



Habitats Regulations Assessment workshop – managing impacts on Habitats (European) Sites

**Essex Planning Officers Association 2019 Planning Skill Series
17 April 2019**

**Clare Dawson, Babergh & Mid Suffolk DCs
Sue Hooton, Place Services, Essex CC**



Summary

E8 HRA workshop – managing impacts on Habitats (European) Sites

Welcome & Introductions

- What you will learn today
- Overview of the HRA process
- Key challenges

- Plans & HRA – Spatial planning & strategic solutions

Break

- Projects & HRA – DM planning & Implementing Natural England's Advice

- Key Messages

What will you come away with today?

A better understanding of:

- The Habitats Regulations Assessment process and why it is required
- Increased confidence in discharging your functions in HRA as a competent authority
- RAMS and why strategic solutions are needed
- How to implement Natural England's advice relating to the Essex Coast RAMS

Overview of the HRA process



Impacts on Habitats
sites,
Likely significant
effect,
In combination
assessment, Site
Integrity, etc...

The Legislation

The UK “Habitats Regulations” 2017 stem from European Directives 1994, to which all Member States of the European Union must comply:

- The “Birds Directive” i.e. Special Protection Areas; and
- The “Habitats Directive” i.e. Special Areas of Conservation
- Also applies to Ramsar sites (internationally important wetlands), designated under Ramsar Convention 1970.

Any “Plan or project” needs to be assessed for likely effects on these sites, **either alone or in combination with other plans and projects.**

UK Legislation – The Habitats Regulations

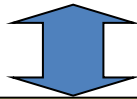
- The Conservation of Habitats and Species Regulations 2017
- Commonly referred to as the “Habitats Regulations”
- Regulations apply in the terrestrial environment (including the coastal zone) and territorial waters out to 12 nautical miles.



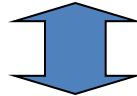
[legislation.gov.uk](https://www.legislation.gov.uk)

Stages in the Habitats Regulations Assessment decision making process

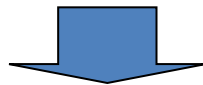
Step 1: Management Test for Habitats site



Step 2: Likely Significant Effect test / Screening



Step 3: Appropriate Assessment stage



Step 4: Site Integrity Test (precautionary principle)

Roles & Responsibilities

- Natural England's role is as **adviser** to the competent authority making the decision. We are a step removed from that decision, to ensure impartiality.
- The “**competent authority**” is usually the Local Planning Authority (either officers or committees as appropriate). They make the decision, taking ownership of the assessment.
- The developer must provide sufficient information to enable the competent authority to carry out the HRA. Whilst “**shadow HRAs**” may be helpful, the competent authority must be able to show it has undertaken the assessment.

Natural England's role

Reg 61(3) – *“The competent authority **must** for the purposes of the assessment **consult the appropriate nature conservation body** and have regard to any representations made by that body...”*

NE can provide advice and guidance on the scope of the HRA, assessment of impacts and conclusion, as well as suitable mitigation and/or compensatory measures.

All Competent Authorities must:

- Have regard to the requirement of the Habitats Directive when exercising their functions – Reg 9
- Comply with specific requirements in the Habitats Regulations when permitting operations or undertaking their own operations that may impact on a Habitats (European) Site.
- Only authorise plans or projects if they **will not adversely affect** the integrity of the Habitats Site, unless the proposal meets other exceptional criteria (Regulations 61-62 and Regulation 102).
- Consult Natural England before permissions are given.

All Competent Authorities must (continued)

Need to apply HRA tests in order:

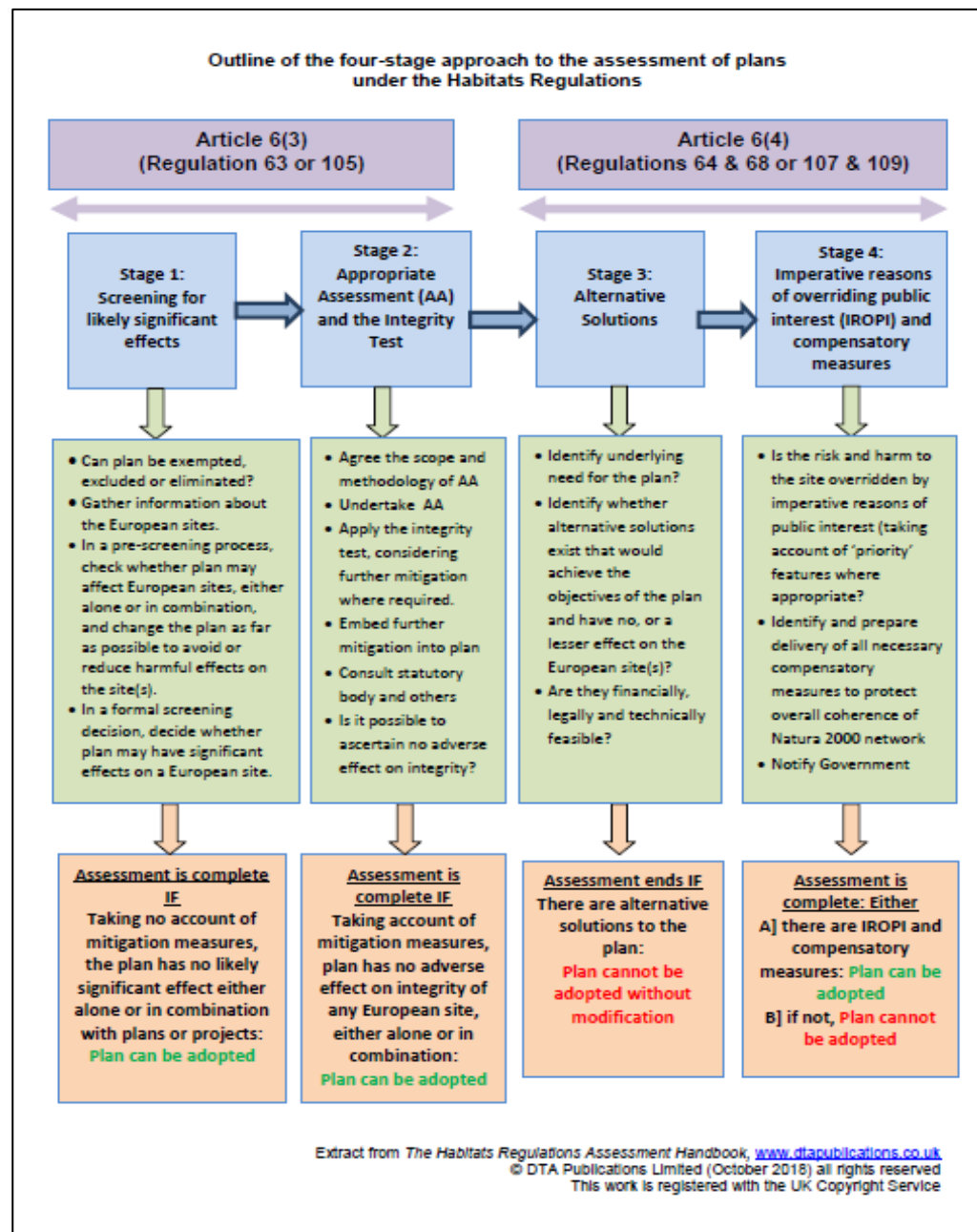
- **Test 1 – the significance test:** Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a ‘likely significant effect’ (LSE) to a Habitats (European) site in terms of increased recreational disturbance – either alone or in combination with other plans and projects.
- **Test 2 – the integrity test:** The applicant must provide sufficient evidence to allow the Appropriate Assessment (AA) to be made, which is the stage at which avoidance and/or mitigation measures can be considered – either alone or in combination with other plans and projects. The test is Adverse Effect On Integrity (AEOI) for Habitats Sites.

