

Nature Scot - Introduction to HRA

20th May 2026

Q&A

1. Can one site be covered under RAMSAR and other designations?

Yes, multiple designations are possible. Nearly all SACs and SPAs are underpinned by SSSIs as well.

2. Regarding the RAMSAR sites should we be doing a separate HRA which we could for example refer to the HRA undertaken for the SPA and then deal with the additional RAMSAR features or is it separate?

It should be possible to carry out a joint HRA and Ramsar appraisal. Many Ramsar features are also SPA or SAC features and so the appraisal for those designations will cover the Ramsar appraisal as well. The idea is to avoid duplication.

3. In what way does the definition of LSE for HRA differ from SEA or EIA?

in EIA a likely significant effect is tested against a broad range of environmental topics: in HRA it is tested against the qualifying features for which the European site was designated. In EIA, if a likely significant effect is low or minor, it could mean the decision maker screens it out of the EIA process, particularly if there are no designated sites affected. In HRA all likely significant effects need to be considered in terms of an appropriate assessment. In EIA, mitigation can be considered in determining likely significant effect. In HRA mitigation can only be considered at the appropriate assessment stage. EIA is carried out by the developer and project acceptability is determined by the decision-maker. HRA is carried out by the decision-maker who has to be satisfied that there will be no adverse effects on the qualifying interests.

4. Can you repeat the three key tests again?

- (1) Necessary for the management of the site.
- (2) Is there a likely significant effect.
- (3) Can it be ascertained that there will be no adverse effect on the site's integrity

5. So, an activity that has just "evolved" and is not part of a particular plan or project - such as increased boat traffic - does not need to be considered in the in-combination assessment?

No

6. Screening to 'appropriate assessment stage' = EIA/SEA?

The screening stage in EIA is to determine likely significant effects of a project or development and therefore the need to carry out EIA or not. The screening stage in SEA is to determine the likely significant effects of the plan on the environment and therefore the need to carry out SEA or not. The screening stage in HRA is to determine if there are likely significant effects that need to undergo an appropriate assessment to determine whether a plan can go ahead. The 2017 EIA Regs now require considerably more information to be provided at the screening stage. The information provided

should help inform the second test in the HRA process. If it is clear at the scoping stage of the EIA and SEA process that there will be significant effects on a European site, the opportunity should be taken to ensure the information necessary to inform the EIA/SEA can also be used to inform the appropriate assessment. As the assessment progresses to the EIA or SEA Report stage, this assessment should also provide enough information for the decision maker to carry out the appropriate assessment.

7. Cumulative impact - can you talk about more about its scope? Any examples? For example, can cumulative impact consider other projects that are completed? If so, is there a time limit to considering?

Yes. Cumulative impact should consider all relevant plans or projects that have been completed since the site was designated, plus those that are being considered (for example in the regulatory process or are expected to be brought forward for approval at some point) and those that have received consent but have not yet been started (i.e. construction has not started or is in construction but not yet operational)

8. You noted that HRA/AA still needed if no consent required. how does this apply to permitted developments? e.g. onshore cabling for renewables?

Permitted development does not apply to projects that are likely to have a significant effect on a European site (or Ramsar site).

9. Could you clarify where our role re HRA officially starts where we are not the competent authority, such as a marine licence? Marine Directorate often consult us about LSE.

If you are simply being consulted on another body's HRA, you have no statutory obligation to carry out a separate HRA

10. Is there a principal competent authority when works are permitted development under another act and planning authority may be dealing with a prior notification rather than a planning application?

Yes, the LPA

11. In the event that a statutory undertaker has a different view to the local authority on LSE. Which view is the definitive view for works which don't require planning permission?

For work that is covered by permitted development, it will be the LPA. For works that do not need any other regulatory oversight, the statutory undertaker will still have a duty to meet the requirements of the Habitats Regulations and cannot go ahead if they cannot conclude no AESI

12. Are HRAs needed if protected species are present on a site, but they're not immediately adjacent to a European site? Or is that a different process?

There are different licensing processes for most protected species that are mostly issued by NatureScot. An HRA is only needed for species that are listed features of a European site and where there is connectivity between the project and the relevant European site.

13. Can you give any more detail on the difference in the meaning of significant effect between SEA and HRA, that you mentioned?

See 3 above

14. What is the purpose of the 3 tests? Is it to determine if an appropriate assessment is needed or does it form part of the appropriate assessment to help determine approval of the project or other?

The HRA process is a framework for decision-making for plans or projects that affect a European site. The first 2 tests are to screen out from the need for appropriate assessment plans/projects that are either necessary for the management of the site or that have no connectivity to its features. The purpose of the third test, the appropriate assessment, is to determine whether a plan/project can go ahead and under what conditions to avoid an adverse effect on the integrity of the site.

15. Can you elaborate shortly on the different meaning that LSE has in a HRA vs a SEA?

As with EIA, if it is identified at screening stage that a plan or strategy is likely to have significant environmental effects then the responsible authority (plan-maker) has to carry out SEA. That plan, (particularly if it has a spatial dimension), may also have likely significant environmental effects on a European site and so the plan maker will also require to carry out HRA. Similar to EIA, the test for likely significant effect at a plan level is much more broadbrush and takes in many environmental topics. HRA of that plan will consider the likely significant effects that the plan may have only on the interests of the European sites. It may be that a very high-level plan may direct that HRA will be required at the project level. See the guidance in the attached link re LDPs <https://www.nature.scot/doc/habitats-regulations-appraisal-hra-local-development-plans-ldps-guidance-planning-authorities>.

