# Habitats Regulations Appraisal Proforma

The purpose of this document is to provide an example of how to record a Habitats Regulations Appraisal (HRA). It is similar to a proforma used by NatureScot staff when NatureScot (SNH) is a competent authority and when NatureScot is providing advice to a competent authority. In August 2020 SNH changed its operating name to NatureScot, although we are still legally known as SNH when carrying out some of our functions. Any references to a legal obligation involving NatureScot in this proforma should be read as one involving SNH.

Note: Summary guidance is included below for convenience. Further guidance is available on the NatureScot website on [how to carry out an HRA](https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra).

**Appraisal in relation to regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (Habitats Regulations Appraisal)**

(Or, where relevant, under regulation 61 of The Conservation of Habitats and Species Regulations 2010 as amended, or regulation 25 of The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 as amended)

**EUROPEAN SITE DETAILS**

**Name of European site(s) potentially affected:**

Click or tap here to enter text.

**Name of component SSSI if relevant:**

Click or tap here to enter text.

**European site qualifying interest(s) & whether priority/non-priority:**

Click or tap here to enter text.

**Conservation objectives for qualifying interests:**

Click or tap here to enter text.

Note: Remember to use the most up to date conservation objectives (COs) available. These can be found on the sites page on [SiteLink](https://sitelink.nature.scot/home).

For SPAs this is the ‘old style’ COs whereas for SACs it is most likely to be the new style that can be found in the site’s Conservation Advice Package document (the heading text from the shaded boxes being used as the CO with the information below being supplementary and not required to be carried over onto this form).

Be aware that different features of a site may have different COs (e.g. maintain or restore objectives). When assessing against a restore CO, you should consider whether the proposal will prevent the ability to restore the feature.

**STAGE 1: WHAT IS THE PLAN OR PROJECT?**

**Proposal title:**  Click or tap here to enter text.

**Name of competent authority:** Click or tap here to enter text. A competent authority is the authority with the power or duty to determine whether or not a proposal can proceed, whether approving its own proposals or those of others. It includes any Minister, government department, public or statutory undertaker, public body of any description or person holding a public office.

**Details of proposal (inc. location, timing, methods):**  Click or tap here to enter text. Details should be provided on all aspects of the proposal that may affect the qualifying features (i.e. associated works)

**STAGE 2: IS THE PLAN OR PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO SITE MANAGEMENT FOR NATURE CONSERVATION?**

This test is to identify and remove from further assessment those proposals which are clearly necessary to, or of value to, or inevitable as part of, management of the site for its qualifying interests. For the majority of proposals competent authorities deal with the answer to stage 2 will be ‘no’. However where it is thought this could be applicable the following points should be considered:

i) Has the effect on all qualifying interests been considered?

ii) Is the proposal part of a fully assessed and agreed management plan? If not, then further consideration or supporting information will be required.

iii) Is there a clear rationale to justify the connection with the conservation objectives?

iv) If there is a clear connection with the conservation objectives will any benefits arising from the proposal outweigh any negative effects?

v) Have any alternative methods of implementing the proposal been explored, including building in any relevant mitigation, to demonstrate that this is the least damaging option?

vi) Give a YES/NO conclusion in terms of whether the plan or project is considered directly connected with or necessary to site management for nature conservation.

- If **YES** for all elements of a plan or project, for all the European site qualifying interests (preferably as part of a fully assessed and agreed management plan), then consent can be issued. The rationale should be detailed below and no further appraisal is required (no need to proceed to stage 3 or 4).

-If **No** for one or more European site qualifying interests then proceed to stage 3.

- **If a plan has multiple elements (e.g. a range of policies or management objectives)**, elements of the plan considered directly connected with or necessary to site management for nature conservation should be discussed below and a rationale given for this conclusion. No further appraisal is then required for those elements. All other elements of the plan must proceed to stage 3.

Click or tap here to enter text.

**STAGE 3: Is the PLAN OR PROJECT (EITHER ALONE OR IN COMBINATION WITH OTHER PLANS OR PROJECTS) likely to have a significant effect on the SITE?**

The test of Likely Significant Effect (LSE) is a simple screening stage to determine whether or not an appropriate assessment is required. Each qualifying interest must be considered in relation to their conservation objectives. The following points should be considered:

i) Briefly indicate which qualifying interest could be affected by the proposal and how; if none, provide a brief justification for this decision, and then proceed to v), otherwise continue:

ii) consider whether there is connectivity between the proposal and each of the qualifying interests i.e. are there processes or pathways by which the proposal may influence the site’s interests? Conclude no LSE only if there is no connection, or it is obvious that the proposal will not undermine the conservation objectives despite a connection. The potential for negative effects on the qualifying interests may be immediately obvious, in which case conclude likely significant effect and move straight to the next step.

iii) consider the nature, scale, location, longevity, and reversibility of effects;

iv) consider whether the proposal contributes to cumulative or incremental impacts in combination with other plans or projects completed, underway or proposed;

v) Where the impacts of a proposal are the same for different qualifying interests these can be considered together however a clear conclusion should be given for each interest.

vi) give Yes/No conclusion for each interest.

- **If yes**, **or** in cases of **doubt**, continue to stage 4.

- **If no** for **all** features, a consent can be given and recorded below. There is no need to then proceed to stage 4.

**Remember** if mitigation is required to prevent there being an effect on qualifying interests then LSE must be concluded and an appropriate assessment (stage 4) must be conducted. Further guidance on the handling of mitigation can be found as part of the [European site Casework Guidance](https://www.nature.scot/doc/european-site-casework-guidance-how-consider-plans-and-projects-affecting-special-areas-conservation).

