4 The requirements of the Habitats Directive are transposed into UK law by means of the Conservation of Habitats and Species Regulations 2010 and the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(as amended) transpose the Habitats Directive in the UK offshore marine area (beyond 12 nautical miles). In addition, it is a matter of UK law that candidate SACs (cSACs) are considered in this process and Government policy is that sites designated under the 1971 Ramsar Convention for their internationally important wetlands, potential SPAs (pSPAs), potential SACs (pSACs) and sites identified as compensation for impacts on European Sites should be considered in the same way. Natura 2000 sites, Ramsar sites and sites protected by UK law and as a matter of government policy are collectively referred to as "European sites" hereafter.

3.0.5 European Commission guidance sets out four distinct stages for assessments under the Habitats Directive:

Stage 1

Screening – the process, which identifies the likely impacts upon a European site of a plan or project, either alone or in combination with other plans or projects, and considers whether these impacts are likely to be significant.

Stage 2

Appropriate Assessment – the consideration of the impact on the integrity of the European site of the plan or project, either alone or in combination with other plans or projects, 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. This is to determine whether there will be adverse effects on the integrity of the site.

Stage 3

Assessment of alternative solutions – the process, which examines alternative ways of achieving the objectives of the plans or projects that avoid adverse impacts on the integrity of the European site.

Stage 4

Assessment where no alternative solutions exist and where adverse impacts remain – an assessment of whether the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the potential compensatory measures needed to maintain the overall coherence of the Natura 2000 network.

3.1. Screening (Stage 1)

3.1.1 European Commission guidance recommends that screening should fulfil four steps, which are followed below:

Step 1: Determine whether the plan is directly connected with or necessary to the management of the [European] site

3.1.2 In this context, “directly” means solely conceived for management of a European site. “Management” means management measures required in order to maintain in favourable condition the features for which a European site has been designated.

3.1.3 The NN NPS is not directly connected with or necessary to the management of European sites.

Step 2: Describe the plan and describe and determine whether it is likely to have a significant effect on a European site(s). Describe and characterise any other plans or projects which, in combination with this plan, have the potential for having significant effects on the European site

3.1.4 The NN NPS sets out the Government’s policy for the future development of infrastructure on the national road and rail networks in England.

3.1.5 It is considered that the NN NPS, in combination with a range of other plans and projects, has the potential for significant effects on European sites. Examples of these are summarised in Table 1 below.

Table 1: Examples of Potentially Significant Effects of the NPS on European Sites

Example Plans and Projects	Potential Significant In-Combination Effects
Other NPSs	<ul style="list-style-type: none"> • Habitat loss • Habitat fragmentation
Local Plans/Local Development Frameworks (where still in operation)	<ul style="list-style-type: none"> • Habitat isolation and severance • Changes to hydrology
Local Transport Plans	<ul style="list-style-type: none"> • Changes to erosion/sedimentation regimes
Nationally Significant Infrastructure Projects and associated development(s) which are either operating, consented or in planning	<ul style="list-style-type: none"> • Pollution to water • Pollution to air

Step 3: Identify the potential effects on the European site

3.1.6 Existing national networks cover much of England, which can be seen from Figure 1 below. These maps show Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in England together with the Strategic Road Network and the rail network. (Candidate SACs and potential SPAs are not shown).

