



Habitats Regulations Assessment:

This consultation seeks views on changes to the Habitats Regulations Assessment (HRA) Guidance (applying to England)

26th May 2026

Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 10,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

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- Greener UK
- Irish Forum on Natural Capital (working group member)
- National Biodiversity Forum (Ireland)
- The Environmental Science Association of Ireland

Section 1 – Principles to follow in the HRA process

11. How helpful are these principles in setting out the overall approach and expectations for how Habitats Regulations Assessments should be undertaken?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

4. Somewhat helpful.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

We welcome the addition of considering evidence gaps early in the process.

We would like to see the retention of the combined effects principle (“Consider possible combined effects on the site with other plans and projects”) present in the current wording. Combined effects are a significant consideration and must be reflected in the principles.

Similarly, we would like to see the “all possible effects” principle retained (“Consider all possible effects of the proposal, at every phase, on the designated features of the site - include impacts that are direct and indirect, temporary and permanent”). This principle provided a comprehensive check list for practitioners and it should be retained.

The overall purpose of the SAC and SPA network is to contribute towards achieving favourable conservation status at the national level for Annex I habitats and Annex II species and maintaining bird populations. We believe that a principle of achieving these goals should be explicitly included to align other principles and aspects of the HRA towards an overarching goal.

The term “derogation” is first introduced in the guidance in this list of principles. To aid clarity for users, we suggest inserting the clarification “(Stages 3 and 4 of the HRA process)” with this point. This will help make the connection between the stages introduced at the bottom of the principles list. We also suggest including the mitigation hierarchy in the principles, to align the guidance with the National Planning Policy Framework.

Competent authorities may appreciate more guidance on when it is appropriate and necessary to consult with the public on an HRA, the process for doing so, and how any comments received are to be taken into account.

We would also like to suggest a change in terminology in the guidance, to aid consistency and clarity for users. The guidance highlights the concept of “functionally linked land” (page 4), but the scope of the guidance extends to land and inshore waters

(up to 12nM). We therefore suggest amending the terminology to “functionally linked land, water or sea.”

The principles (and much of the guidance) refer to using conservation objectives as the basis of the assessment which is, of course, the correct approach for SACs and SPAs, which have published conservation objectives. However, Ramsar sites and areas identified or secured as compensation for effects on habitats sites do not (yet) have published conservation objectives, and proposed SACs and potential SPAs may also not have published conservation objectives depending on the progress to designation. The guidance would ideally make clear how an assessment can be completed in the absence of published conservation objectives.

12. Do these principles strike the right balance between supporting users in complying with legal requirements and encouraging an efficient approach to decision-making?

Yes No Somewhat Don't know

Yes.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

In-line with our comments above, we believe the principles strike broadly the right balance. However, the removal of the “combined effects” and “all possible effects” principles risks failing to highlight all aspects of the legal requirements to users, thereby undermining potential efficiencies further down the line.

Section 2 – Making use of an existing HRA

13. How helpful is the detail in this section on when an existing HRA can and cannot be used?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

4- Somewhat helpful.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

These criteria should make clear the relationship between cumulative effects and the decision on whether or not an existing HRA can be re-used. Cumulative effects must be re-assessed for new projects, as previously insignificant individual effects may become significant. Therefore, even if other conditions have not materially changed, these effects should be re-assessed. Our suggestion is to add bullet points to the list as follows:

- There are no new approved plans or consented projects that could act in combination with the project being considered. With ‘new’ meaning a plan or project approved or consented since the existing HRA was completed.
- The external pressures (such as climate, recreation, agricultural practices) on the designated sites included in the HRA have not changed in a way that could affect the conclusions of the assessment since the existing HRA was completed.

Compliance statements should accompany decisions where the whole or parts of an existing HRA are re-used (as in the example provided in the consultation document with this question) to clarify how these parts qualify. We also believe that the process of re-using existing HRAs could be made clearer by clarifying whether an applicant can seek the views of the competent authority regarding information from an existing HRA that might be re-used. In many cases, an applicant may not be aware which information is held by the competent authority that may be suitable for re-use.

