

# Aligning Development Planning procedures with Habitats Regulations Appraisal (HRA) requirements

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

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## Background to Habitats Regulations Appraisal (HRA) 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 an HRA is also available and is contained in '[Guidance for plan-making bodies in Scotland](#)' published by Scottish Natural Heritage (SNH) in 2010. The SNH guidance aims to help plan-making bodies within Scotland and applies widely across a range of sectors and their associated plans.
3. This advice sheet is intended to complement the SNH guidance by offering more detailed practical advice on aligning Development Planning procedures with HRA requirements. The flowcharts in Annex A of this advice sheet meshes the stages of the HRA process in Figure 2 of the SNH guidance, with those of the Development Plan preparation processes. In so doing, the flowcharts build on, and add further detail to, Figures 1 and 2 in Appendix 1 to Planning Circular 1/2009.

### Timing of the Habitats Regulations Appraisal

4. Development Plans require both a HRA and a Strategic Environment Assessment (SEA)<sup>2</sup>. Whilst a planning authority has to prepare an Environmental Report for SEA purposes in time for the Main Issues Report (MIR) consultation, the draft HRA record<sup>3</sup> is not usually completed until later in the plan's preparation.
5. The SEA process can offer an opportunity for the early identification of any likely significant effects on European sites. Whilst the conclusions of the two assessments need to be reported at distinctly different stages in a Development Plan's preparation, they can share early assessment work relating to evidence gathering and the initial appraisal of preferred options and reasonable alternatives. This type of approach can help planning authorities to consider HRA implications earlier, and assist in avoiding or mitigating likely significant effects, or where such effects are identified, anticipating the need for mitigation to ensure no adverse effects on European sites.
6. It is not usually practical to undertake the full HRA process for a MIR. This is because a MIR does not contain or define the finalised policies and proposals in the way that the proposed plan has to do. Trying to be too detailed too early in a HRA can be counter-productive, and could lead to unnecessary assessment work in what is an iterative plan preparation process. Sufficient early work to ensure that the preferred options and reasonable alternatives are not likely to falter at latter stages, because of unexpected adverse effects on a European site, could be particularly helpful. Planning authorities can also be considering the need for possible mitigation measures at this early stage, when they can be more easily accommodated. This could minimise the risk of delays arising in the latter stages in the plan's preparation.

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

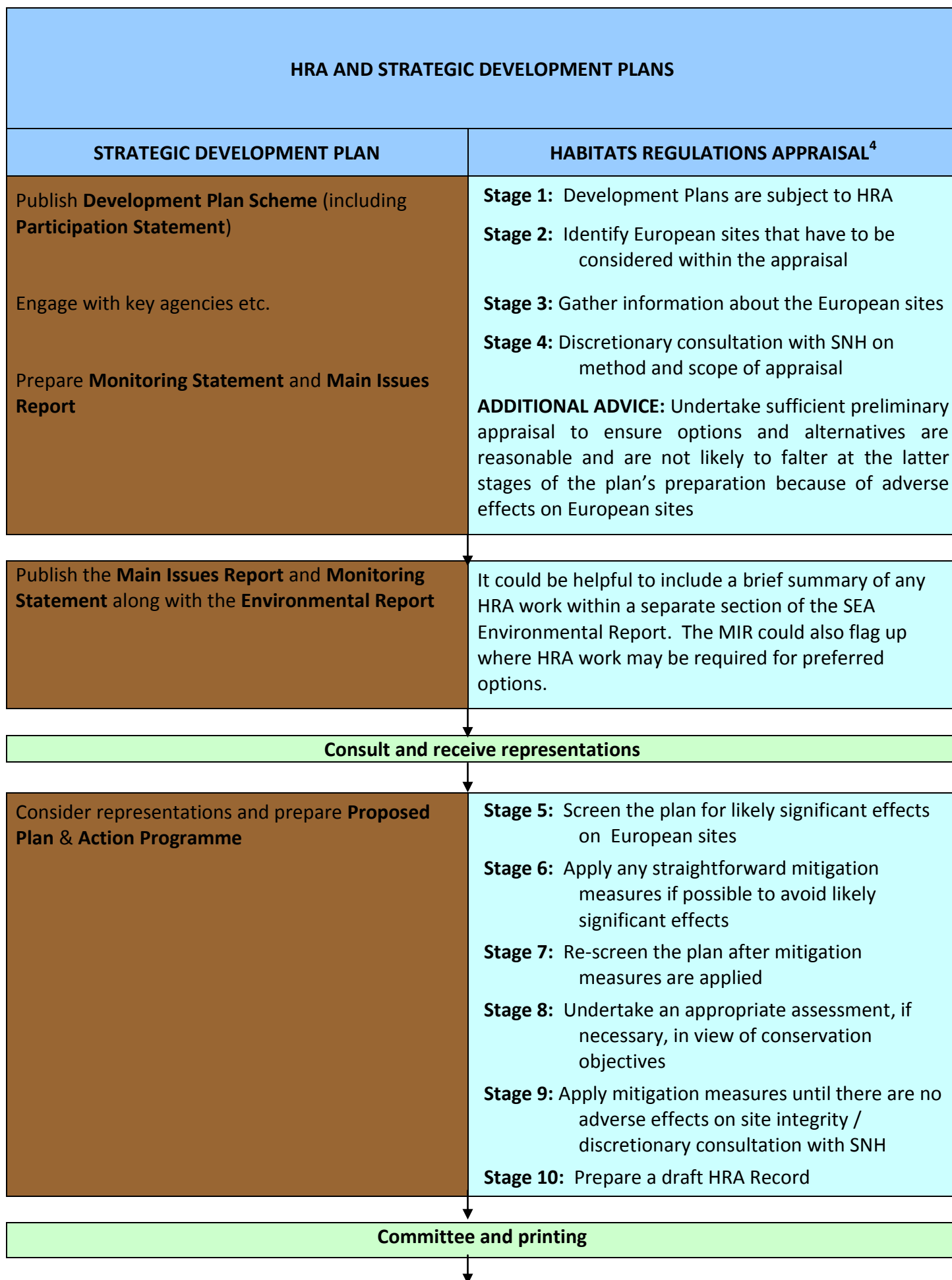
<sup>2</sup> Environmental Assessment (Scotland) Act 2005

<sup>3</sup> See [Guidance for plan-making bodies in Scotland](#) for more information on HRA records.