Spatial planning and HRA requirements

Outline of the Four Stage Approach to the Assessment of Plans under the Habitats Regulations

(taken from the DTA handbook).

©



Need for HRA Mitigation

- Local Plans in preparation in Suffolk & Essex set to deliver thousands of new homes over the coming 15-20 years. Other spatial plans eg Minerals & Waste Plans, Neighbourhood Plans will also need HRA screening.
- Habitats Regulations Assessments / Appropriate Assessments of these Local Plans have identified that, without mitigation, it is not possible to conclude no adverse effect on integrity of Habitats sites.
- Mitigation is therefore necessary to ensure the Local Plans are legally compliant and sound and development management will need to secure effective measures.
- Mitigation measures will need to cover the lifetime of the Local Plans and avoid impacts from allocated and windfall housing developments.

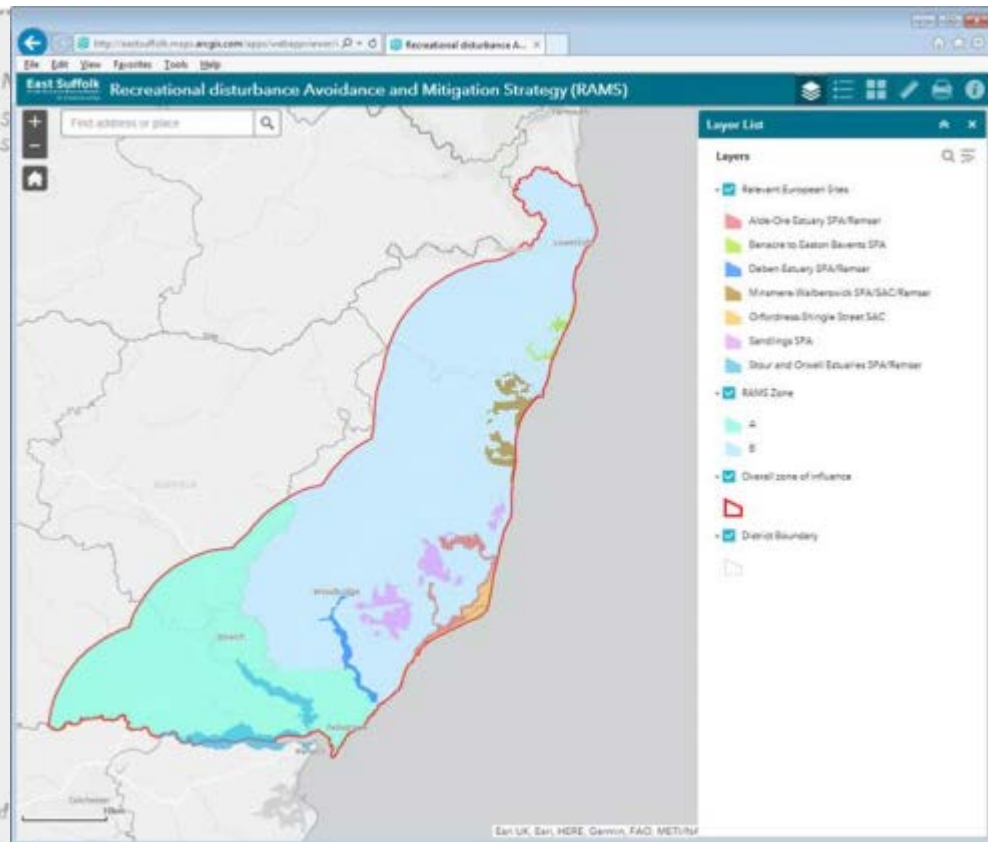
Assessment of Plan policies & site allocations

Test 1 Likely Significant Effect & Test 2 Integrity test at Appropriate Assessment

Policy	Banfleet and Southend Marshes SPA and Ramsar site	Blackwater Estuary SPA and Ramsar site	Crouch and Roach Estuaries SPA and Ramsar site	Denge SPA and Ramsar site	Foulness SPA and Ramsar site	Thames Estuary and Marshes SPA and Ramsar site	Essex Estuaries SAC	Outer Thames SPA	Will Policy have Likely Significant Effect (LSE) on the European/ Habitats Sites?
NE 7 – Ensuring Capacity at Water Recycling Centres	✓	✓	✓	✓	✓	✓	✓	✓	Screen In. This policy incorporates mitigation which aims to prevent pollution (storm discharges) to Habitats Sites within the Thames and Crouch estuaries and by ensuring that there is adequate capacity at water recycling centres and surface water is managed on site, in line with the South