16. Should a Planning Authority consider designations outwith their administrative boundary given transitory nature of some species?

Yes. The key is to consider all sites whose features could have connectivity to the plan/project. This can include sites outside Scotland as well.

17. Are there any examples of proposals that include physical infrastructure that have been considered to be directly connected with or necessary for the management of the site?

This test is more likely to relate to other aspects of land management regulation such as forestry, species licensing. It has not been used for any peatland restoration schemes for example, as these can include other aspects, such as vehicle use, fuel storage etc that could have a LSE on the protected habitat.

18. What are the options for LNCSS? Is there any policy that would support an HRA style assessment for these sites to provide protection even if not statutory?

We are not aware of any such policy.

19. Will there come a point in the near future where NatureScot will move away from providing Planning Authorities with Appropriate Assessments that they can use in determining planning applications?

Not that we are aware of. Our focus is to enable more competent authorities to carry out the LSE stage with more confidence, for example via standing advice. However competent authorities must consult NatureScot on their appropriate assessments, and drafting a shadow AA can be a useful way for us to respond to these consultations.

20. Are SAC and SPA International Designation or National Designation?

They were designated under European Directives and were part of the EU-wide Natura network. Since leaving the EU they are now part of what the Habitats Regulations call the UK site network. They are still the UK's contribution to the Bern Convention's Emerald Network. This means that there is no oversight for their designation or management from the EU, but there is some oversight from the Bern Convention. The main oversight body is Environmental Standards Scotland. Ramsar is still an international designation. (On the NatureScot website, they are listed under international designations).

21. Does anyone monitor the energy generation projects/corporations (license holders) and their appraisal of their own activities?

This would come under the remit of the relevant permitting body.

22. The NatureScot guidance on the People over Wind update states that standard conditions can be used if not a bespoke condition but annex 1 states otherwise re conditions.

The guidance says that conditions that are standard to mitigate environmental impacts for the particular type of development being appraised, and so would apply anywhere and are not included solely to mitigate impacts on a European site can be taken into account to determine likely significant effect (LSE). The Annex lists the sorts of measures are likely to be essential or intrinsic to the proposal. It also says that bespoke mitigation conditions are not likely to be essential or intrinsic to the proposal and so cannot be taken into account to determine LSE.

23. On a related question to cumulative impact, it can be tricky to identify other relevant plans and projects that could have in combination effects. Any advice on this?

Things like planning portals may help for current and historic cases, on-the-ground intel for plans/projects that are being worked up.

24. Reg62 HRA certificate process. My reading of it is the undertaker first needs to ask NatureScot and obtain a view, and that the PA on receipt of request from developer also requires to consult NS?

The undertaker may ask for NatureScot's view.

25. Whose role is it to enforce the mitigation detailed in the Appropriate Assessment?

Mitigation is either detailed in the spec for the project or is set out in conditions to a permission, or both. It is then for the competent authority to enforce these conditions.

26. Where can a competent authority seek advice on possible effects where they have limited access to ecology expertise internally?

NatureScot usually. An applicant may have produced a shadow HRA to support their application, which may help, but it may also be sensible to seek an independent view.

27. Does the Raeshaw decision have an impact on HRA practice?

Not on HRA practice, but it does have an impact on how a project is described and so what needs to be appraised (i.e. all elements of the project even if they are to be delivered by different organisations and via different consenting processes)

28. With changing patterns of nature, are there instances where the conservation objectives can be out of date and can HRAs be responsive to this?

NatureScot and others are looking at the degree of flexibility there is in the legislation to accommodate changes, including in situations like this

29. During the Appropriate Assessment, if the applicant proposes mitigation themselves that is necessary to avoiding AESI, should NAESI or AESI (but with conditions imposed) be concluded?

NAESI subject to the required mitigation/conditions

30. Does NatureScot have enforcement powers where mitigation isn't carried out eg. timing restrictions on construction? when planning enforcement is limited

Intentional or reckless damage to a site is a criminal offence and the defence of an incidental result of a lawful operation may not apply if this is done not in accordance with any conditions of a permit or consent

31. Do HRAs need to take into account impacts on the sites from climate change? (e.g. a saltmarsh or mudflat that will be impacted by sea level rise in the future).

Yes

32. What is the average caseload of a NatureScot case officer and what is their ideal caseload? How much is capacity an issue for NatureScot at the moment?

Caseload will vary between case officers depending on their capacity. This will be influenced by several factors e.g. experience, past involvement in a particular case, availability, specialist knowledge etc, so it is not possible to state what an average case load would look like. Equally, the 'ideal caseload' will be different for each case officer and will vary at different times when there are other tasks / competing priorities. Casework is assigned and distributed to a case officer with capacity based on their primary geographic area. Where there is no capacity amongst case officers in that geographic area, the case will be assigned to another case officer across a wider, secondary geographic range. This helps to manage caseloads when capacity is limited amongst case officers. Capacity issues may also arise within advisory teams who will provide specialist advice on specific proposals. It is the case

officer's responsibility to manage their case load and coordinate with advisory teams, which may result in NatureScot seeking an extension to a consultation period to help manage periods of limited capacity.

33. If NatureScot don't need to be consulted at LSE stage and they are, what is the status of their response, for example if they say an AA is required and PA has a different view?

A competent authority can disregard NatureScot's advice at any stage but should be able to set out why.

34. Does this consultation process apply to Marine Licence applications where protected areas/species may be affected?

Yes, InformedDECISION has been set up for marine licence consultations from Marine Directorate.