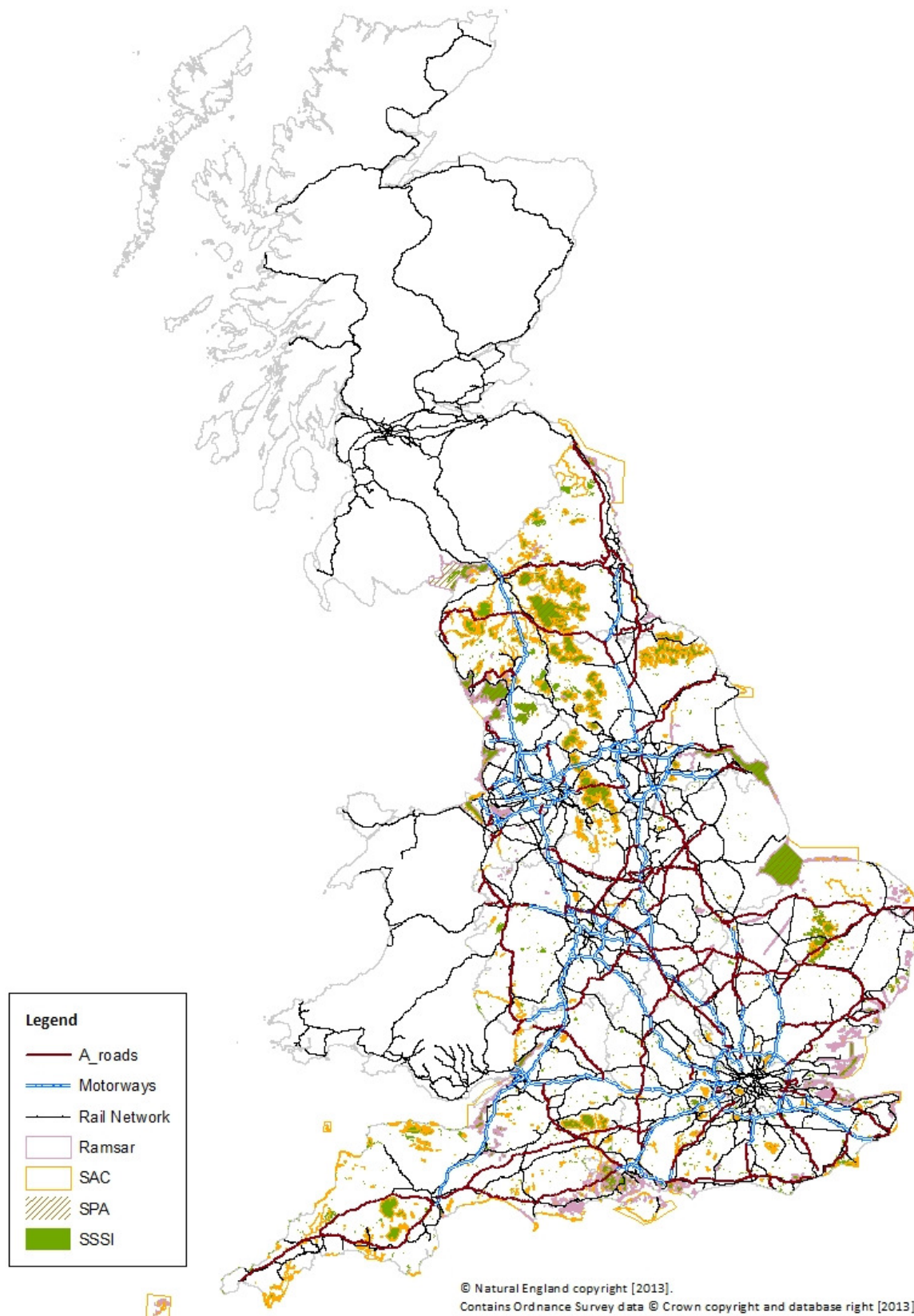


Figure 1: Location of Designated Areas and the National Networks

- 3.1.7 Additionally it is the Government's policy to accord Ramsar sites similar protection to that required by the Directives. The map above also shows Ramsar sites in England. As can be seen, most such sites are also covered by SPAs.
- 3.1.8 Candidate Special Areas of Conservation (cSACs) form part of the Natura 2000 network and, as such are afforded the same legal protection as SACs. It is also the Government's policy that similar provisions apply to potential Special Protection Areas (pSPAs) and Ramsar sites even though these are not Natura 2000 sites as a matter of law.
- 3.1.9 As can be seen from the map above, parts of the existing SRN and the existing rail network pass close to protected sites. In addition, the NPS does not specify locations of SRFIs and these could, therefore, also be located in close proximity to protected sites. National networks development could result in a number of impacts upon European sites, such as physical damage/disturbance, impacts on water quality, impacts on air quality and noise impacts.

Step 4: Assess the significance of any effects on European sites

- 3.1.10 The NN NPS contains guidance and direction regarding the protection of European sites. However, the possibility of significant effect upon one or more Natura 2000 sites from future national networks development cannot be excluded in advance of considering individual applications as they come forward.

