

# Habitats Regulations Appraisal (HRA) Advice Sheet:

## HRA and Strategic Environmental Assessment

Habitats Regulations Appraisal (HRA)  
Advice sheet No. 3 (Version 1)

November 2013

## Background to Habitats Regulations Appraisal and existing Guidance

1. [The Conservation \(Natural Habitats, &c.\) Regulations 1994](#), as amended (the Regulations) require all Planning Authorities in Scotland to undertake a Habitats Regulations Appraisal (HRA) of a Development Plan before that plan can be adopted or submitted to Scottish Ministers. Procedural guidance on the application of the Regulations to the Development Planning system in Scotland is provided in Appendix 1 to Planning Circular 1/2009<sup>1</sup>.
2. Practical guidance on how to undertake a HRA is also available and is contained in '[Guidance for plan-making bodies in Scotland](#)' published by Scottish Natural Heritage (SNH) initially in 2010 and updated in 2012. The SNH guidance aims to help plan-making bodies within Scotland and applies widely across a range of sectors.
3. This advice sheet is intended to complement existing SNH and Scottish Government guidance. It offers further, more detailed advice on; interactions and linkages between HRA and SEA processes; the potential for more integrated assessments to better inform plan-making; and, opportunities to promote proportionality in assessment and plan making processes. Whilst it also follows that there will be opportunities for HRA to better inform Strategic Environmental Assessment (SEA), this advice sheet focuses on providing advice on those ways in which SEA can be used to:
  - Inform the HRA evidence-base
  - Assist in the early identification of options likely to have significant effects on European sites
  - Assist in the HRA screening of individual policies and proposals
  - Assist in the early identification of HRA mitigation measures, and
  - Inform the HRA 'in-combination' assessment

Advice is also provided on more closely aligning SEA and HRA reporting requirements.

4. This is the third in a series of Scottish Government HRA advice sheets for Planning Authorities, all of which can be viewed online at [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/enviro-assessment/a-a](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/enviro-assessment/a-a)

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<sup>1</sup> Planning Circular 1/2009: Development Planning: Appendix 1 – The Habitats Regulations  
<http://www.scotland.gov.uk/Publications/2010/09/03095123/0>

## HRA and SEA of Development Plans

5. All Scottish Development Plans require both a HRA and a SEA<sup>2</sup>. The first of the HRA Advice Sheets in this series<sup>3</sup> highlighted opportunities for HRA and SEA to share early assessment work relating to evidence gathering, and in the initial appraisal of preferred options and reasonable alternatives. This Advice Sheet supplements and builds on that advice by adding further detail as to how a more integrated approach to SEA and HRA can be meaningfully undertaken.
6. Particular attention is given to those ways in which SEA can help to identify likely significant effects on European sites - and potential opportunities for mitigation - early in a Development Plan's preparation. This can help to provide a more integrated approach to plan development and assessment, reducing the amount of time spent on assessments and helping to minimise the risk of delays arising at a late stage of the plan preparation process.
7. Whilst SEA and HRA use similar terminology to describe assessment stages and procedures, there are however some important differences in their timing and application. Box 1 below explains the main SEA and HRA terminology as it is used within this Advice Sheet.

*This advice sheet aims to help Planning Authorities to use SEA to identify HRA issues early in the development plan's preparation. This can assist in the early avoidance of alternatives which would be likely to falter at the latter plan-making stages and could also help to reduce duplication at the early assessment stages.*

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<sup>2</sup> As required by The Environmental Assessment (Scotland) Act 2005.

<sup>3</sup> Habitats Regulations Appraisal (HRA) Advice Sheet No.1: "Aligning Development Planning Procedures with HRA Requirements" Available online at: <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/enviro-assessment/a-a/HRAAdvicesheets>

