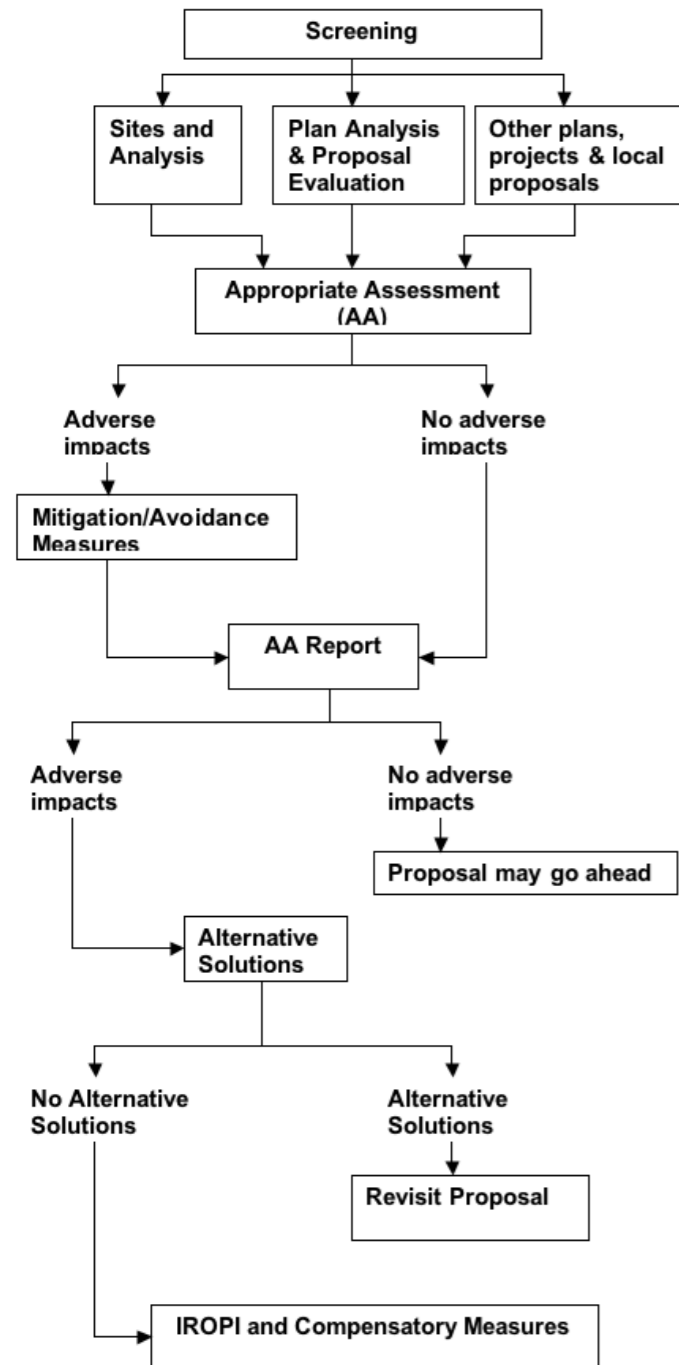


## Flow chart showing the HRA process



- ← Is the plan likely to have adverse impacts on the integrity of Natura 2000 sites?
- ← What evidence/factors will need to be taken into account?
- ← On the basis of the precautionary principle, will there be any adverse impacts on the integrity of Natura 2000 sites?
- ← If possible, avoid or design appropriate mitigation measures that will alleviate adverse impacts.
- ← Produce an AA Report for consultation with relevant stakeholders.
- ← Following consultation, confirm whether or not adverse impacts on site integrity remain.
- ← Are there any alternative solutions, what are their implications.

## Guidance and help

For more comprehensive guidance contact  
**Natural England at [www.naturalengland.org.uk](http://www.naturalengland.org.uk)**  
 Telephone 0845 600 3078

### For further information please view:

The East Hampshire District Local Plan:  
 Joint Core Strategy Pre-Submission Habitats  
 Regulations Assessment – Appropriate  
 Assessment Report (February 2012)  
**[www.easthants.gov.uk](http://www.easthants.gov.uk)**

### For more general advice contact:

**East Hampshire District Council**  
 Telephone 01730 266551  
**[www.easthants.gov.uk](http://www.easthants.gov.uk)**

**South Downs National Park Authority**  
 Telephone 0300 303 1053  
**[www.southdowns.gov.uk](http://www.southdowns.gov.uk)**



This leaflet briefly summarises the main legal requirements in considering proposals affecting Natura 2000 sites. It has been prepared in the absence of any official guidance to assist the public in complying with the Habitats Regulations. The views expressed in this guidance are those of East Hampshire District Council/South Downs National Park Authority and has no official status. We do not accept any liability for the use of this leaflet.

