

VERSION HISTORY			
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4. HABITATS REGULATIONS ASSESSMENT OVERVIEW

4.1. Introduction

- 4.1. Alongside the work on the Environmental Statement (ES) consideration is being given to whether the proposal could generate potential effects on European sites.
- 4.2. Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') provides the main driver for the protection of European sites. The Habitats Directive is transposed in the UK by the Conservation of Habitats and Species Regulations 2010 (as amended) ('the Habitats Regulations').
- 4.3. The Habitats Regulations require a developer to provide the Competent Authority (in this case the Secretary of State for Energy & Climate Change) with information to consider whether a plan or project, alone or in combination with other plans or projects, is likely to have a significant effect on a European site, where that project is not directly associated with the management of the site for nature conservation.
- 4.4. If a significant effect is likely then an appropriate assessment must be undertaken by the competent authority to ascertain whether the proposal will adversely affect the integrity of the European site. The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2005 provide that sufficient information must be provided with an application for a Development Consent Order (DCO) to enable an appropriate assessment to be carried out, if required. The determination on both matters, the formal assessment of whether a likely significant effect will occur and the appropriate assessment, should this be required, is undertaken during the examination process after the application is submitted.

4.2. Key stages

- 4.5. The Planning Inspectorate's Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects (NSIPs) sets out the four stages that may need to be followed in respect of any plan or programme. The collective name given to these stages is "Habitats Regulations Assessment" (HRA), although it may be the case that only one

or two of the first stages is undertaken in respect of any plan or programme. The HRA process, as applied to NSIPs, commences at an early stage of the pre-application process.

- 4.6. The four stages that comprise the HRA as follows:

- Stage 1 - Screening: Screening for Likely Significant Effects (LSE);
- Stage 2 - Appropriate Assessment: An assessment of the implications of identified LSE on the site's conservation objectives;
- Stage 3 - Assessment of Alternatives: A consideration of alternatives is required if effects on site integrity are identified; and
- Stage 4 - Consideration of IROPI: If there are no alternatives an Assessment of Imperative Reasons of Over-riding Public Importance (IROPI) is required.

- 4.7. Navitus Bay Development Limited (NBDL) have completed the Stage 1, HRA screening, in which the European sites that could be subject to LSE due to the construction, operation or decommissioning of the Navitus Bay Wind Park, either alone or in-combination with other plans or projects, have been identified. European sites from the UK, France, Germany, Denmark and Spain have been identified as having the potential to be subject to Likely Significant Effects.

4.3. Evidence Plan Process

- 4.8. In support of the HRA, an Evidence Plan Process, outlined in the Defra Guidance "Habitat Regulations: Evidence Plans for Nationally Significant Infrastructure Projects" published in September 2012, has been adopted by the developer, the statutory agencies and the Major Infrastructure Environment Unit (MIEU), part of Defra. The Evidence Plan Process outlines a formal mechanism to agree, upfront, what information an applicant will need to supply the Planning Inspectorate as part of a DCO application in order to ensure compliance with the Habitats Regulations. The use of an Evidence Plan aims to minimise the risk of NSIPs being delayed by Habitats Regulations issues by:
- Giving greater certainty to all parties on the amount and range of evidence an applicant should collect;
 - Helping address and agree issues earlier on in pre-application so robust, streamlined decisions can be taken; and

- Focusing the evidence requirements so they are proportionate to the NSIP's potential impacts and costs to applicants are minimised.

4.9. NBDL is currently working with statutory nature conservation bodies, under the terms of our Evidence Plan to carry out and agree the assessment findings on the European sites identified during screening. At present it is not anticipated that there would be adverse effects to the integrity of an European site and, therefore stages 3 and 4 are not expected to be required.

Abbreviations

TERM	DEFINITION
DCO	Development Consent Order
HRA	Habitats Regulations Assessment
IROPI	Imperative Reasons of Over-riding Public Importance
LSE	Likely Significant Effects
MIEU	Major Infrastructure Environment Unit
NBDL	Navitus Bay Development Limited
NSIPs	Nationally Significant Infrastructure Projects