On “Re-using parts of an existing HRA to complete a new HRA”, we suggest that the link between plan-level and project-level HRAs is mentioned, with project-level HRAs drawing on plan-level HRAs where the project was included in a plan, in terms of re-using data and aligning the assessments and mitigation.

Suggested draft text:

The project may have been identified as part of a wider plan, such as a Local Plan, that has already been subject to an HRA. The project-level HRA should make use of, and align with, the plan-level assessment, re-using any relevant data and assessments, if these remain current.

The general principles of this section are helpful in identifying areas where HRAs can be reused. However, there are several points that require further clarification.

Firstly, the use of “materially” in the fourth point must be better defined as it relates to “the site”, its conservation objectives and the condition of its designated features. For example, does this mean that the condition of a designated feature has changed from favourable to unfavourable, or can other criteria be considered?

Regarding the condition of designated features, if the most recently assessed condition was unfavourable, we believe a new HRA should be conducted. This is in-line with our comments on the general HRA principles on the principle in favour of achieving favourable condition of designated features.

Furthermore, the overall data on the condition of designated features for sites is currently inadequate, both in terms of the data used to make an assessment and on whether or how recently an assessment has been made. Rectifying these issues must be a priority for Defra - both practical and policy decisions must be made according to accurate, up-to-date information. Further investment in data provision is required.

Greater attention is required on a site’s surrounding context (i.e. areas surrounding sites) in making condition assessments. This is particularly important with assessments related to birds, bats and other mobile species that are not restricted to the designated site. Similarly, assessing population-level criteria requires an evaluation of data outside specific sites, particularly for birds and other mobile species, but this data is often not readily available. More investment is needed to rectify this data gap.

14. Will this section give support to users in avoiding unnecessary repetition of work related to HRAs?

Yes No Somewhat Don't know

Yes.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

Support would be improved with the provision of greater detail on which parts of an existing HRA might be suitable for re-us

Section 3 – Checking for likely significant effects on a habitats site

15. How helpful is the detail in this section on determining whether a plan or project could have a significant effect on a protected site?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

4. Somewhat helpful.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

This section clearly outlines the screening steps, including advice on how a project or plan may be connected to the conservation management of a Habitats Site.

We suggest several amendments to the wording of the “Checking conservation management plans or projects” paragraph on page 14 of the draft guidance, as they relate to the determination of significant effects.

- For clarity, we suggest the insertion of “either wholly or partially” in the first sentence under the heading, so that it reads “Competent authorities must first check if the plan or project, either wholly or partially, is directly connected...”
- We recommend the insertion of a new clause in the paragraph immediately under these bullet points on page 14 to state that the competent authority should “seek the advice of the nature conservation body” before “continue with the screening stage...”
- We recommend adding further clarifications regarding the paragraph “If it does not, the competent authority can end the screening stage and make a screening decision that the plan or project is exempt and can be screened out.” EC guidance on *Managing Natura 2000* identifies both “pure” and “mixed” conservation management plans. The latter includes conservation management among other elements unrelated to conservation management. EC guidance is clear that, for a mixed plan, only elements that are connected with site management can be exempted, whilst other elements of the plan or project will be subject to an HRA.

Conservation management activities should not be subject to an HRA, to avoid the unintended consequences of hindering the delivery of restoration or positive conservation measures. As it stands, the paragraph text is potentially misleading, hence the following clarification suggestion:

- We recommend amending the third bullet point under this heading to: “any elements including developments, changes, operations or activities that are not conservation management, such as construction, harvesting, commercial or public service operations or recreational events.”
- This paragraph should also include the clarifying clause “In respect of bullet point 3, screening will be required for any elements of a “mixed” plan that are not related to conservation management.”