3.2. Appropriate Assessment (Stage 2)

- 3.2.1 The NN NPS does not identify locations to construct new nationally significant infrastructure. As a result it has not been possible to provide detailed consideration of the impact on the integrity of one or more European site(s) of the NPS, with respect to a specific European sites' conservation objectives and its structure and function.
- 3.2.2 However, taking account of their relative locations with respect to national networks, it is considered that, of the 79 Annex I habitats occurring in England, the Habitats most likely to be affected by national networks development include, but are not restricted to:
- Lowland habitats (grassland, heathland, woodland); and
 - Wetland and associated habitats (standing waters, watercourses, bogs, mires, depressions, fens).
- 3.2.3 Taking account of their relative locations with respect to national networks, it is considered that habitats unlikely be affected by national networks development include, but are not restricted to:
- Sandbanks, mudflats and reefs;
 - Shifting dunes and drift lines;
 - Sea cliffs;
 - Salt marshes and salt meadows;
 - Mediterranean temporary ponds;
 - Dry Atlantic coastal heaths with *Erica* vegans
 - Alpine and boreal heaths;
 - Stable xerothermophilous formations with *Buxus sempervirens* on rock slopes (*Berberidion* p.p.);
 - Siliceous alpine and boreal grasslands;
 - Species-rich *Nardus* grassland, on siliceous substrates in mountain areas;

- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels
 - Mountain hay meadows;
 - Upland habitats including alpine pioneer formations of the *Caricionbicoloris-atrofuscae*, Siliceous scree of the montane to snow levels, Calcareous and calcshist screes of the montane to alpine levels, rocky slopes with chasmophytic vegetation;
 - Caves and sea caves; and
 - Tilio-Acerion forests of slopes, screes and ravines.
- 3.2.4 These habitats are found in areas such as the coast or mountainous terrain where the types of development considered in the NN NPS are least likely to be proposed.
- 3.2.5 Within the habitats that could be affected, species that are most likely to be affected include, but are not restricted to:
- Aquatic plants and other plants susceptible to changes in hydrology, nutrient status and pollution;
 - Heathland vegetation susceptible to erosion, increased incidence of fire and changes in air quality;
 - Lichens (as a result of changes in air quality);
 - Birds (notably in SPA sites);
 - Otter (through habitat severance and greater mortality);
 - Bats (through habitat severance and greater mortality);
 - Great crested newt (through isolation and habitat severance);
 - Fish (through changes in water quality and flow rates and habitat severance);
 - Invertebrates (e.g. molluscs, arthropods) through habitat fragmentation/loss/change; and
 - All other communities/species assemblages associated with the affected habitats.
- 3.2.6 At a strategic level, the generic impacts associated with national networks development are considered to include, but not be restricted to, the following:
- Habitat loss and fragmentation, e.g.
- Direct land take in European Sites could lead to reduction in area of habitats for which the site is designated or which support species for which the site is designated (for instance wintering birds). The reduction in size of habitat units or their fragmentation may make them more susceptible to edge effects or damaging chance events such as fire.
- Habitat isolation and severance, e.g.
- Isolation or severance could result in disruption to migration or lifecycles of species for which the site is designated (for instance, through creation of barriers to movement by fish). In the longer term disruption to dispersal processes could result in reduction in habitat quality through interruption of plant or habitat dispersal processes.
- Changes to hydrology, e.g.
- Reduction in water entering European Sites could lead to drying out of habitats and change in habitat characteristics or loss of important species. Sites and the species supported would also be more prone to negative effects of drought events.

- Increase in water entering European Sites could lead to more surface water or damper soils and changes in habitat characteristics or loss of important species. Sites and the species supported would also be more prone to negative effects of flood events.
- Changes in groundwater levels could lead to change in habitat characteristics or loss of important species. Sites would also be more prone to negative effects of drought or flood events.
- Changes to volume, duration or timing of flow (especially in rivers) could affect fish migration or spawning patterns.

Changes to erosion/sedimentation regimes, e.g.

- Changes in flow rates could result in changes in accretion or deposition in sensitive habitats such as sandbanks, changing their composition or distribution. Changes could also affect species such as fish which rely on particular substrate types for spawning and could experience reduced reproductive success.

Pollution to water, e.g.