## Box 1: Glossary of Assessment Terminology

### SEA: main stages

- **Screening** is the stage when a Responsible Authority determines whether a plan is likely to result in significant environmental effects and thereby whether a SEA is required. Strategic Development Plans (SDPs) and Local Development Plans (LDPs) automatically require a SEA and can proceed straight to the SEA scoping stage. Where applicable, a **screening determination** follows the screening stage and is a public statement about whether a SEA is required or not.
- **Scoping** forms an important, statutory foundation within a SEA, setting out the level of environmental detail that is to be covered within the assessment and outlined within the Environmental Report, based on where significant environmental effects are likely to arise.
- The **assessment** involves identifying and evaluating the likely significant environmental effects of a plan and any reasonable alternatives to it. The assessment findings are documented in an **Environmental Report** which is subject to full public consultation, alongside the relevant Development Plan.
- The **SEA post adoption statement** outlines the findings of the assessment and describes how the statutory consultees' comments on the Environmental Report have been taken into account. It also sets out the means by which **monitoring** of the environmental effects of the Development Plan is to be undertaken.

### HRA: main stages (as set out in SNH's Guidance for plan-making bodies in Scotland)

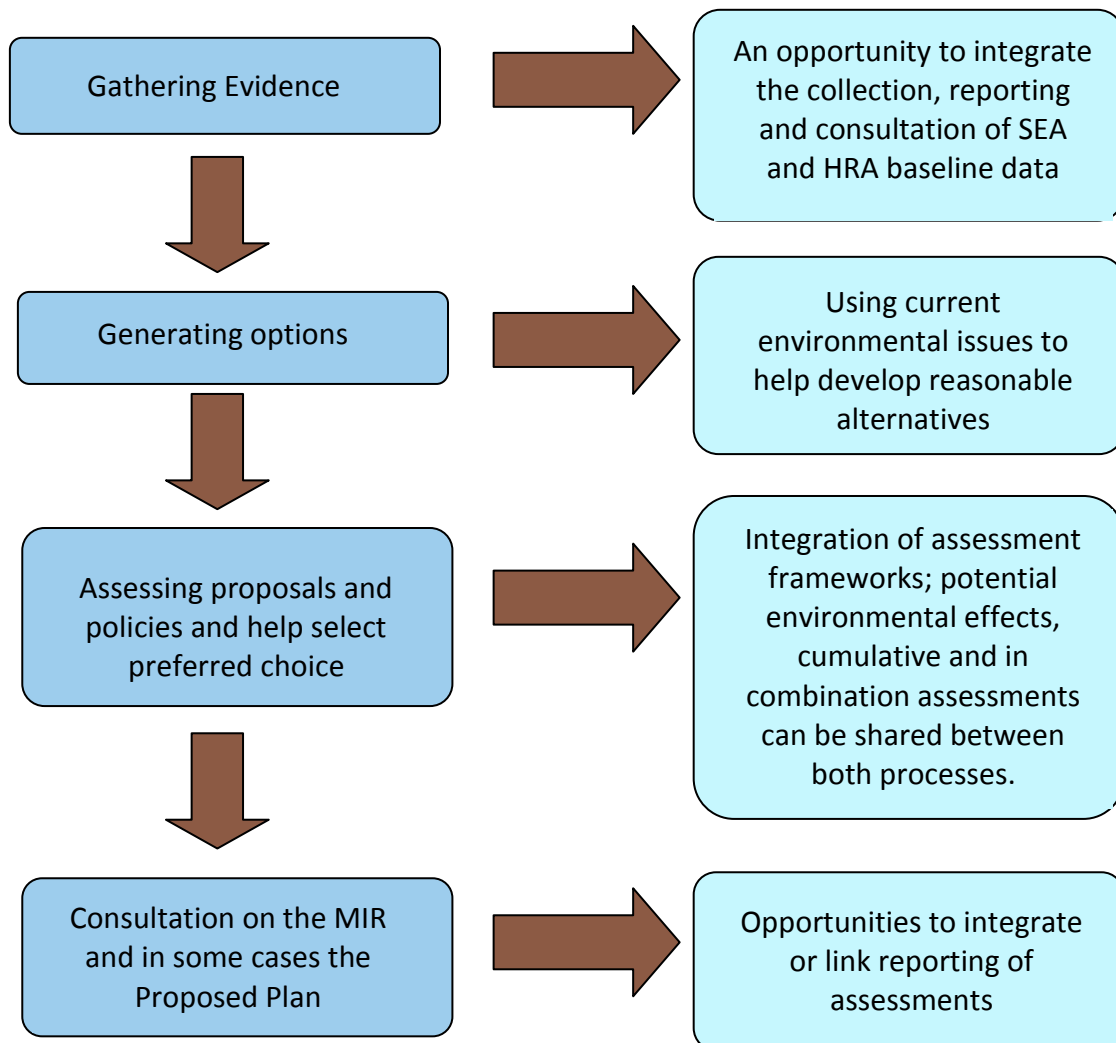
- For SDPs, LDPs and Supplementary Guidance\* the HRA process is likely to begin by **gathering the evidence base** on relevant European sites, and determining the method and approach for the **appraisal**. (**Stages 2 to 4 of the SNH Guidance refer**).
- Unlike SEA screening, which helps to determine if a plan requires assessment, **HRA screening (Stages 5 to 7)** is an iterative process through which individual policies and proposals are appraised for any '**likely significant effects**', alone or in-combination, on a European site. The significance 'test' itself will differ between SEA and HRA: See for example paragraph 4.3 of the SNH guidance for advice on the interpretation of 'likely significant effect' within the HRA context.
- Elements of the Development Plan likely to have a significant effect on a European site, either alone or in combination, must be carried forward to an **appropriate assessment** in view of the conservation objectives of those European sites **scoped** into the assessment (**Stages 8 and 9**). Appropriate mitigation is applied at this point to ensure no adverse effects on site integrity.
- The HRA – including any appropriate assessment – is documented within a **HRA Record** and consultation with SNH is undertaken (**Stages 10 and 11**). Unlike SEA, there is no statutory requirement to consult with wider stakeholders or with the public, although wider consultation may be desired in some circumstances. Finally, any post-consultation/post-examination modifications to policies and proposals may necessitate an update to the HRA record and hence require further consultation with SNH.