**Published by East Hampshire District Council and  
 South Downs National Park Authority 2012**

*Photography: Front cover - Wealden Heaths (Phase II) SPA, Bordon.*

## A quick guide to the Habitats Regulations Assessment

How to consider proposals affecting Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites in East Hampshire





## What is a Habitats Regulations Assessment (HRA)?

The European Union (EU) Habitats Directive protects certain species of plants and animals which are particularly vulnerable. The Directive specifically relates to Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites known as Natura 2000 sites. The UK Habitats Regulations are used to implement the EU Directive and require a Habitats Regulations Assessment (HRA). The process of HRA involves an initial 'Screening' stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a Natura 2000 site.

### Special Protection Area (SPA)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. For example, the Dartford Warbler is a protected bird on the Wealden Heaths (Phase II) SPA in East Hampshire District.

### Special Area of Conservation (SAC)

SACs are also areas which have been given special protection. They provide increased protection to a variety of wild animals, plants and habitats. For example, the protected features of Woolmer Forest are the acid-peat stained lakes and ponds.

### Ramsar

Ramsar sites are wetlands of international importance, designed under the Ramsar Convention. For example, Thursley & Ockley Bogs Ramsar is an internationally important wetland.

### The legal bits

The need for Habitats Regulations Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats & Species (Amendment) Regulations 2011.

## How do I know whether my proposal will affect a SPA/SAC?

1. Check whether your proposal is close to or adjacent to a SPA/SAC. Any proposal which may be capable of affecting a SPA/SAC must be considered, no matter how distant from the site.
2. Go to Natural England's 'Nature on the Map' website: [www.natureonthemap.naturalengland.org.uk](http://www.natureonthemap.naturalengland.org.uk) to view the location of a SPA/SAC.

## My proposal may affect a SPA and/or SAC, what next?

3. A Screening Assessment (SA) will be required. This test is an initial review to filter out proposals that do not need further work.
4. When carrying out the SA, remember to consider the proposal alone and 'in combination' with other proposals, a reasonable distance would be 5 km.
5. It would be useful to speak to the landowner and/or land manager(s) of the SPA/SACs.
6. All issues should be considered such as impacts on recreational disturbance, air quality, urbanisation and water resources/quality.
7. If you need to ask for further information, then it is likely that an Appropriate Assessment (AA) is required.
8. Record your reasoning and ensure all relevant interested parties are informed during the process.
9. If no impacts likely – report no significant impacts.

## I have carried out a Screening Assessment and my proposal does show potential adverse impacts to a SPA and/or SAC.

9. An AA will be required. The Competent Authority (Local Planning Authority) formally carries out the AA but details for this have to be supplied by the applicant.
10. An AA need not always be difficult or lengthy – the level of detail should reflect the complexity of the case or scale of the proposal.

11. Agree the scope and the method of the AA with Natural England and the Local Planning Authority.
12. If there is any doubt about adverse impacts on site integrity, the proposal will fail the AA.
13. Conclusions must be made on the basis of there being no reasonable doubt as to the absence of adverse impacts.
14. If possible, design appropriate avoidance and mitigation measures, including monitoring that will alleviate any adverse impacts.
15. Complete an AA report for consultation with relevant stakeholders.

## If my proposal can avoid and/or mitigate any adverse impacts do I get planning permission?

17. Subject to advice from Natural England and the Local Planning Authority, planning permission may be granted.

## What happens if it cannot be ascertained that my proposal will not adversely impacts on the integrity of the SPA and/or SAC following the AA?

18. After consideration under regulation 48 of the Habitats Regulations, if it cannot be ascertained that a proposal will not adversely impacts on the integrity of the SPA and/or SAC, the proposal can only proceed (see regulation 49) if:
  - There are no alternative solutions, AND
  - There are imperative reasons of over-riding public interest (IROPI) for doing so.
  - Such reasons are limited to those outlined in regulation 49.
  - The Competent Authority must consult Natural England to see whether they agree about IROPI.
  - Any necessary compensatory measures must be taken to secure the integrity of the Natura 2000 site network.

## HRA HINTS & TIPS

- *Begin early*
- *Seek advice and consult Natural England and the Local Planning Authority throughout the process*
- *IROPI should in all cases be viewed as a last resort with potentially high associated costs.*
- *Be aware that residential development does not pass an IROPI test as it can always be put elsewhere.*



Dartford Warbler

Natterjack Toad