- Increases in contaminated run off could result in build-up of toxic compounds in plant or animal species leading to mortality of species affected or those feeding on the directly affected species. Pollution could result in increased vulnerability to disease or reduced reproductive success or species dispersal and therefore could result in changes to ecosystem composition.
- Increased nutrient status or changes in chemical composition of water (for instance changes to oxygen levels) could lead to changes in the ecosystems in designated sites (for instance the increased growth of undesirable species that outcompete plants for which the site was designated).

Pollution to air, e.g.

- Increases in pollutants such as nitrogen, sulphur and particulates in air could result in their increased deposition. This could result in reduction of health or reproductive ability of plants or viability of habitats, through physical smothering of vegetation or changes in nutrient regimes that favour undesirable plants in designated sites.

Pollution to soil, e.g.

- Increases of pollutants that change the physical or chemical characteristics of soils could lead to conditions unsuitable for species or habitats for which sites have been designated (for instance acidification leading to loss of plants characteristic of calcareous habitats).

Noise and vibration disturbance, e.g.

- Noise disturbance could make sites unattractive for species for which they have been designated (for instance construction noise or new traffic noise may result in SPA birds wintering at a site in reduced numbers or abandoning the site). If birds do not reduce their use or abandon a site they may still be negatively affected, for instance through spending less time feeding which may result in increased mortality or reduced breeding success.
- Noise may act as a barrier (for instance to fish movement) or disrupt species behaviour.
- Noise disturbance may cause birds to abandon nests or behave in a way which makes nests more vulnerable to predation.

Light disturbance, e.g.

- Lighting may lead to changes in the use of a designated species by making it less attractive (for instance by nesting or wintering birds).
- Lighting may have a severing effect for instance by creating a barrier to bat movement.

Human activity, e.g.

- The presence of a workforce or users of national networks and construction site activity / use of the networks may disturb animal species in designated sites and result in their abandoning or changing their patterns of use of the site.
- The creation of additional routes may increase access to places where human activity is uncommon at present which may lead to increased disturbance and subsequent effects on the species using designated sites. Increased erosion from visitor pressure may also occur.
- Human activity may lead to an increased incidence of events such as fire which could reduce habitat quality or increase mortality of species for which the site is designated.

3.2.7 Mitigation/avoidance measures used in previous national networks developments include:

- Timing activities so that they avoid important habitat/species life-cycle stages (e.g. breeding seasons and overwintering of migratory species);
- Developing management plans and procedures to reduce the risk of adverse effects on the integrity of a European site/ species; and
- Using different technologies for certain activities to avoid/ reduce the risk of adverse effects on the integrity of a European site/ species.

3.2.8 In addition, early liaison with regulatory and Statutory Nature Conservation Bodies to develop/amend a project so that it avoids/ reduces the risk of adverse effects on the integrity of a European site/ species is recommended, although this is not classified as mitigation in EC guidance.

3.2.9 These mitigation steps might avoid or reduce damage to protected sites in some cases, but in advance of considering specific proposals at individual sites, one cannot exclude the possibility that the integrity of one or more European sites will be adversely affected by a national networks development at some point.

3.3. Assessment of NN NPS Level Alternative Solutions (Stage 3)

3.3.1 Through the Appraisal of Sustainability (AoS) process (an AoS has been undertaken in support of the NN NPS) the development of the NN NPS has involved the consideration of two alternative packages of policy interventions for delivering the overall policy objectives of the NN NPS. The two alternatives are discussed below:

3.3.2 Alternative 1: this is a package that tests an approach that seeks to shift demand from road to rail through increased rail provision and sustainable transport measures and an increase in the cost of motoring. This package would involve a smaller roads infrastructure package than in the NPS, targeted at making best use of the existing national road network.

3.3.3 Alternative 2: this is a package that tests an expanded infrastructure package on the national road network, accompanied by reductions in rail provision and a “do minimum” approach to environmental standards and policies.

- 3.3.4 The two alternatives were appraised alongside the NPS and found to have varying strengths and weaknesses in performance against the sustainable development themes when compared to the NPS. The government considers that the NPS offers a more balanced delivery against the NPS objectives and that this represents a more sustainable policy solution, and therefore the NPS was chosen over the alternatives above.