\*All Supplementary Guidance, as provided for in Part 2 of the Town and Country Planning (Scotland) Act 1997, as amended, is subject to HRA.

## Timing of SEA and HRA

8. Just as there are benefits to more closely aligning SEA and HRA processes, it follows that the full benefits of more robust, efficient and effective environmental assessments can only be fully realised when integrated within the plan preparation process. Figure 1 summarises the key opportunities for greater integration between the HRA and SEA processes, when expressed as part of the Development Plan preparation cycle.

**Figure 1: Opportunities for greater integration of SEA and HRA within plan-making**



## Plan inception and evidence gathering

### *Using SEA to inform the HRA evidence base*

9. Planning Authorities are encouraged to undertake SEA scoping early in the Development Plan preparation process, in order to frontload environmental issues into the plan and the reasonable alternatives. The Environmental Assessment (Scotland) Act 2005 requires Responsible Authorities to consider environmental protection objectives associated with European sites, where relevant to the Development Plan. The SEA topics of biodiversity, flora and fauna can provide an important opportunity to consider information relevant to European sites.

10. The HRA evidence base will cover information on relevant European sites, including qualifying interests, conservation objectives and site condition. Whilst some of this environmental information may be more detailed than required for SEA Scoping, nonetheless the SEA scoping stage can provide an early and effective vehicle to collect and consider much of this information. Scoping Reports also provide a means by which to initiate early consultation with SNH. Formal consultation with SNH through the SEA Scoping process can be supplemented by informal dialogue to help identify specific HRA issues, such as the role and location of offsite supporting habitat, and to encourage a proportionate approach to the inclusion of European sites and information on qualifying interests within the assessment. Consideration of pressures on European sites as part of SEA Scoping can also benefit the plan by supporting the early identification of plan options with the potential for adverse effects on site integrity.
11. Finally, SEA Scoping can provide an early opportunity to establish the principles of the approach to the HRA, including screening for likely significant effects and any subsequent appropriate assessment. Some authorities have found it beneficial to agree the approach to the HRA with SNH early in the plan making process, prior to the Main Issues Report (MIR) stage.