Policy	Likely Impact from Policy via Disturbance (Covered by Essex Coast RAMS)	Proposed Mitigation Measures	Will Adverse Effect on Integrity of Habitats sites be avoided with mitigation embedded?
HO 1 – Housing strategy	Habitats Regulations Assessments for a number of local plans across Essex have established that their proposed housing developments are a likely significant effect arising from recreational disturbance either alone, or in combination with other housing developments. Recreational disturbance in combination with other plans and projects is predicted due to the significant growth planned for many Essex LPAs. All residential development is likely to have an adverse effect of integrity without mitigation on all the Habitats listed at screening stage due their close proximity to these sites.	A strategic mitigation solution (the Essex Coast RAMS) has been designed to avoid AEOI from impacts in combination with other plans and projects. This is embedded into Policy NE8. Therefore, providing that policy NE8 fully is implemented, it can be concluded that there will be no adverse effect on integrity as a result of recreational disturbance caused by XXX Local Plan. Disturbance will be avoided by the provision of effective visitor management measures at the Habitats sites in line with the Essex Coast RAMS. Developers of residential applications have the option to provide a proportionate financial contribution (per dwelling tariff) to the Essex Coast RAMS or provide their own surveys and project level HRA to identify the measures necessary to avoid AEOI and ensure delivery in perpetuity.	Yes – Adverse effect on site integrity will be avoided for this policy, with the proposed mitigation embedded.
HO 5 – Identified land for homes	Habitats Regulations Assessments for a number of local plans across Essex have established that their proposed housing developments are a likely significant effect arising from recreational disturbance either alone, or in combination with other housing developments. Recreational	A strategic mitigation solution (the Essex Coast RAMS) has been designed to avoid AEOI from impacts in combination with other plans and projects. This is embedded into Policy NE8. Therefore, providing that policy NE8 fully is implemented, it can be concluded	Yes – Adverse effect on site integrity will be avoided for this policy, with the proposed mitigation embedded.

ZOIs for Essex Coast RAMS & the Suffolk Coast RAMS



Baseline evidence and analysis to support HRA mitigation package

All HRA must be based on evidence – plans or projects – and a strategic approach with partners may be recommended by Natural England.

Suffolk & Essex Coast RAMS Steering Groups plus Natural England (NE) collated evidence to inform:

- Baseline evidence eg residents visiting the Habitats sites (some collected by the LPAs), air quality data.
- Where timetable cannot include surveys, NE may agree to use best available evidence eg Suffolk Coast RAMS



Summary of the Suffolk & Essex Coast RAMS

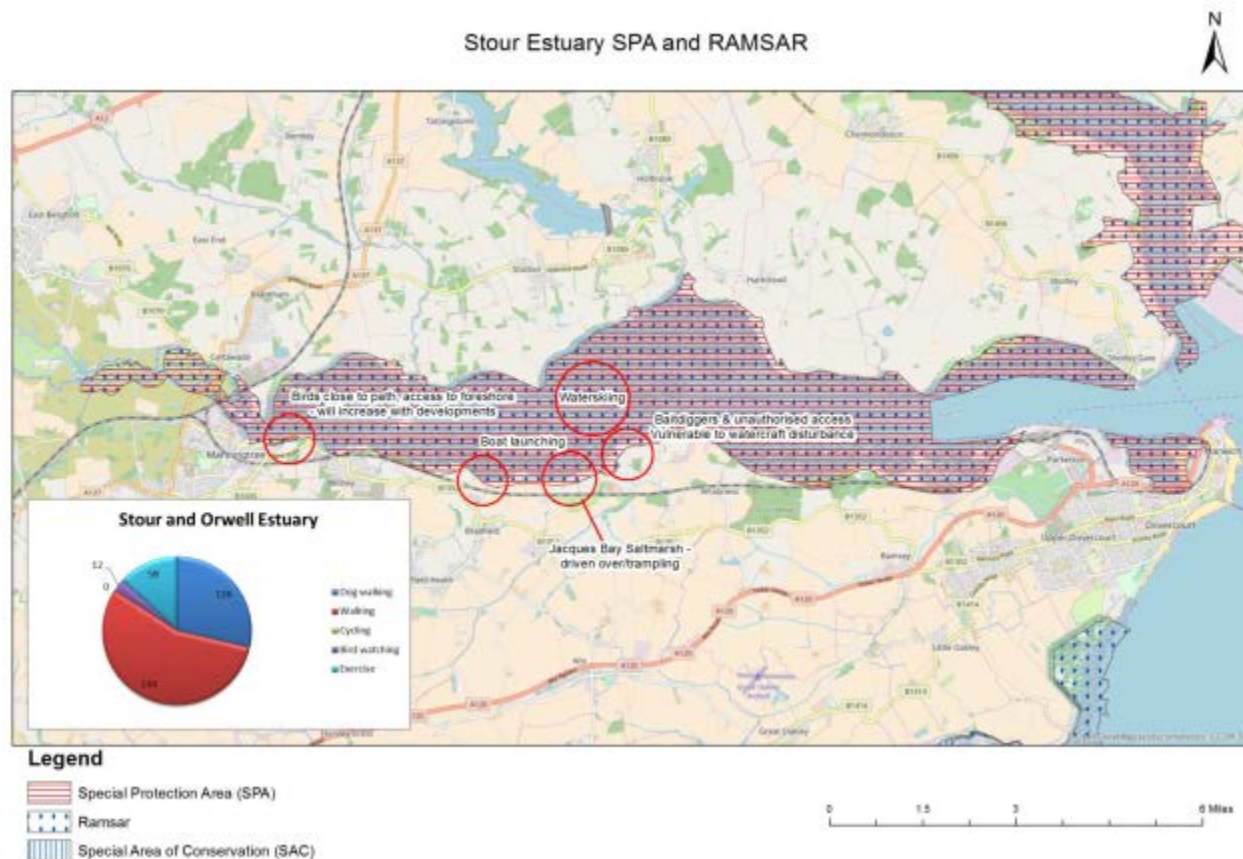
The Suffolk & Essex Coast RAMS each identify a strategic package of mitigation measures necessary to avoid any adverse effects from the 'in-combination' impacts of proposed residential development across Suffolk & Essex.

This strategic approach has the following advantages:

- Enables effective mitigation measures to be delivered across administrative boundaries and identifies Zones of Influence
- Front loaded - Mitigation is identified at the plan rather than project level;
- It is evidence based and provides a fair mechanism to fund the required mitigation measures; and
- It provides developers and planning authorities with a cost effective, consistent and efficient mechanism to deliver appropriate mitigation for residential schemes within a Zone of Influence.

Suffolk & Essex Coast RAMS Stakeholder workshops

Suffolk & Essex Coast RAMS steering groups arranged workshops for key stakeholders eg managers of Habitats sites. Initial & follow up sessions to proactive engagement to identify effective mitigation measures.



HRA mitigation for recreational activities & likely disturbance impacts

Both the Suffolk & Essex Coast RAMS identify the mitigation measures necessary to avoid any adverse effects from the 'in-combination' impacts of proposed residential development across each county.