Click or tap here to enter text.

Types of effects which in all cases are likely to be significant and indicate an obvious need for appropriate assessment include:

* Causing reduction in the area of habitat or of the site.
* Causing direct or indirect change to the physical quality of the environment, hydrology or habitat within the site.
* Causing ongoing disturbance to qualifying species or habitats.

If there is not a clear cut case for concluding either LSE or no LSE, it may be possible to clarify by seeking basic additional information. For example, if the timing of a proposal is unknown but crucial to the determination of its effects, this fact might easily be obtained. However, if more detailed information or complex analysis is required, such an appraisal should not be included in the consideration of LSE; instead it should form part of the appropriate assessment stage.

If in doubt about LSEs but the potential exists, conclude likely significant effect and move to the appropriate assessment stage (stage 4).

**STAGE 4: UNDERTAKE AN APPROPRIATE ASSESSMENT OF THE IMPLICATIONS FOR THE SITE IN VIEW OF ITS CONSERVATION OBJECTIVES**

(It is the responsibility of the competent authority to carry out the appropriate assessment. The competent authority must consult NatureScot on the appropriate assessment. NatureScot can provide advice on what issues should be considered in the appropriate assessment, what information is required to carry out the assessment, in some circumstances carry out an appraisal to inform an appropriate assessment and/or provide comments on an assessment carried out.)

An 'appropriate assessment' consists of two parts: a scientific, reasoned appraisal (stage 4) and a conclusion (stage 5). Consider the proposed plan/project, its impact on the qualifying interests assessed against their conservation objectives, and take account of any possible in combination effects with other plans or projects.

The following points should be considered:

i) Describe for each qualifying interest the potential impacts of the proposal detailing which aspects or effects of the proposal could impact upon them and their conservation objectives.

ii) Evaluate the potential impacts, e.g. whether short/long term, reversible or irreversible, and in relation to the proportion/importance of the interest affected, and the overall effect on the site’s conservation objectives. This should be in sufficient detail to ensure all impacts have been considered and sufficiently appraised. Record if additional survey information or specialist advice has been obtained.

iii) Each conservation objective should be considered and a decision reached as to whether the proposal will affect achievement of this objective i.e. whether the conservation objective will be undermined if the proposal is consented to. Restore objectives may have been set where qualifying features of a site are in an unfavourable condition. In such cases the appropriate assessment should consider whether the plan or project would prevent the qualifying feature from being able to be restored.

Click or tap here to enter text.

* For each impact assess the probability of it undermining the conservation objectives.
* For each impact assess the magnitude, duration & reversibility of the effects.
* Consider mitigation proposed and its potential to be effective in removing or reducing impacts.
* Record any assumptions made and evidence or advice used.

You should give sufficient detail to allow you to conclude whether the plan or project will not adversely affect site integrity for the qualifying interests of the European site – or otherwise. It need not be complex, particularly where the impacts are clear. It is essential, however, that the assessment should be fully reasoned, and any decisions arrived at clearly recorded along with reference to any advice obtained.

Where an EIA or SEA has been undertaken under other legislation, it can inform the appraisal component of appropriate assessment. It is however a Competent Authority (CA) that must always reach a formal conclusion as to whether there are no adverse effects from the proposal on site integrity, for an appropriate assessment to be complete.

**STAGE 5: CAN IT BE ASCERTAINED THAT THE PROPOSAL WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE SITE?**

In the light of the appraisal, ascertain whether the proposal will not adversely affect the integrity of the site. Conclusions should be reached beyond reasonable scientific doubt. If more than one SAC and/or SPA is involved, give separate conclusions. If mitigation or modifications are required, detail these below. Mitigation must be deliverable and enforceable, and there should be certainty that this should work. Further details on what should be considered when assessing potential mitigation options are outlined in section 4.3 of the [European site casework guidance](https://www.nature.scot/doc/european-site-casework-guidance-how-consider-plans-and-projects-affecting-special-areas-conservation).

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The integrity of the site only applies to the qualifying interests and is directly linked to the conservation objectives for the site. If a plan or project does not undermine the conservation objectives, then the integrity of the site should be maintained or, where relevant, have the ability to be restored. Conversely, if any of the conservation objectives could be undermined, it would not normally be possible to ascertain that the integrity of the site would not be adversely affected.

**Modifications required to ensure adverse effects are avoided and reasons for these**

Only list those modifications (i.e. further mitigation) that have been identified as being required to prevent there being an adverse effect on site integrity.

Do not include mitigation that has already been planned in the plan/project or best practice that is already being followed unless you believe these should be added as conditions to the permission given. As noted above, further details on what should be considered when assessing potential mitigation options are outlined in section 4.3 of the [European site casework guidance](https://www.nature.scot/doc/european-site-casework-guidance-how-consider-plans-and-projects-affecting-special-areas-conservation).

Click or tap here to enter text. Outline the mitigation needed and reasons for this.

**Advice sought**

Include here details of, or clear reference to, any advice sought. If an appropriate assessment has been carried out NatureScot must be consulted.

Click or tap here to enter text.

**CONCLUSION IN RELATION TO PLAN OR PROJECT**

In view of the appraisal above select the appropriate response position and whether the plan or project can be consented/approved/undertaken*.* Note: this conclusion is just in relation to effects on a European site. There may be impacts to other natural heritage interests that also need to be considered.

Choose an item.

**Comments:** Click or tap here to enter text.

**Appraised by:** Click or tap here to enter text.

**Date:** Click or tap to enter a date.