### ***HRA evidence gathering***

12. Planning Authorities may often find that they already have much of the HRA information they require, having been collated from previous assessment work as a result of the Development Plan preparation cycle. The extent of information required for the HRA can vary depending on the proposals within the Development Plan and their potential effect on European sites. Whilst the detail of the plan will develop as it is prepared, minimal information may be required to start the initial process of considering the likely effect on any relevant European sites. Thereafter, the evidence base may need further refinement as subsequent and iterative screening of policies and proposals continues. Collecting information intelligently and proportionately can help to avoid excessive and abortive work. The guiding principle throughout should be to maintain a clear link or pathway between the data being collected on European sites and the strategic actions of the Development Plan.

## **Generation and Assessment of Options**

### ***Using European site information to support options generation***

13. The Environmental Assessment (Scotland) Act 2005 requires those preparing Development Plans to consider and assess any reasonable alternatives, where available. The SNH Guidance makes it clear that alternatives that might adversely affect the integrity of European sites should not be included in the Main Issues Report because they could not be considered 'reasonable'. Whilst in practice the absence of adverse effects on site integrity could prove difficult to establish at an early plan preparation stage, commencing work on the HRA alongside the SEA can help to ensure some alternatives considered do not have obvious implications for European sites. For example, spatial information relating to European sites' sensitivities, and key on-site and off-site pressures, can add important constraints to the development of reasonable spatial alternatives. Commencing the HRA and dialogue with SNH at an early stage could therefore help to identify and avoid potential showstoppers and minimise the potential for abortive work.

*Early dialogue with SNH can help identify potential 'showstoppers' and hence to avoid abortive work.*

## ***Integrating HRA and SEA within site proposal assessment***

- 14.** Planning Authorities should assess potential development proposals for inclusion within a Main Issues Report using a range of planning and locational criteria. This assessment may take place following a Call for Sites. The latest Scottish Government’s SEA Guidance<sup>4</sup> outlines the benefits and disadvantages of various assessment techniques, including criteria based checklists, as part of the SEA process. Important benefits can arise by incorporating HRA criteria into the assessment of development proposals, and an integrated site assessment framework could act as a simple means of screening proposals for likely significant effects on European sites, in accordance with **Stage 5 of the SNH Guidance**. Box 2 provides examples of potential criteria, which could be used in the assessment of site proposals. Proposals screened out of requiring appropriate assessment, and the reasons for doing so, should be documented in the draft HRA Record.

### **Box 2: Example SEA and HRA Site Assessment Criteria**

Could the proposal have significant effects on biodiversity, flora and fauna?

- Could there be likely significant effects on European sites such as Special Protection Areas (SPA) and Special Area of Conservation (SAC)?
  - Could there be effects on species that form part of the integrity of a European site?
  - Does the proposal directly affect supporting habitat for a European site, or alter connectivity of a European site to such habitat?

*(HRA screening criteria that can also help to inform the SEA)*

- Is there potential for effects on designations such as Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR), and locally important designations such as a Local Nature Reserve (LNR)?  
*(SEA criterion)*
- Could species and wider biodiversity be affected? *(SEA criterion)*
- Could habitats be affected by physical loss and fragmentation, through the loss of connectivity and change to wildlife corridors?  
*(SEA criterion)*

- 15.** Assessment criteria can provide a guide to assisting Planning Authorities in identifying the significance of potential effects. When considering significance authorities should refer to the SNH Guidance on HRA and the Scottish Government’s SEA Guidance for further information.
- 16.** A ‘criteria based’ approach can be used to assess both the on and off-site effects of proposals. Furthermore it can help to identify those proposals that could result in effects on an off-site location that acts as supporting habitat and has a clear link or ecological pathway to the qualifying interests of a European site. For example, criteria can identify the potential for pollutants upstream from a river SAC, or identify possible disturbance of species that feed in an off-site area but are protected within a European site further afield.

<sup>4</sup> SEA Guidance, Available at: [www.scotland.gov.uk/Publications/2013/08/3355](http://www.scotland.gov.uk/Publications/2013/08/3355)

17. Finally, whatever the method used to assess site proposals, those proposals which have individually been screened out of HRA because any effects on a European site are likely to be minor residual (**Stage 5, Step 3(d) of the SNH Guidance refers**) must also be assessed for any in-combination effects. The SNH Guidance gives advice on the consideration of likely significant effects in-combination.