3.4. Imperative Reasons of Overriding Public Interest (IROPI) (Stage 4)

- 3.4.1 The NN NPS is a high level policy document, which is not scheme specific or locationally specific. It does not constitute a “plan or project” in the sense anticipated by the Habitats Directive. Nevertheless, in this particular instance and without prejudice to any other policy document which would similarly not constitute a plan or project, we have decided to undertake a Habitats assessment of the NN NPS as it is not possible to rule out unintended adverse consequences for any Natura 2000 site.
- 3.4.2 Alternatives to the NN NPS as drafted have been considered as part of the Appraisal of Sustainability (AoS).
- 3.4.3 In addition, a “zero option” – not developing and designating a NN NPS – would not offer greater protection for European sites than the NPS or the alternatives outlined in the AoS, as development proposals for road and rail networks would still be brought forward, whether or not a designated NPS happens to be in place. Nor would it achieve the Government’s objectives to clarify and strengthen the planning framework.
- 3.4.4 As the NPS does not identify specific locations for interventions, and neither do any of the alternatives, it is not possible to reach a definitive conclusion about whether or not any of these alternatives would have adverse impacts on European protected sites, nor what comparative impacts they would have on those sites.
- 3.4.5 The Government believes that there are sufficient grounds to establish Imperative Reasons of Overriding Public Interest (IROPI) for the NN NPS because of the very strong economic and social need for the measures supported by the NPS. This need is detailed in the NPS and summarised below.
- 3.4.6 The national road and rail networks that connect England’s cities, regions and international gateways play a significant part in supporting economic growth and productivity as well as facilitating passenger, business and leisure journeys across the country. Well-connected and high-performing networks with sufficient capacity are vital to meet the country’s long-term needs and support a prosperous economy and to improve quality of life.
- 3.4.7 The national networks are already under considerable pressure. On the road network, it is estimated that around 16% of all travel time in 2010 was spent delayed in traffic². On the rail network, overall crowding on London and South East rail services across the morning and afternoon peaks on a typical week day in Autumn 2012 was 3.0%, with the worst performing operator’s services experiencing 7.1% of passengers in excess of capacity³.
- 3.4.8 The long term drivers of demand to travel - GDP and population growth - are forecast to increase substantially over the coming years⁴. This will increase the pressure on the national networks even further. Up to 2030 under central forecasts, road traffic is forecast

² Based on forecast figures from the National Transport Model for all England roads.

³ <https://www.gov.uk/government/publications/rail-passenger-numbers-and-crowding-on-weekdays-in-major-cities-in-england-and-wales-2012>.

⁴ On current projections real GDP is expected to increase by 56% over the 20 years to 2032 (Office of Budget Responsibility, 2012, Fiscal Sustainability Report). Under the central projection from the Office of National Statistics, the UK population is expected to grow by 11 million people from 2010 to 2035 (Office of National Statistics).

to increase by 30%, rail journeys by 40%, while rail freight has the potential to nearly double⁵. Without action, congestion and crowding will constrain the economy and reduce quality of life. Developments in other sectors will also place pressure on specific parts of the networks. Areas of high growth, housing developments, new employment opportunities and development of other large infrastructure projects will have significant impacts on the use of the national networks.

- 3.4.9 A network of SRFIs is a key element in aiding the transfer of freight from road to rail, supporting sustainable distribution, rail freight growth and meeting the changing needs of the logistics industry, especially the ports and retail sector. The location of many existing rail freight interchanges in traditional urban locations mean that there is no opportunity to expand, that they lack warehousing and they are not conveniently located for the modern logistics and supply chain industry.
- 3.4.10 Whilst the key driver of the need for development of the national networks will usually be economic, broader environment, safety and accessibility goals will also generate requirements for investment.
- 3.4.11 In their current state, without development, the national networks will act as a constraint to sustainable economic growth, quality of life and wider environmental objectives. The Government has therefore concluded that there is a compelling need for development of the national networks and this provides the basis for asserting IROPI at a “plan” level.
- 3.4.12 However, making an IROPI case for the National Networks National Policy Statement should not be taken to mean that IROPI has been established for each individual road, rail and rail freight interchange infrastructure scheme which will come forward under the new planning regime. The impact on Natura 2000 sites, or on any priority natural habitat or species of any individual development proposal should be assessed through project-level Appropriate Assessment on a case-by-case basis and individual schemes will need to be considered on their own merits.
- 3.4.13 Where negative effects on a Natura 2000 Site cannot be excluded there will be a need to fully justify such development by means of IROPI on social or economic grounds. Where development may negatively affect any priority habitat or species on a site for which they are a protected feature, an IROPI case would be required for an individual development and would need to be established solely on one or more of the grounds relating to human health, public safety, or beneficial consequences of primary importance to the environment.
- 3.4.14 An IROPI case would need to be specific for any development proposal, but a case could potentially be established under any of the following categories:
- 3.4.15 Economic or social benefits, e.g. an intervention would prevent congestion on the Strategic Road Network that would otherwise significantly constrain the economy and reduce quality of life.
- 3.4.16 Human health, e.g. an intervention would result in air quality improving to within national air quality objectives at a local level.
- 3.4.17 Safety is at the heart of infrastructure, whether road or rail, and safety requirements could in some case determine the nature and design of the development. For development on roads a safety audit will take place and, if necessary, identified mitigation measures will be implemented to ensure that the development maintains safe operation or, if the development is brought forward for the specific purpose of improving safety at a location that it actually does improve it. Usually, road and rail development is not brought