C Ed Keeble

RAMS Headline Mitigation Measures Identified

- Website, educational & promotional materials
- Delivery Officer - to co-ordinate mitigation measures & funding collected
- Rangers - to raise awareness and promote appropriate behaviour particularly dogs off lead (In Essex these will be Shore and water based)
- Dog related project eg “I am a Good Dog” run by Suffolk AONB team
- Signage & Interpretation boards (in liaison with other projects)
- Monitoring of disturbance
- Water sports zonation
- Habitat creation & long term management



Strategic package of mitigation measures costed for delivery on the Essex Coast under the Bird Aware umbrella

About Bird Aware

Developed in 2016 by the Solent Recreation Mitigation Partnership, Bird Aware is a partnership committed to securing positive behaviour change with users of the coastal landscape. It aims to limit their impact on the environment - and in particular coastal birds - through small changes in their actions. This is achieved through outreach with rangers, educational activities and marketing campaigns.

The brand achieves the following:

- It immediately focuses on the core aim of the organisation – to be aware of waders and wildfowl especially in intertidal areas. The regional element - i.e. Bird Aware Solent - draws focus to the required regional level
- It immediately places a level of responsibility on the audience – it is both a declaration and an expectation of those accessing content
- It acts as its own tagline, removing the need to use valuable real estate in branded materials
- It allows for usage in a variety of maritime locations (i.e. harbour, estuary, etc.)
- It is an easy mnemonic – audiences are likely to remember the title, providing much greater word of mouth reach

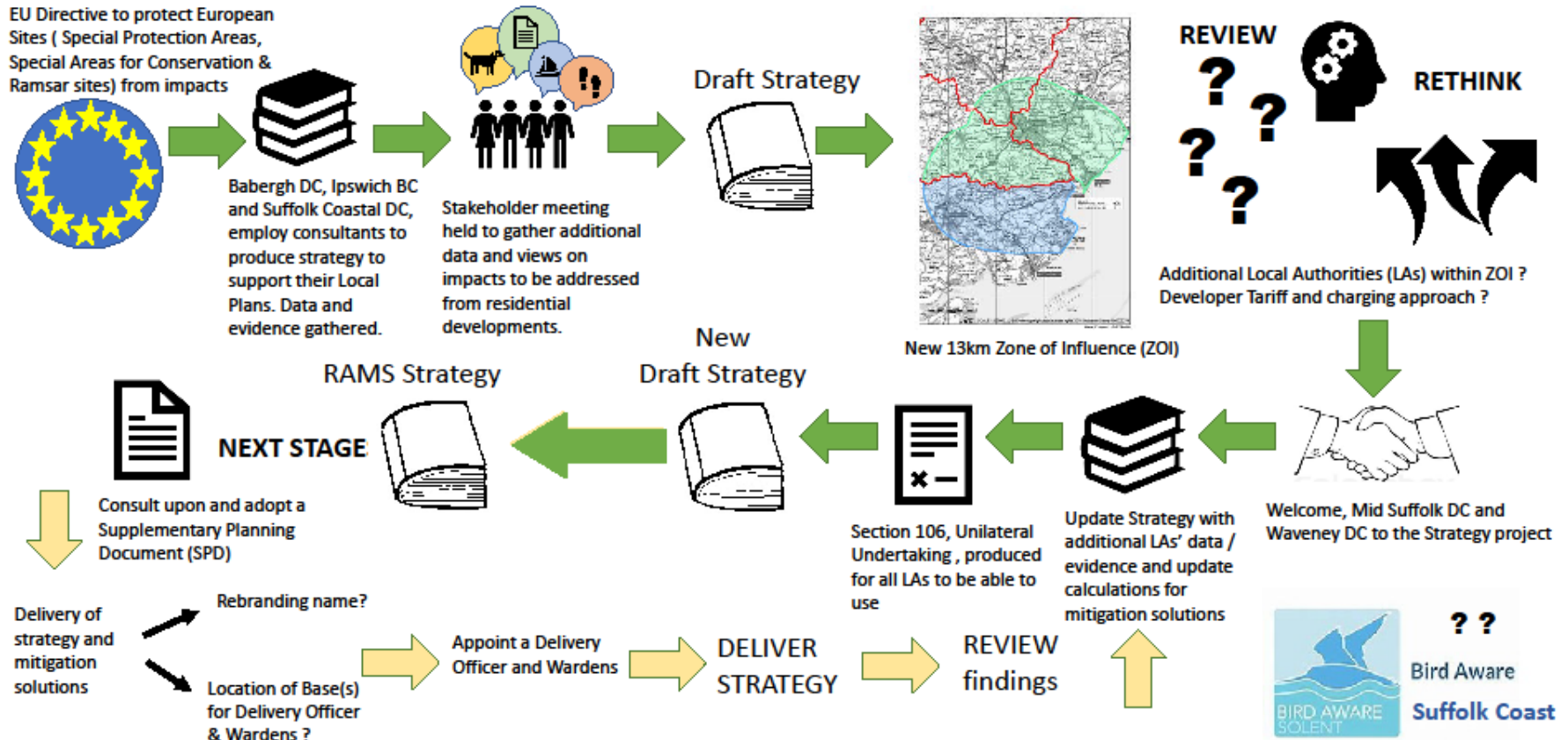


Relationship with other plans & existing projects

- Ensure mitigation measures are unique to demonstrate additionality
- Suffolk & Essex Coast RAMS are not funding SANGS
- England Coast Path (ECP) requires separate mitigation
- Essex Path to Prosperity (Coastal Communities project) aims to tie in with ECP mitigation
- Development eg at the coast for tourism and leisure facilities, will need separate mitigation to avoid AEOI
- Projects such as Lower Thames Crossing & Tilbury 2 have mitigation measures to minimise impacts eg timing of works

Progress of the Suffolk Coast RAMs to date

Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)



Progress of the Essex Coast RAMs to date

Winter
17/18

- Baseline Evidence

Spring/
Summer
18

- Draft Technical Report

Winter
18/19

- Final RAMS Technical Report

Summer
19

- Supplementary Planning Document

Summer
19
onwards

- Collection of developer contributions & delivery of mitigation measures



SPD to help secure developer contributions

- In Essex, Place Services have prepared a draft SPD
 - Incorporated comments from RAMS steering group workshop
 - Incorporated a template legal agreement from Suffolk RAMS
 - Drafted the FAQs
 - Will provide SEA and HRA screening reports
- In Suffolk
- Essex Coast RAMS SPD consultation to be agreed
 - Consultation in summer 2019?
 - Developer/agent forums to take place alongside public consultation to secure buy-in?
 - Adoption Autumn 2019?

Any questions??