### ***Integrating HRA and SEA within policy assessment***

18. Both SEA and HRA are required to consider the effects of policies within a Development Plan. At MIR stage SEA has to assess the environmental effects of proposals and possible policy approaches and to include these within the Environmental Report, which has to be then consulted on. There are a number of methodological approaches to undertaking an SEA<sup>5</sup> but as with the site proposals there are opportunities to try and incorporate some HRA requirements into the SEA assessment framework. This could be achieved, for example, through the use of targeted questions or specific objectives. The SEA criteria could be linked to the HRA screening steps set out in the SNH guidance, and constructed to help identify whether the policy may have likely significant effects on a specific European site (or sites). In particular, criteria should seek to identify if there is a specific link or pathway between policies and European sites, and to consider the strength of this relationship to determine the likely effect.

*Integrating HRA criteria into the site assessment process can help to front-load HRA into decision making. This can support identification of; reasonable alternatives for inclusion within the MIR, mitigation measures, and minimise any duplication of effort. An integrated approach can help to minimise any time spent considering development proposals likely to be ruled out at a later stage of the planning process in light of the HRA.*

### ***Informing the HRA in-combination assessment***

19. Where SEA has to consider potential cumulative effects, HRA has to consider ‘in-combination effects’. These two assessments therefore consider the effects of policies and proposals individually, and as a suite. As both assessments are undertaking a similar task there are strong synergies between the two requirements. The findings and processes of the SEA cumulative impact assessment can therefore help to inform the HRA process of determining significant effects ‘either alone or in combination’. Similarly, the HRA approach may help to add greater depth to SEA effects findings, by improving the understanding of issues within the plan area through the consideration of in combination effects with other plans and projects. Where potential cumulative effects for European sites are identified in an SEA early mitigation can then also be included for these proposals which may assist in the later preparation of the draft HRA record.

## **Timing and Reporting of Assessments**

20. Previous sections within this Advice Sheet have aimed to highlight the opportunities that exist to integrate aspects of the HRA process into the SEA process, particularly with respect to data collection, and in the screening of proposals and policies for likely significant effects. Whilst an iterative approach to environmental assessment and plan development is openly encouraged, not least to avoid delays at later stages of the plan making process, it will be necessary for Planning Authorities to carefully identify the key stages for interaction between the individual assessments methods, and with the plan preparation itself. SNH can offer advice on timing where necessary.

<sup>5</sup> SEA Guidance, Available at: [www.scotland.gov.uk/Publications/2013/08/3355](http://www.scotland.gov.uk/Publications/2013/08/3355)



## **Reporting of assessments**

- 21.** A Planning Authority has to prepare an SEA Environmental Report for publication alongside the MIR. In many cases an updated Environmental Report will also be prepared at proposed plan stage, to capture new proposals or policies introduced after the initial consultation. Whilst there is no requirement to also publish a draft HRA record at this stage, or to consult the public on a draft HRA record, nonetheless depending on the nature of the MIR (see paragraph 23 below) there may be benefits to including a draft HRA record within the consultation material for the purpose of transparency. In this situation the title of any relevant documentation should include clear reference to the HRA as well as to the Environmental Report and care must be taken to ensure that the correct terminology is used to discuss the HRA process.
- 22.** Where Planning Authorities wish to produce a separate SEA Environmental Report and draft HRA Record, it may be beneficial to include within the Environmental Report any relevant signposts to the draft HRA Record, to demonstrate how issues relating to European sites have been considered.

### ***Timing assessments: the Main Issues Report (MIR)***

- 23.** Experience with the first round of MIRs indicates that there has been a wide variety of styles, with differences in the level of detail provided, with particular variations in this between the MIRs for SDPs and LDPs. Some MIRs have been more site specific than others; some proposing policies and proposals that are not taken forward to the Proposed Plan, while for others this type of information may only come forward at the Proposed Plan stage. HRA screening at this early point in the Development Plan's preparation can support the identification of reasonable alternatives and suitable mitigation measures that avoid the need for substantial new work at the Proposed Plan stage. However, Planning Authorities will reasonably wish to avoid abortive HRA work, where work is undertaken too early, or in too much detail, on policies or proposals that are not likely to be taken forward to the proposed plan, or which will be subject to large scale revision or refinement later in the process.
- 24.** The Habitats Regulations embody the precautionary principle and as such it may be difficult at the MIR stage to screen out some of the draft proposals and policies. However, work undertaken at the MIR stage, and linked to the SEA Environmental Report, can help to identify mitigation measures that can be included in the preparation of the proposed plan<sup>6</sup>.