The screening process is about whether an appropriate assessment is required, and this would be necessary if there is a risk of undermining the conservation objective of one designated feature of one habitats site, whether that be for a project alone or in combination with other plans and projects. In practice, Stage 1 is also used to determine which habitats sites should be included in the Stage 2 assessment and, quite often, which designated features and which impact mechanisms should be included in the Stage 2 assessment. There are often multiple sites, multiple features and multiple impacts taken through to Stage 2. The guidance should offer greater explanation to competent authorities about how this is done. For example, a common approach is to use the Source-Pathway-Receptor model to screen-in sites, features and impact types.

It is also common for the authors of HRAs to set arbitrary search areas around the designated habitats site and only test for likely significant effects on habitats sites within this search area; this approach can lead to both over- and under- inclusion of sites considered in screening and potentially Stage 2, with the alternative approach using the Source-Pathway-Receptor model generally being more reliable. The guidance could be clearer about how to search for habitat sites to be considered for Likely Significant Effects at Stage 1 (and that Stage 1 is essentially a process of elimination).

For the bullet list at the top of Page 16 of the draft guidance, we suggest adding the following bullets:

- A habitats site that is hydrologically connected by surface or groundwater.
- The population of a designated mobile species while it is away from the habitats site.

16. How helpful is the detail in this section on how a real (as opposed to hypothetical) risk should be identified and evidenced?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

3 - Neither helpful nor unhelpful.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

Whilst the categories of information are a good starting point for assessing a risk, more clarity is needed to aid consistency and reduce subjectivity in decision making. The actual information used requires greater clarity. For example, an assessment based on a masterplan is technically objective information but is not necessarily as reliable or robust as that based on a detailed plan.

All risks are hypothetical, so the wording of the question is unhelpful. It should be reframed as a risk matrix, balancing likelihood and severity, in order to make a more relevant judgement. This will help define a boundary between what is currently termed "hypothetical" or "real" in the guidance.

Section 4 – Checking for in-combination effects with other plans and projects

17. How helpful is the detail in this section on how in-combination effects should be considered?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

4 - Somewhat helpful.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

We welcome the improved clarity provided by the additional points in the guidance on permitted development proposals and adopted plans not yet fully delivered. This improved clarity should foster greater consistency in decision-making.

This section only refers to a need to assess in-combination effects with one other plan or project. It should be clearly stated that these effects should be assessed with all other relevant projects or plans at the screening stage.

We also suggest an addition to the second set of bullet points on page 18. The second and fourth bullet point in this group makes reference to “applications”, but this is missing from the second bullet. For consistency, we suggest this insertion in the second bullet point, so that it reads “search the register of planning and related applications...” - the addition of “and related” is necessary to cover other types of applications dealt with by LPAs.

Section 5 – How to use screening criteria

19. How helpful is this section at setting out the purpose of the screening criteria?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

Helpful.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

In addition to the points raised, it might be helpful to remind competent authorities to consider the condition of designated features when using screening criteria or thresholds. A significant effect might be more likely for a feature in unfavourable condition compared to a feature in favourable condition and, consequently, thresholds would be lower.

For example, a conservation (restore) objective for a habitat in unfavourable condition due to poor air quality might be undermined by a small increase in nitrogen deposition whereas this is less likely for the same habitat on another site which has good air quality and the same amount of predicted nitrogen deposition arising from a project.

20. How helpful is the detail in this section on what criteria must be met for a plan or project to be screened out?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

somewhat helpful

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

Competent authorities may not have the resources or expertise to develop thresholds and screening criteria, which would then make this part of the guidance hard to apply.

Section 6 – Assessing the potential effect of a plan or project on the integrity of a site

21. How helpful is the detail in this section on the definition of site integrity?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

somewhat helpful

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

The guidance could be clearer on whether the assessment of effects on the integrity of the site and assessing whether the site would undermine the conservation objectives are separate assessments or the same assessment. Our understanding is that the site has integrity when all of its conservation objectives are being met and does not have integrity if any one of its conservation objectives is unmet. If that is correct, it is one assessment of effects on the conservation objectives which then leads to a conclusion on site integrity. The guidance seems to present these as two related assessments. Additional clarity would be helpful.