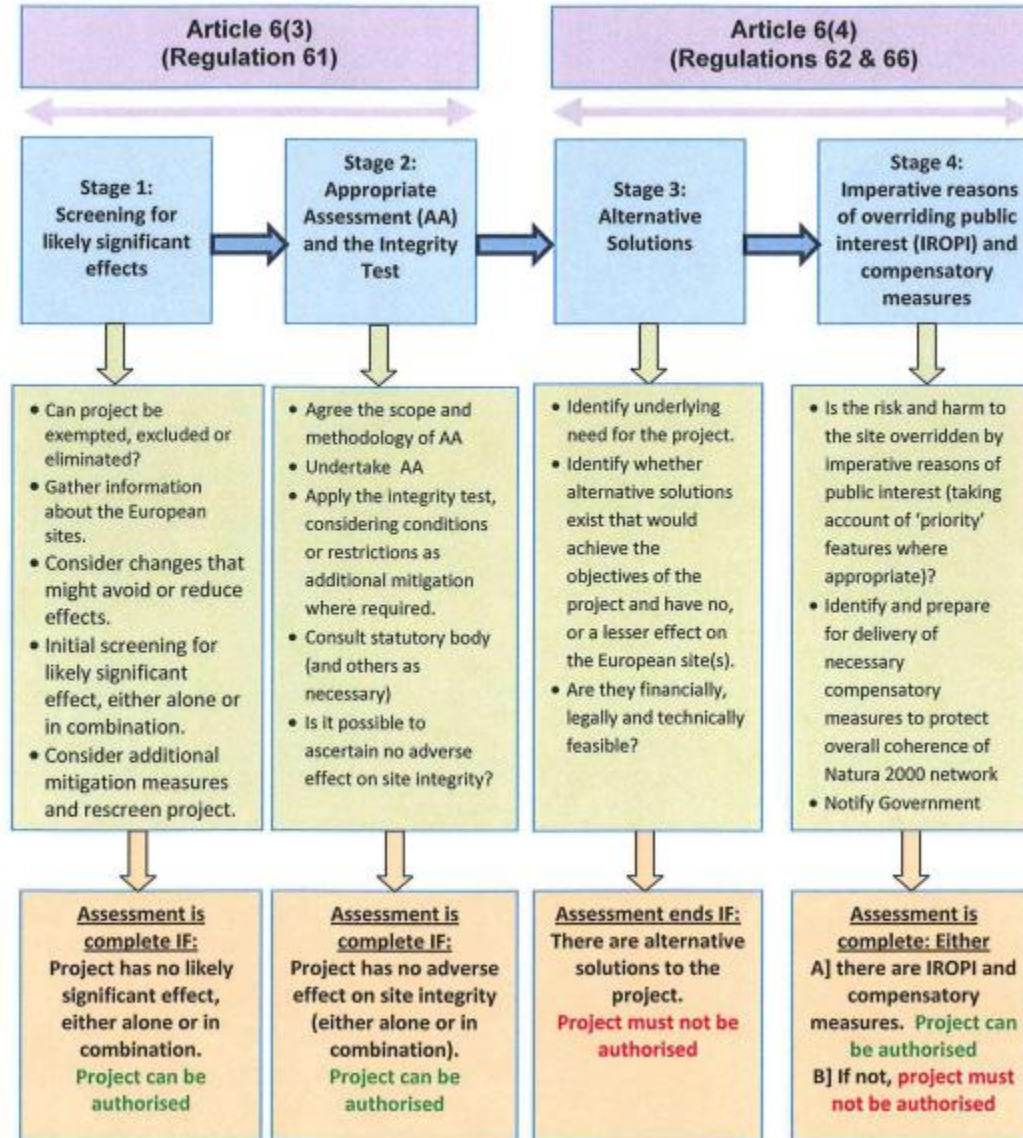
Break time !

Development management and HRA requirements

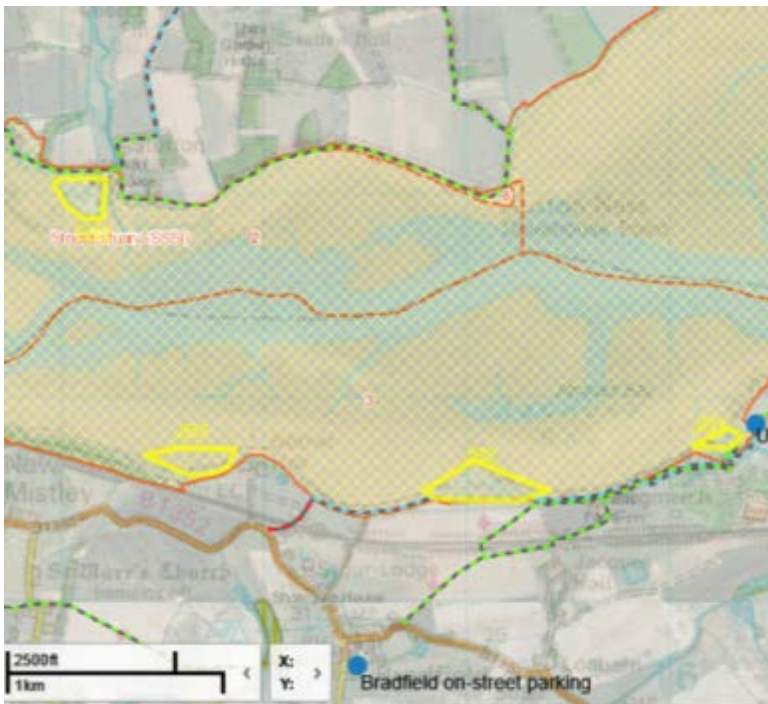
Outline of the four stage approach to the Habitats Regulations Assessment of projects

Outline of the Four Stage Approach to the Assessment of Projects under the Habitats Regulations (taken from the DTA handbook).