### ***Timing assessments: the Proposed Plan stage***

- 25.** Planning experience again shows that in many cases there can be considerable change to the proposals and policies within a Development Plan, between the MIR stage and the proposed plan stage. Where the SEA Environmental Report has to be amended to reflect such alterations, there may also be opportunities for further linked SEA and HRA reporting and consultation. The findings of the HRA could help to influence the decisions on the significance of environmental effects within the SEA Environmental Report. Previous early engagement in the HRA process may minimise additional work at the

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<sup>6</sup> Habitats Regulations Appraisal (HRA) Advice Sheet No.2: "Screening general policies and applying simple mitigation measures" Available online at: <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/enviro-assessment/a-a/HRAAdvisesheets>

proposed plan stage in instances where sites and proposals previously considered and discounted may be reintroduced to the plan.

26. With the policies and proposals that are preferred by the Planning Authority now set out in the proposed plan, consultation at this stage should include the updated Environmental Report and the draft HRA record. This should include all the mitigation measures for aspects of the plan screened in as likely to have a significant effect on European sites, alone or in combination, as incorporated into the proposed plan.

### ***SEA and Plan Monitoring***

27. The final stage of the SEA process is the monitoring of the environmental effects of the plan. The measures to be taken to monitor effects should be set out in a SEA post adoption statement. SEA monitoring for Development Plans is also often integrated with monitoring of the plan itself. HRA does not require its own monitoring procedures as issues identified in the appraisal must be resolved at the time of formal adoption, normally achieved through mitigation such as the use of policy caveats and stipulations for proposals. However, SEA can provide an additional opportunity to monitor the successful application of some mitigation measures that a Planning Authority may consider necessary, such as adherence to mitigation measures specific to individual site development. As such the post adoption statement can also be used to document the influence on the plan of the HRA where this has informed the SEA process.

### **Conclusion:**

28. Whilst it is acknowledged that the detail and timing of the assessments required under SEA and HRA differ, nonetheless there may be opportunities for closer integration which can help to reduce duplication in effort, thinking and reporting. In particular, there may be opportunities to use the earlier SEA process to:

- **Inform the HRA evidence-base;** the SEA can provide a valuable source of information on wider effects that can be used to inform the HRA.
- **Assist in the early identification of proposals and policies that are likely to have a significant effect on European sites;** Planning Authorities should be aware of the links between those environmental effects identified within a SEA and the qualifying species and habitats that form the basis for the integrity of European sites. For example, activities that might increase air or noise pollution could impact on qualifying habitats and species that are sensitive to these factors, especially those already under existing similar (or alternative pressures). SEA assessment can also identify potential indirect effects on European sites because there is a connectivity issue. Planning Authorities that opt to use a criteria-based checklist to assess individual site proposals have an ideal opportunity to build in some HRA criteria (See Box 2).
- **Assist in the early identification of HRA mitigation measures;** where simple mitigation measures which remove, avoid, or cancel the likely significant effect are identified early in the plan's preparation, these may help to screen out proposals and policies from further assessment under HRA. Where clear, simple mitigation that does this cannot be found, the early preparation work can still be useful in identifying mitigation more correctly implemented at the appropriate assessment stage of HRA.

- **Inform the HRA 'in-combination' requirement;** a SEA seeks to identify cumulative environmental effects between proposals and policies, early within a plan's preparation. This early insight can support Planning Authorities when it comes to gauge the 'in-combination' requirements under HRA.

**29.** Finally, it follows that HRA can help to inform the SEA process by helping to determine the significance of effects under the Biodiversity, Flora and Fauna SEA topics. It would be expected that issues that are likely to be picked up in the HRA process would be reflected within the SEA, and vice versa, when the two assessment processes are integrated early. Integrated reporting can also document the response from the plan making process and form part of the evidence in the SEA post adoption statement, as to how natural heritage has been taken into account.