

The Environment Agency is delivering a Flood Risk Management Scheme (FRMS) to better protect homes and businesses from flooding in the Kent Catchment, enhance the local environment and improve community amenities.

The Kendal and Upper Kent Catchment Flood Risk Management Scheme is subject to a Habitat Regulation Assessment (HRA) due to the likely impact of the scheme on sites of European importance. This factsheet will provide you with a snapshot of the Habitat Regulations Assessment process.

What is a Habitat Regulation Assessment (HRA)?

Habitat Regulation Assessment (HRA) is a process used to determine whether a plan or proposed development could have a significant impact on the network of European protected habitats and/or species, beyond reasonable significant doubt. This assessment is required under the [European Habitats Directive](#) (Council Directive 92/43/EEC) and the [UK Habitats Regulations](#) (The Conservation of Habitats and Species Regulations 2017 (as amended)).

The HRA assessment involves a thorough examination of the project's potential effects on the integrity of designated sites, such as Special Sites of Scientific Interest (SSSI), Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). It also considers the conservation objectives of a protected habitat and/or species, including those listed under the Habitats Directive.

The information gathered through an HRA helps guide the design and development process. The assessment provides data on the presence and distribution of protected habitats and species within and around the project area. It identifies potential risks, impacts, and constraints that need to be considered, enabling appropriate mitigation and environmental enhancement to be put in place during the design phase.

Why does this flood defence scheme need a HRA?

The Kendal and Upper Kent Catchment Flood Risk Management Scheme aims to provide flood storage within the upper catchment to temporarily store excess flood water during extreme conditions. This will help reduce river levels downstream. Due to its potential significant impact on a protected European site, specifically the River Kent Special Area of Conservation (SACs), the scheme is subject to a HRA.

The project team have been working with the Appropriate Nature Conservation Bodies (ANCB), as defined in the Habitats Regulations, and others, to ensure that ALL potential effects are thoroughly considered throughout the scheme's development, before submitting a planning application.

The Environment Agency aims to enhance biodiversity through the scheme, across the catchment and beyond. Potential approaches include river restoration, environmental improvements and, where feasible, the use of complementary Natural Flood Management (NFM) measures.



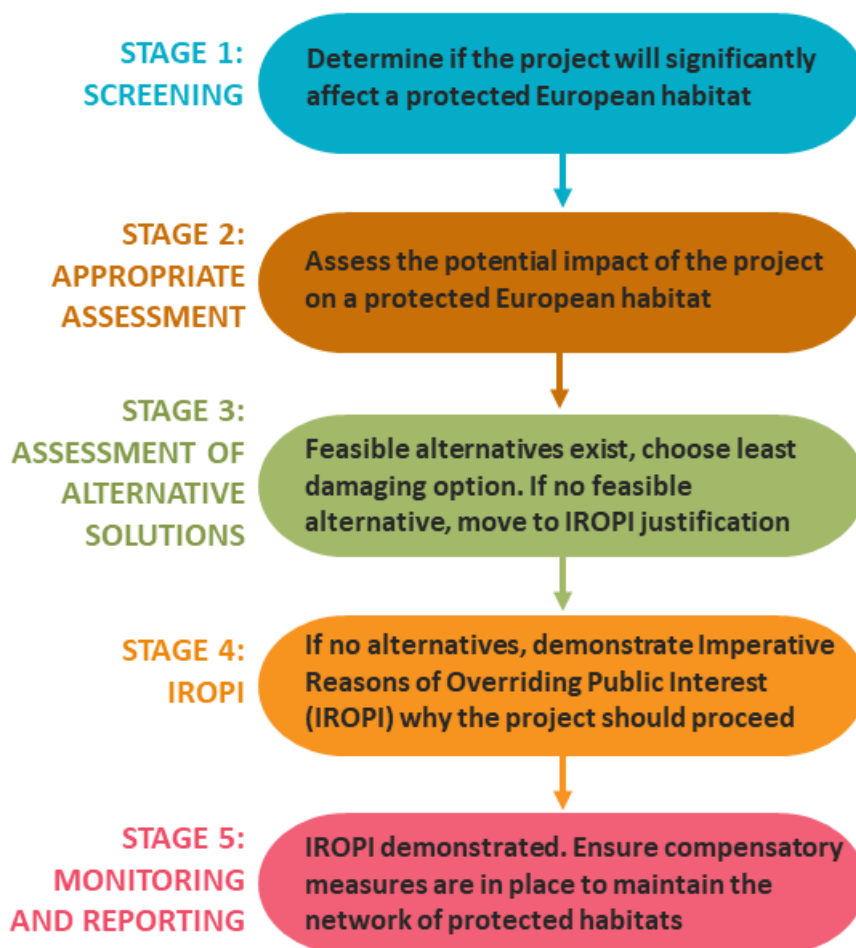
Hydro hedge dam



Peatland restoration

The Habitat Regulation Assessment (HRA) Process

The statutory process we will follow is highlighted below.



IROPI explained – How we aim to enhance biodiversity across the catchment

By analysing the findings of the HRA assessment, we can implement environmental enhancements and design modifications to promote biodiversity across the catchment. This approach will help avoid, minimise, and/or compensate for any impacts on protected habitats and species. If there are no feasible alternative solutions, the team need to demonstrate that there are [Imperative Reasons of Overriding Public Interest \(IROPI\)](#) that justify why the proposed scheme should go ahead, despite its potential impact on the site. The responsible authority will then assess whether the proposal meets the following criteria:

- **imperative** - it's essential for public interest reasons that the proposed scheme proceeds
- **in the public interest** – the proposed scheme benefits the public, rather than just private interests
- **overriding** – the public interest outweighs the harm, or risk of harm, to the integrity of the identified European site, and appropriate compensatory measures will be put in place.

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and keeping
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