⁵ Road traffic forecast figures from the National Transport Model, August 2013. Rail passenger forecasts from the Network Modelling Framework, October 2011. Rail freight forecasts from Network Rail.

forward primarily for safety improvement reasons, but there may be circumstances where such a scheme might be needed to rectify a poor safety record.

- 3.4.18 In addition, development on the national networks will carefully consider environmental impacts and, where possible, will look to generate beneficial environmental effects. In certain circumstances, development may take place primarily to reduce or ameliorate harmful environmental effects, on the existing network, and for schemes to be designed with engineering features which protect the environment.

4. POTENTIAL COMPENSATORY MEASURES AND MONITORING

4.0.1 It is not possible to predict, in advance of specific development applications coming forward, what compensatory measures might be needed in individual cases.

4.0.2 In such cases, developers will be expected to identify and acquire suitable locations for compensatory habitat. The key factors in determining whether and what compensatory habitat would be appropriate include:

- That it should be outside an existing Natura 2000 site;
- That it must be able to contribute towards the Natura 2000 network, e.g. could be outside an SPA but close enough to extend the range of bird species that use it; connectivity with other habitats should be considered;
- That it should be able to integrate with regional long-term coastal zone management plans;
- With a view to ensuring the overall integrity of Natura 2000 is best protected, assuming that the development will be able to satisfy the 'alternatives' and 'IROPI' components of the Directive tests. EC guidance (Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC, January 2007) makes it clear that compensatory measures must:
 - address, in comparable proportions, the habitats and species negatively affected;
 - provide functions comparable to those which justified the selection criteria of the original site, particularly regarding the adequate geographical distribution of sites and species;
 - in extent be at least one to one with the site being lost or damaged. One to one ratios are really only acceptable where the compensatory measures are able to restore complete ecological structure and function;
 - be in place before a site is irreversibly affected by a project. Where it is not possible to do this, for instance because a particular habitat will take many years to reach ecological maturity, then competent authorities should consider providing extra compensation for the losses that would occur in the meantime;
 - be monitored to ensure their effectiveness.

5. HABITATS REGULATIONS ASSESSMENT FOR INDIVIDUAL APPLICATIONS

- 5.0.1 Under the Habitats Directive and national transposing regulations, any application where a significant effect on European sites is likely, will require an appropriate assessment. Each application will first require a HRA screening and, if deemed necessary, the subsequent stages of the HRA.
- 5.0.2 This HRA of the NPS does not in any way reduce the scope of HRA required in the case of an individual development application where screening shows that the possibility of significant effect cannot be excluded. It will be for the Competent Authority to apply in full the tests stipulated by the Directive.
- 5.0.3 The NPS may be considered to supply relevant information for the Competent Authority to take into account when considering these tests, but again cannot and does not pre-judge them. All the circumstances of each case at the time of the application must be taken into account.
- 5.0.4 When competent authorities are undertaking an appropriate assessment they must consult the appropriate nature conservation body and have regard to any representations that body makes. As impacts on sites can be both indirect and direct, decision makers should be aware that Natura 2000 sites in Scotland or Wales may also be affected by transport schemes in England. Natural England is the appropriate nature conservation body for Natura 2000 sites in England, Scottish Natural Heritage for sites in Scotland and the Countryside Council for Wales for sites in Wales.