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Implementing the Essex & Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategies

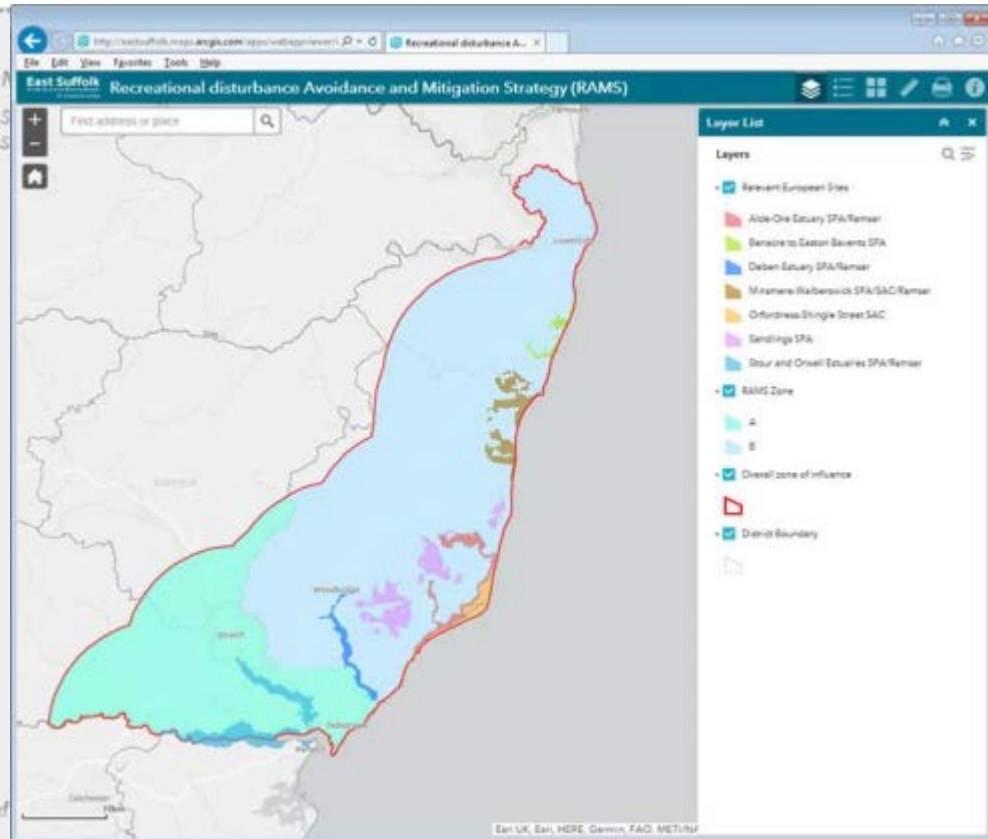


Implementing Natural England's advice

1

- NE has issued updated interim advice to all LPA partners in the Essex & Suffolk Coast RAMS until the Technical Reports are adopted. Their letter requires LPAs to assess impacts on all new residential developments within the Zone of Influence & consult them on large scale schemes. HRA records are required for each development.
- Check location on www.magic.gov.uk at validation
- The types of residential development covered included in the advice handout - New dwellings of 1+ units (excludes replacement dwellings and extensions)

ZOIs for Essex Coast RAMS & the Suffolk Coast RAMS



Implementing Natural England's Advice

2

- NE advice letter includes a HRA record for all relevant development to assist each LPA to produce the required Appropriate Assessment.
- Updated advice to reflect the “People Over Wind Judgement”
- Recommendations for larger scale residential developments (100 units +, or equivalent. Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale as well as a contribution to fund “off site” or strategic measures.
- Smaller scale development (1-99 units) a financial contribution to strategic “off site” measures e.g. rangers.
- Mitigation is necessary to avoid AEOI so is a legal requirement to make the development acceptable.

Using the Essex Coast HRA Template

- The HRA template isn't compulsory to use but it has been designed by NE to help LPAs undertake the HRA assessments to meet the requirements of the Habitats Regulations in relation to the RAMS .
- It includes the following sections:
 - Screening stage of the Assessment
 - Appropriate Assessment stage
 - Summary of the Appropriate Assessment including details of any mitigation requirements needed to enable a conclusion of no adverse effect on integrity to be reached
- To be carried out by the **Competent Authority** (eg the LPA) in liaison with NE (where necessary)
- Please don't submit shadow HRAs prepared by developers to NE.
- If other impacts on Habitats Sites are likely, a bespoke HRA will be needed.

Using the Essex Coast HRA Template – overview

1 **Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record**

Application details
 Local Planning Authority: _____
 Case officer: _____
 Application reference: _____
 Application description: _____
 Application address: _____
 Status of Application: _____
 GR10 Ref: _____

HRA Stage 1 - screening assessment

Test 1 – the significance test: Based on the dev's designated sites, a judgement should be made as to whether the development is likely to have a significant effect (LSE) to a European site in terms of recreational disturbance.

Is the development within the zone of influence (ZOI) of a European designated site?

- Essex Coastline Special Area of Conservation (SAC)
- Harford Water (Special Protection Area (SPA) and Special Area of Conservation (SAC) and Ramsar site)
- Great Ouse (Special SPA and Ramsar site)
- Colne Estuary SPA and Ramsar site
- Roachwater Estuary SPA and Ramsar site
- Orange SPA and Ramsar site
- Crouch and Trach Estuaries SPA and Ramsar site
- Thames Estuary SPA and Ramsar site
- Thames Estuary and Washes SPA and Ramsar site

YES

Does the planning application fall within the following development types?

- New dwellings of 11 units (exclusive replacement dwellings and conversions)
- House in Multiple Occupation (HMOs)
- Student Accommodation
- Residential care homes and residential facilities (including nursing homes)
- Residential care homes (including holiday accommodation)
- Clubs, leisure and travelling show pitches etc

YES

Exceeds LSE: The proposal is within scope of the Essex Coast Ramsar as it falls within the zone of influence to study impacts and is a substantial residential development type as defined above. It is anticipated that such a development in this area is likely to have a significant effect upon the relevant features of the above-mentioned designated sites through increased recreational pressure, when considered either alone or in combination. Therefore:

- Proceed to HRA (Stage 2) Appropriate Assessment to assess recreational disturbance impacts on the above designated sites
- Check [Annex 1](#) to see whether recreational disturbance is an issue for non-designated European sites or Sites of Special Scientific Interest (SSIs). If so, the site also needs assessing outside of the HRA form

2 **Appropriate Assessment**

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which potential adverse effects are considered.

Is the proposal for 100 houses + per equivalent?

YES

Annex 1 includes Natural England's suggested scope of mitigation requirements for development of this scale. Where it has not already been provided, seek the necessary information from the developer in the form that advice, if needed, Natural England are able to offer advice to developers and/or their consultants on the details of this at this through their charged Discretionary Advice Service (DAS), further information on which is available [here](#).

Record the recreational disturbance mitigation package in the 'Summary' section below.

Consult Natural England on this Appropriate Assessment for advice on the proposal's required mitigation before reaching a decision on adverse effects on the integrity of European sites.

NO

Is the proposal within of the above European sites?

YES

A proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements (see Annex 9). Record evidence that this mitigation measure has been secured in the 'Summary' section below.

Consideration of further bespoke recreational disturbance mitigation measures may also be required in this case.

Consult Natural England on this Appropriate Assessment for advice on the proposal's required mitigation before reaching a decision on adverse effects on the integrity of European sites.

3 **Summary of the Appropriate Assessment:** To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England.