7. Early discussions with SNH as part of the plan's preparation and SEA procedures can allow HRA issues to also be discussed where necessary. For example, SNH are able to consider and advise where potential site allocations were likely to have a significant effect on European sites, particularly where linkages to or connectivity with a European site is not clear.

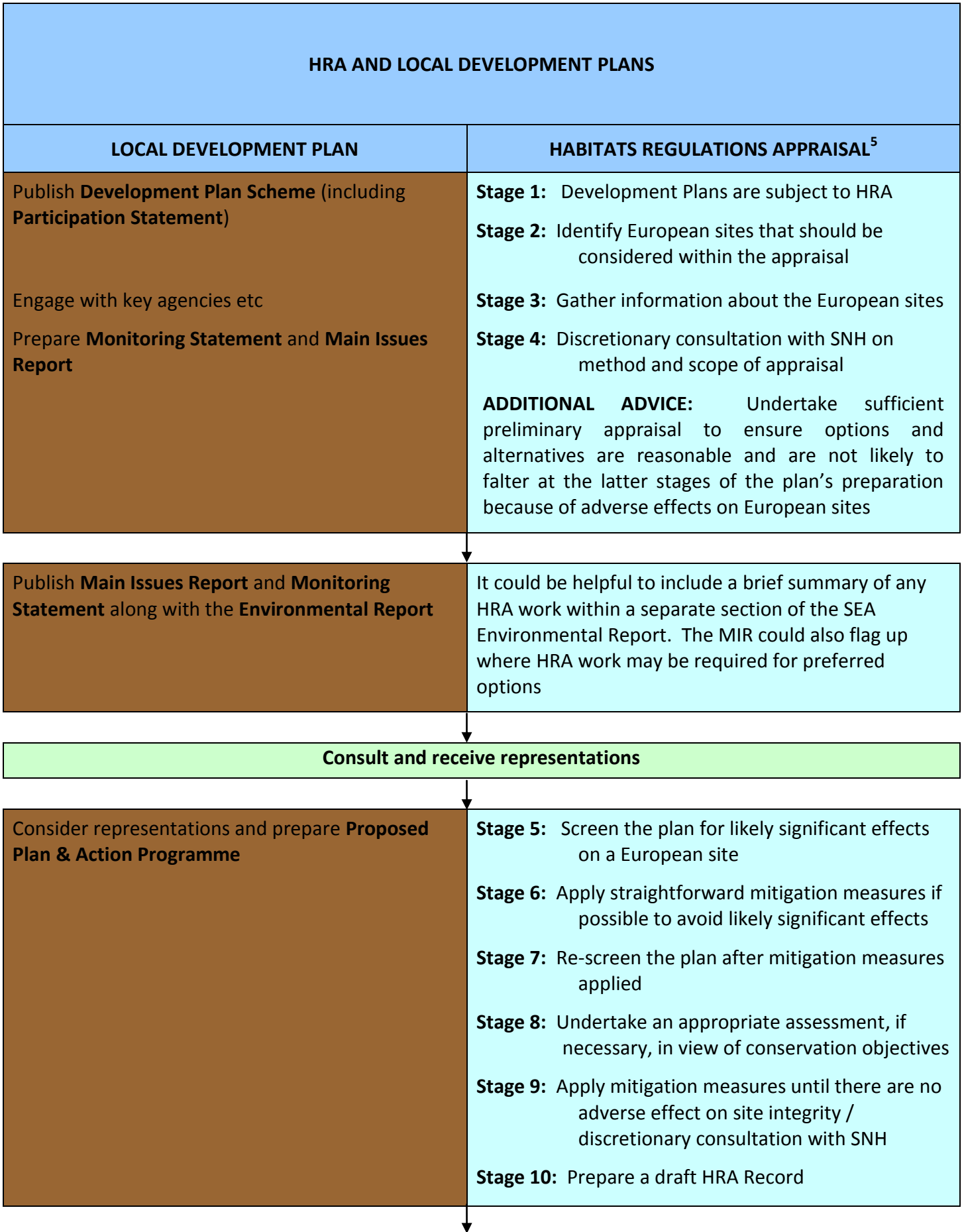
**Summary of main points:**

- Development Plans require a Habitats Regulations Appraisal.
- Although the MIR does not contain finalised proposals or policies, it is beneficial to start thinking about potential impacts on European sites at this early stage, to ensure alternatives are not included which are likely to falter at the latter stages, due to significant adverse effects on European sites.
- MIRs have to be accompanied by an SEA Environmental Report. This can offer an early opportunity to identify likely significant effects on European sites, and opportunities for mitigation. In turn, this can help to reduce the risk of delays arising at the latter stages of a plan's preparation.



<sup>4</sup> Stages are as set out in Figure 2 and subsequent text of SNH Guidance for Plan-making bodies in Scotland (2010) – [www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/](http://www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/)





<sup>5</sup> Stages are as set out in Figure 2 and subsequent text of SNH Guidance for Plan-making bodies in Scotland (2010) – [www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/](http://www.snh.gov.uk/planning-and-development/environmental-assessment/habitat-regulations-appraisal/)