22. How helpful is the detail in this section on the role of conservation objectives?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

4. Somewhat helpful

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

In-line with our previous comments regarding site condition as an explicit objective, we believe this section would be strengthened by including a point that explicitly states that diminishing a site's ability to be restored to favourable condition (or maintained in a favourable condition) is an example of affecting site integrity.

Whilst this is implicit in the points already included in the draft proposals, the guidance as presented could possibly be interpreted to mean maintaining the current status of features (e.g. habitat extent) of a site that is currently in unfavourable status as it is not technically affecting site integrity. Explicitly aligning this section with the additional objective of achieving favourable conservation status could help achieve better outcomes.

As noted earlier in our response, some types of habitats sites do not have published conservation objectives. Competent authorities will need to know what to do when this is the case.

Section 7 – Checking effects against a site’s conservation objectives

23. How helpful is this section on how maintain and restore objectives should be handled when assessing an impact on site integrity?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

5. Very helpful

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

We welcome the guidance on the maintain and restore objectives. In-line with our previous comments, published conservation objectives and adequate up-to-date data must be available to ensure these assessments are accurate.

We would, however, like to highlight potential issues over the resources in competent authorities to conduct these assessments. A great proportion of the work will be done by applicants in bringing this evidence to competent authorities, but our members note that competent authorities often do not have the resources to adequately assess integrity. In addition to updating this guidance, Defra should explore this issue to ensure this guidance is implemented properly in all cases.

The guidance could be clearer on what is ‘an appropriate timescale’.

The last bullet point could also be expanded to include species populations by adding, for example:

- if the populations and distribution of designated species return to current levels (favourable condition) or recovery trend (unfavourable condition) within one or two breeding cycles.
- If the effect on species populations is temporary and within natural annual fluctuations of the population.

Section 9 – Securing compensatory measures

25. How helpful is the detail in this section on compensatory measures?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

4 Somewhat helpful

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

This section would be improved by clearly stating that mitigation should also apply to in-combination effects.

We suggest a slight re-wording to the final paragraph on page 39 from:

“If no compensatory measures can be found...”

To

“If no compensatory measures can be agreed...”

We suggest this amendment because it is often possible to find compensatory measures, but they are not all acceptable in practice, resulting in difficulties reaching agreement.

Section 10 – Habitats regulations assessments: guide for applicants

26. How helpful is this additional guidance at setting out how to engage with the HRA as an applicant?

1 – very unhelpful 2 – somewhat unhelpful 3 – neither helpful nor unhelpful 4 – somewhat helpful 5 – very helpful

4 - Somewhat helpful.

Please provide any reasoning or evidence to support your response. Where relevant, please suggest alternative wording you consider clearer or more effective, including draft text where possible.

We would welcome further detail on how this guidance relates to the use of EDPs.

Efficiency impacts of the updated HRA guidance

27. What impact do you expect the refreshed guidance to have on the overall time taken to complete an HRA?

Significantly shorter overall time, Slightly shorter overall time, No impact on overall time, Slightly longer overall time, Significantly longer overall time, Don't know

No impact on overall time.

Please provide any reasoning to support your response.

The re-use of existing HRAs will help to streamline the process overall. However, the previously noted gaps in published conservation objectives, condition assessments and data availability or lack of quality (e.g. up-to-date data) may negate any efficiencies. We believe that resolving these data issues would be the single most significant way to speed up the HRA process; this could include amending the legislation to set an expectation of data sharing.

We believe the timelines could be further shortened by providing guidance on the strategic use of local plans to scope site impacts and mitigation first. This approach is happening in some local authorities, but not consistently nationwide.

Finally, we believe that resources should be allocated to developing a single, national biological record database, as is the case in Ireland, rather than the patchwork of local databases in England. This would speed up information access and highlight data gaps, particularly for cross-boundary issues.