Summary of recreational disturbance mitigation

(Percent)

Conclusion

Having considered the proposed evidence and mit conclude that with mitigation the project will not have European sites included within the Essex Coast Ramsar.

Having made this appropriate assessment of the on-site of that (those) site(s)'s conservation objectives, fully considered any representation received (where the plan or project under regulation 63 of the Conservation Act 2017.

Local Planning Authority Case Officer comment

4 **Annex 1 – Natural England's recommendations for larger scale residential developments within the Essex Coast RAMS zone of influence (100 units +, or equivalent, as a guide)**

Developments of this scale should include provision of well-designed infrastructure, proportionate to its scale. Such provisions can help increase in recreational pressure to the European sites by both within and around the development site boundary away from the Sustainable Accessible Natural Green Space (SANGS) guidance. It should be noted that this document is specific to the Essex Coast Ramsar, although the broad principles are more widely applicable than this.

As such, **in the interim period before the RAMS is adopted**, a financial contribution should be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off-site' measures (i.e. in and around the relevant European designated sites). These measures should be targeted towards increasing the relevant European sites' resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards existing watering schemes at the relevant European designated sites). A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Essex Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km² within the site or public rights of way (PRoW)
- Dedicated 'dogs-off-leash' areas
- Signage/information leaflets to householders to promote responsible dog ownership
- Dog waste bins
- A commitment to the long term maintenance and management of these measures

Natural England would be happy to advise developers and of this at the pre-application stage through our charged DAS. Further information on which is available [here](#).

However, the unique draw of the above European sites means that such provisions are unlikely to fully mitigate impacts when at the scale of the coast is considered together. In combination, we think that such measures (i.e. in and around the relevant European designated sites) will increase the relevant European sites' resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards the relevant European designated sites). A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Essex Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.

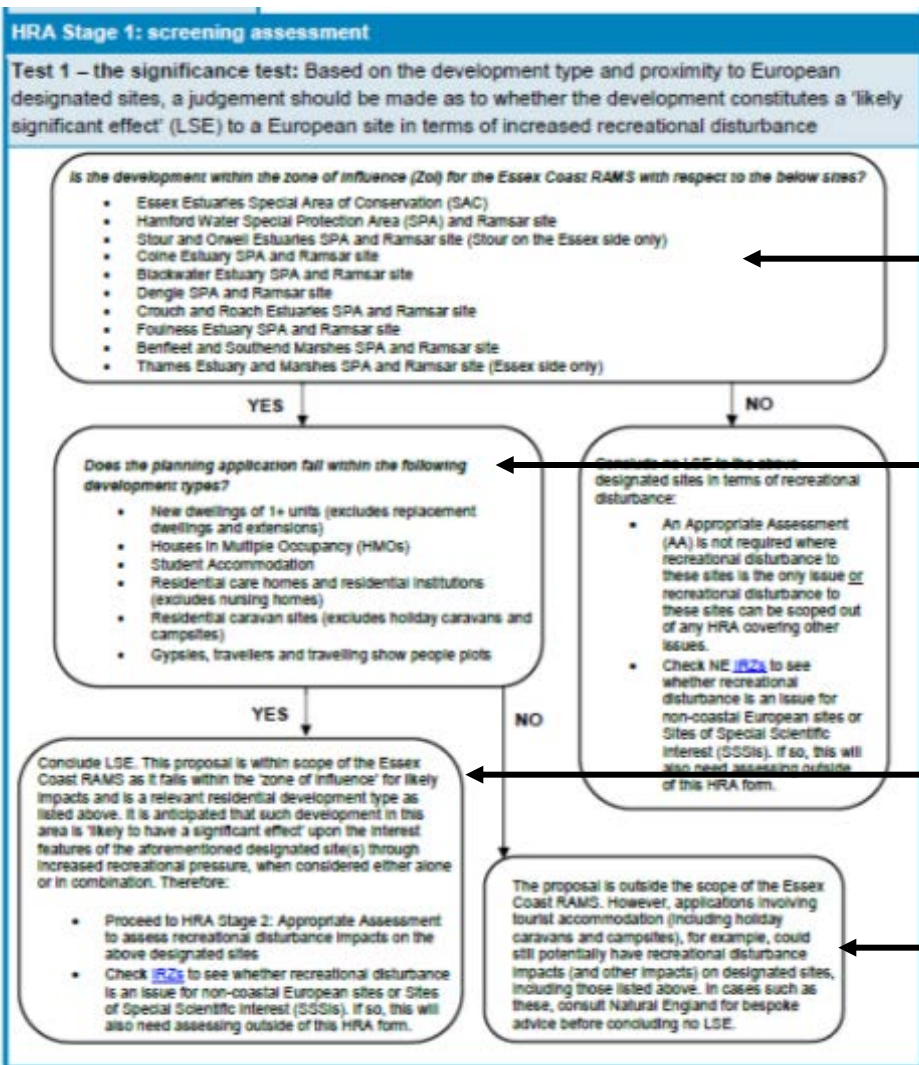
Annex 2 – Natural England's recommendations for smaller developments within the Essex Coast RAMS zone of influence (up to 100 units +, or equivalent, as a guide) which are not within directly adjacent to a European site

Whilst the provision of well-designed open spaces/green infrastructure towards strategic green infrastructure in your district is to be welcomed, a proportionate financial contribution in the order of the £100,000 should be secured from these developments prior to commencement.

© Essex Coast Partnership, 2015. Planning for dog ownership in new developments and green-space design guidance for planners and developers

Using the Essex Coast HRA Template – screening assessment

1



Use NE Impact Risk Zones (IRZs)

