

What happens next:

After consideration under regulation 48, if it cannot be ascertained that a proposal will not adversely affect the integrity of a Natura site, the proposal can only proceed (see regulation 49) if:

- There are no alternative solutions, **AND**
- There are imperative reasons of over-riding public interest for doing so.
- Such reasons are limited to those outlined in regulation 49.
- Scottish Ministers must be consulted.
- Any necessary compensatory measures must be taken to secure the coherence of the Natura 2000 site network.

Essential site information

In order to assess the effects of any proposal on a Natura site you will need to know the **qualifying interests** and the **conservation objectives** of each site affected. These are all available on SNH's website using the Sitelink facility.

The definitive source for qualifying interests is:

- **QUIL (Qualifying Interest List) for SACs**
- **Citation for SPAs (always use the Sitelink version and refer to the covering note where the citations await revision)**

The Joint Nature Conservation Committee (JNCC) website also has comprehensive Natura site information, including dataforms and site accounts.



Redshank

Guidance and help

This leaflet briefly summarises the main legal requirements in considering proposals affecting Natura sites. For more comprehensive guidance the following key sources are recommended:

- [The European Commission's guidance on Managing Natura sites under the provisions of Article 6 of the Habitats Directive.](#)
- [Scottish Executive Revised Circular 6/95](#)
- [Scottish Executive guidance on appropriate assessment of development plans](#)

SNH's website has a specific page designed to support competent authorities in carrying out appropriate assessments. Many of the above guidance sources are also available on this page.

SNH can also advise on Natura site selection and management, and all aspects of implementation of the Habitats and Birds Directives in Scotland. Please address any queries to SNH's Statutory Framework Unit at enquiries@snh.gov.uk giving full details of your enquiry so that you can be directed efficiently.

www.snh.org.uk

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Scottish Natural Heritage

Natura sites and the Habitats Regulations

How to consider proposals affecting SACs and SPAs in Scotland

The essential quick guide



Will the proposal affect a Natura 2000 site (i.e. a Special Area of Conservation (SAC) or Special Protection Area (SPA))?

Step One: Is the proposal directly connected with or necessary for site management for nature conservation?

- Not all proposals for nature conservation management will automatically pass this test.
- All qualifying interests must be considered for all Natura designations affected. If all interests have not been fully considered, ideally in an agreed management plan, go to step two.

Yes →

Permission may be granted

No – go to Step Two

Step Two: Is the proposal likely to have a significant effect on the site?

- If a proposal is capable of affecting a Natura site it must be considered, no matter how distant from the site. There is no specified maximum distance from a site boundary beyond which proposals can be dismissed as having no effect.
- This test is like a scoping stage to remove proposals that do not need further consideration under step 3.
- Consider whether there are **connections** between the proposal and any of the qualifying interests. If there are none, or it is obvious that there are no effects on the qualifying interests despite a connection, then you should conclude no likely significant effect.
- Consider all possible linkages. For example, is the proposal within the catchment of a freshwater SAC? Or on a flightline associated with an SPA?
- This should be a **simple** decision, but it is an important step and must be fully justified, even if the conclusion is one of no likely significant effect.
- If you need to ask for a lot of detailed information, then it is likely that an appropriate assessment is required – move to the next step, and seek the required information to inform the appropriate assessment.
- Remember to consider the proposal alone and **‘in combination’** with other proposals.
- If in any **doubt**, move on to step three. **Record your reasoning** and ensure all relevant interested parties are informed.

No →

Permission may be granted

Yes – go to Step Three
(An “appropriate assessment” is required at this stage)

Step Three: Can it be ascertained that the proposal will not adversely affect the integrity of the site?

- The competent authority carries out the appropriate assessment (with advice from SNH).
- An appropriate assessment need not always be difficult or lengthy – the level of detail should reflect the complexity of the case.
- Consideration of the conservation objectives is essential in determining effects on site integrity and an appropriate assessment must take these into account.
- There is a need to ascertain the proposal **will not** adversely affect site integrity. This is a precautionary test which should also meet the Member State’s obligation to avoid in a Natura site the deterioration of habitats or significant disturbance of species for which an area has been designated.
- If there is any doubt about adverse effects on site integrity, the proposal will fail this test.
- Conclusions must be made on the basis of there being no reasonable scientific doubt as to the absence of adverse effects.

Yes →

Permission may be granted

Not sure →

Permission must be refused
(subject to the exceptions of regulation 49 - see overleaf for details)

No →

Useful tips

- A ‘competent authority’ is the authority with the power or duty to determine whether or not a proposal can proceed. The competent authority carries out the appropriate assessment and can require the developer to provide the necessary information to inform the assessment. The competent authority must consult SNH in accordance with the Habitats Regulations.
- The outcome of determining likely significant effect is the trigger for whether an appropriate assessment is required. They are two separate steps, one following from the other.
- Avoid using language that confuses the meaning of the terms used in the legislation (e.g. never use the terms ‘significant’ and ‘adverse’ together when considering effects on Natura sites.)
- Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) use some of the same terms as appear in Natura appraisals but the tests are very different. However, information for an EIA or SEA can be used to inform the appropriate assessment.
- Compensation is not the same as mitigation. Compensatory measures are considered in connection with regulation 49 only.
- Proposed SPAs (pSPAs) and proposed SACs (pSACs) are sites for which Scottish Ministers have requested Scottish Natural Heritage to consult with owners, occupiers and other interested parties prior to further consideration in advance of designation. It is Scottish Government policy to afford the same protection to such sites as if they were designated. Accordingly, they should be considered as if they were European sites under the regulation 48 process.