

# Our approach to Habitats Regulations Assessment

Protecting the environment is a fundamental part of our decision making and you can read more about our approach to the environment at:

[www.eastwestrail.co.uk/consultation2024](http://www.eastwestrail.co.uk/consultation2024)

This factsheet provides more detail on the Habitats Regulations and how these relate to our proposals.

## Our approach to Habitats Regulations Assessment

Protecting the environment is never an afterthought – it's a fundamental part of our decision-making. At each stage of planning and developing East West Rail we work to ensure nature has a proper place in our plans.

We're listening to and working closely with local community groups, environmental bodies and local highway and planning authorities to assess the environmental impacts of our plans on areas such as environmentally important sites and priority habitats. This factsheet outlines our approach to meeting our legal requirements as part of the 'Habitats Regulations Assessment (HRA)', the principles we will follow, the process and how you can get involved.

## What is a Habitats Regulations Assessment?

A HRA refers to the several distinct stages of assessment which must be carried out in line with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).

Under the Habitats Regulations, sites across the UK are designated to ensure the protection of certain species and habitats, forming a network of protected sites. Protected sites include both designated and potential Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites, and are typically referred to as 'Habitat Sites'.

The HRA process will determine if the project would cause any adverse effects on the ecology of these sites. The HRA focuses specifically on the assessment of potential impacts of the project on these sites and supplements the wider **Environmental Impact Assessment (EIA)** process, which considers the implications of the project on the whole environment.

## HRA process

The HRA process has three stages:

1. **Screening** – an initial screening or sifting of Habitats Sites in relation to the potential for any likely significant effects as a result of the project. If the risk of a likely significant effect cannot be ruled out, an appropriate assessment will be required. The screening process will explain the outcomes and provide a justification for any Habitats Sites included in an Appropriate Assessment.
2. **Appropriate Assessment** – an assessment to consider whether the likely significant effects will adversely affect the integrity of the Habitats Sites in view of its conservation objectives. This will include measures to avoid or minimise any effects of the project on Habitats Sites.
3. **Derogation** – where adverse affects on integrity cannot be ruled out then a proposal may only continue under what is known as a derogation. There are three legal tests which must be met for a derogation to be granted. The tests require it to be demonstrated that there are no feasible alternative solutions; that there are imperative reasons of overriding public interest; and that compensatory measures are taken.

It may not be necessary to complete all three stages depending on the conclusion reached at each stage. For example, if the screening exercise concludes that there are no potential likely significant effects, only the screening stage will be completed, but where there is potential for likely significant effects, this

would be investigated in more detail through an Appropriate Assessment.

The decisions and conclusions made at both the screening and Appropriate Assessment stages will be developed in consultation with Natural England.

## HRA principles for East West Rail

The key HRA principles we will follow are to:

- Consider all possible effects of the project on the Habitats Site, including impacts which are direct and indirect, temporary and permanent.
- Consider possible combined effects from other schemes on the Habitats Site.
- Make judgements based on the ecological condition of the Habitats Site features.
- Use objective and scientific information to make confident decisions.
- Develop the project while protecting Habitats Sites wherever possible.
- Consider the advice of Natural England (the relevant statutory nature conservation body).
- Provide reasons and evidence for our decisions.



## Evidence plan

An evidence plan helps determine the information we need to inform a robust assessment and the approaches we use. We will consult with Natural England to develop the evidence plan and make sure the right information is provided within our HRA as part of our Development Consent Order (DCO) application. The evidence plan will evolve and develop as our consultation with Natural England progresses and the evidence base builds.

The primary focus of engagement will be with Natural England, although other stakeholders will be involved to better understand ways to reduce impacts. The evidence plan will also document the issues discussed during engagement with Natural England and others.

## What happens next?

We are continuing to develop our understanding of the Habitat Sites that may be potentially impacted by our proposals through gathering existing records and undertaking surveys.

We will continue to:

- Develop the evidence plan to support the HRA process.
- Undertake the HRA screening and, if required, develop the information for an Appropriate Assessment.
- Engage with Natural England on the draft outcomes ahead of the DCO application.
- Submit the final version of the HRA screening and Appropriate Assessment information packs, including the evidence plan as part of the DCO application.