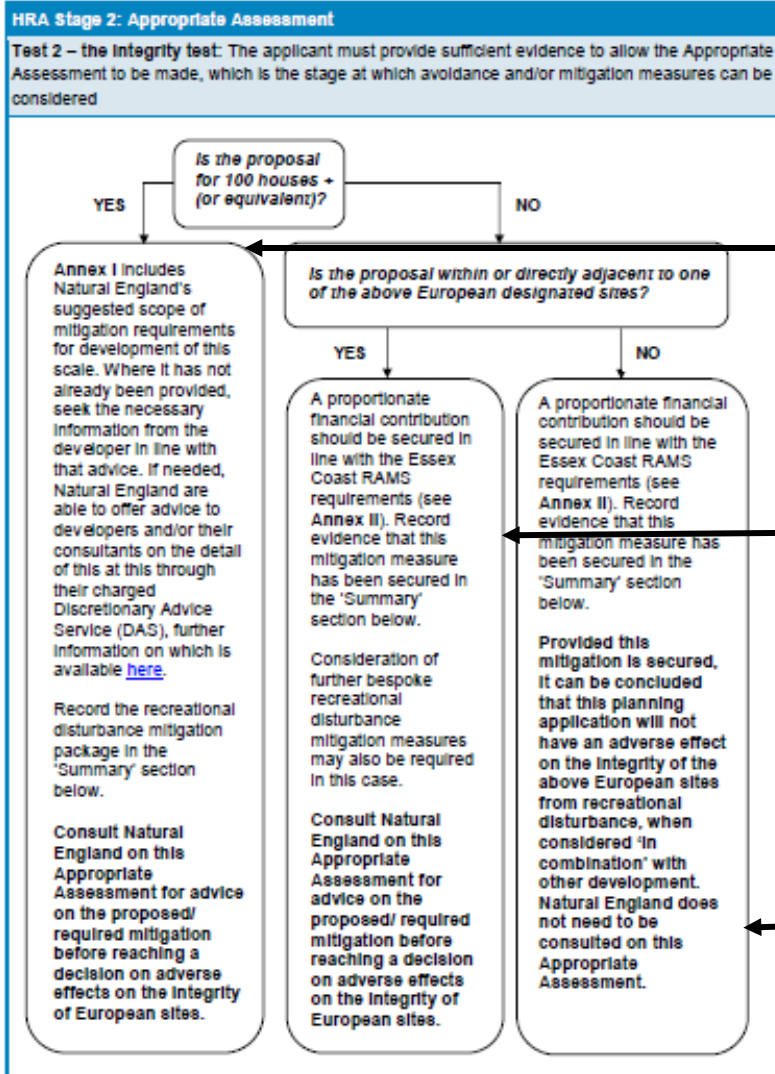
LPA decision

Proceed to AA on page 2

Note: some proposals which fall outside the scope of the RAMS will require a bespoke HRA

Using the Essex Coast HRA Template – AA

2



If >100 houses (or equivalent), the proposal should include well-designed on-site open space and a financial contribution to the RAMS. Pull this info across from the application documents and summarise on pg. 3, requesting further info from the applicant where not provided. Consult NE.

If the proposal is directly adjacent to a European site, further bespoke mitigation measures may be required. Consult NE.

If <100 houses (or equivalent), the proposal only needs to provide a financial contribution to the RAMS. Pull across this info from the application documents and summarise on pg. 3. No need to consult NE

Using the Essex Coast HRA Template – AA

3

Summary of the Appropriate Assessment : To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England (where necessary)

Summary of recreational disturbance mitigation package

Test 1 – LSE screening

The planning application is for 800 dwellings within the zone of influence (ZoI) of the Essex Coast RAMS in terms of increased recreational disturbance to coastal European designated sites. It is also considered by Tendring District Council to be 'relevant development' in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effects.

Test 2 – the integrity test

The shadow HRA, Planning Statement and Design and Access Statement submitted in support of the planning application details that the development will include:

- XX ha (c.40 % of site area) of high-quality, informal, semi-natural areas including woodland, wildflower meadows and a pond which integrates a circular dog walking route of 3.5 km, with links to surrounding public rights of way (PSRW) which extends this walking route further. To secure the maintenance and management of these provisions, the developer has produced a long-term management plan which also aims to involving the new residents in this work. Bearing in mind the close proximity of the proposal to the coastal European sites, the developer has also committed to including signage within the open space to promote them for recreation. The site plan also includes a separate dedicated 'dogs-off-lead' area which is fenced and includes a number of dog waste bins.
- A financial contribution to the Essex Coast RAMS of £119.06 per dwelling

Having compared this against Natural England's advice in Annexes I and II, Tendring District Council considers that these measures are sufficient to avoid adverse effects on coastal European designated sites, when consider both 'alone' and 'in combination' with other plans and projects. We have consulted Natural England on this HRA record.

Conclusion

Having considered the proposed avoidance and mitigation measures above, Tendring District Council conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Local Planning Authority Case Officer comments, signed and dated:

Tendring District Council have consulted Natural England on this HRA record who are in agreement with our conclusions above (their ref XXXXXXX, dated XXXX, copy attached)

John Wiggins, Tendring District Council, dated 23rd January 2019



Annexes I and II are on pages 4 and 5 of the template

Collection of developer contributions towards the Suffolk & Essex Coast RAMs

- RAMS is an option for developers (but delivering effective mitigation in perpetuity is a legal requirement !)
- It reduces the cost of developers undertaking project level HRA for recreational disturbance
- Contributions from developers through legal agreements
- s106 avoids CIL 123 list
- s111 is being trialled by East Suffolk Council
- New Burdens funding has been identified by Suffolk LPAs to kickstart RAMS delivery

Other potential impacts from development eg air quality, water quality & quantity

- Habitats Regulations require assessment of all plans & projects where there could be a likely significant effect on a Habitats (European) site.
- Where air or water quality/quantity will be affected by development and there is an “impact pathway” ie a connection, with any Habitats Site, HRA screening will be needed.
- Any bespoke measures needed will trigger an Appropriate Assessment to ensure that the mitigation identified is effective. It will need to be secured through legal agreement or conditions of any consent.

What happens if we fail to meet these requirements?

- May be open to Judicial Review
- May be referred to Ombudsman



Key messages from Natural England

- NE request that where there is only a recreational disturbance impact, LPAs use the RAMS HRA template or something similar if using information provided by the developer then please record this as part of your HRA record.
- As the decision maker, the emphasis is on the Local Planning Authority to ensure that any proposals granted planning permission are HRA compliant. The process is critical to ensuring the RAMS is successful at protecting some of our most important wildlife sites.
- Specialist guidance available eg HRA Handbook subscription Details on <http://www.dtapublications.co.uk/> and <http://www.dt-a.co.uk/>.

The Habitats Regulations 3 tests for European Protected Species

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

Summary & Re cap to go away with

We hope you now have a better understanding of:

- The Habitats Regulations Assessment process and why it is required ✓
- Increased confidence in discharging your functions in HRA as a competent authority ✓
- RAMS and why strategic solutions are needed ✓
- How to implement Natural England's advice relating to the Essex Coast RAMS ✓

Any questions??

Feedback please!

Please

a) Complete and return the feedback form we will email next week

and/or

b) Email this week any comments on the session to PlanningSkills@essex.gov.uk

And add any

> Improvements you want to suggest ?

> Content you suggest is added in future training?

Thank you for listening

Clare Dawson clare.dawson@baberghmidsuffolk.gov.uk

Sue Hooton sue.hooton@essex.gov.uk