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Michael Atkinson-Smith
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BY EMAIL ONLY

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Dear Michael Atkinson-Smith

Natural England Advice on Habitats Regulations Assessment (HRA)

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

We have noted a number of similar queries/issues from your Local Planning Authority (LPA) recently and provide this guidance letter to aid understanding and prevent delays in the planning process. This specific guidance letter is aimed at supporting LPAs in their duties under the Habitats Regulations and to highlight additional guidance.

Habitats Regulations

[The Conservation of Habitats and Species Regulations 2017 \(as amended\)](#) affords the highest degree of statutory protection to 'European Sites' on land and at sea.

A requirement of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) is the provision of a Habitats Regulations Assessment (HRA) should **any** plan or project¹:

- Not directly connected with or be necessary for the management of the European site
- Have a potential likely significant effect (LSE) on any European site, either alone or in combination with other plans and projects

As the competent authority, it is your responsibility to produce a HRA and be accountable for its conclusions. You should ensure sufficient information is obtained from the applicant to support your decision-making process within your HRA.

Further information can be found at [Habitats regulations assessments: protecting a European site - GOV.UK \(www.gov.uk\)](#).

Habitats Regulations Assessment

A plan or project can only be granted permission should the competent authority be certain that it is unlikely to have a significant effect or adversely affect the integrity of the designated site. Therefore, a precautionary approach is required.

¹ This includes small scale projects and change of use planning applications.

A summary of the more commonly encountered HRA stages are outlined below:

1: Screening

The initial Screening stage should assess the potential for LSE to a European site during all phases of the project or plan in the absence of mitigation.

In light of the case law ruling, *People Over Wind and Sweetman vs Coillte Teoranta* (ref: C 323/17), should a plan or project require mitigation measures, these should be considered at the [Appropriate Assessment \(AA\)](#) stage.

2: In-Combination Assessment

Where there is no LSE alone, residual impacts need to be assessed in-combination with other plans or projects to establish if, together, they result in a likely significant effect that needs to be considered at AA. This assessment should come before the AA.

Following these steps, a no LSE conclusion may be made. Natural England is only required to be consulted should a HRA progress to AA.

3: Appropriate Assessment

This stage should assess the identified likely significant effects in detail on the features of the European site, considering the site's [Conservation Objectives](#).

First, the AA must examine the potentially damaging aspects of the construction and operation phase of the development and the potential effects on the site features and conservation objectives. It should characterise the impacts in terms of their likelihood, nature, scale, severity and duration.

This assessment must consider the impacts on:

- The extent and distribution of qualifying habitats and species
- The abundance and spatial distribution of qualifying species or assemblages
- The structure of the qualifying habitat, which should not be affected in terms of abundance and diversity
- The physical, chemical and biological processes that support the qualifying habitat to ensure these are not affected

The AA must then look at any potential mitigation measures, to determine if they can reduce the likelihood, nature, scale, and duration of the effect to a lower level. The AA should seek mitigation measures that are capable of implementation and will reduce the impact to the lowest level possible. Any residual effects after applying mitigation should also be considered alone and in-combination.

4: The Integrity Test

This is the conclusion of the AA which should include the decision - whether it can be ascertained that the project will not have an adverse effect on the integrity of the European / Ramsar sites, taking into account the proposed mitigation.

Other Advice

Natural England offer the following additional advice:

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w).

Our Site of Special Scientific Interest Impact Risk Zones (SSSI IRZs) are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website. Magic Maps is another useful tool which utilises SSSI IRZs and guidance on its use is provided [here](#)

SSSIs underpin European designated sites and consequently SSSI IRZs can be utilised to inform the HRA. Each SSSI IRZ has a specific trigger which can include: infrastructure, energy, air pollution, rural residential, discharge and composting. Detailed comment on the specific trigger can be found within the *Attribute Data for SSSI Impact Risk Zones* within the [User Guidance](#) document.

Discretionary Advisory Service

Natural England offers a Discretionary Advisory Service (DAS). You may wish to request further environmental advice under this service to assist you in ensuring that the correct information is submitted with your planning application. Details of this service can be found on our [website](#) including the [DAS Request Form](#).

Please continue to send any new consultations or further information on existing consultations to consultations@naturalengland.org.uk.

Yours faithfully

Cheshire to Lancashire Area Team

Natural England