

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)?

A **Habitat Regulations Assessment (HRA)** is a process used to check whether a plan or proposed development could have a significant impact on sites with protected habitats and species, beyond reasonable scientific doubt. This assessment references protected habitats and species that might be impacted by a development and is required under the [UK Habitats Regulations](#) (The Conservation of Habitats and Species Regulations 2017, as amended). This implements similar protections to those originally set out in the [European Habitats Directive](#) (Council Directive 92/43/EEC).

A HRA must be carried out for sites that are part of a network of specially protected areas in the UK and Europe, which includes:

- **Special Areas of Conservation (SACs)** – protected for their important habitats and species.
- **Special Protection Areas (SPAs)** – protected for rare or vulnerable birds.
- **Ramsar Sites** – internationally important wetlands.

The HRA ensures that developments consider the environment through the design and development process. It identifies risks to protected habitats and species and outlines ways to avoid, reduce, or compensate for harm. Where impacts cannot be avoided, compensatory measures, such as creating new habitats, may be required before a development can proceed.

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 (SAC), the scheme is subject to a HRA.

The project team work with the Appropriate Nature Conservation Body (ANCB) and Natural England, as required under the Habitats Regulations, to ensure ALL potential effects are thoroughly considered throughout the scheme's development. Natural England's advice must be considered before deciding whether the scheme can proceed.

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.



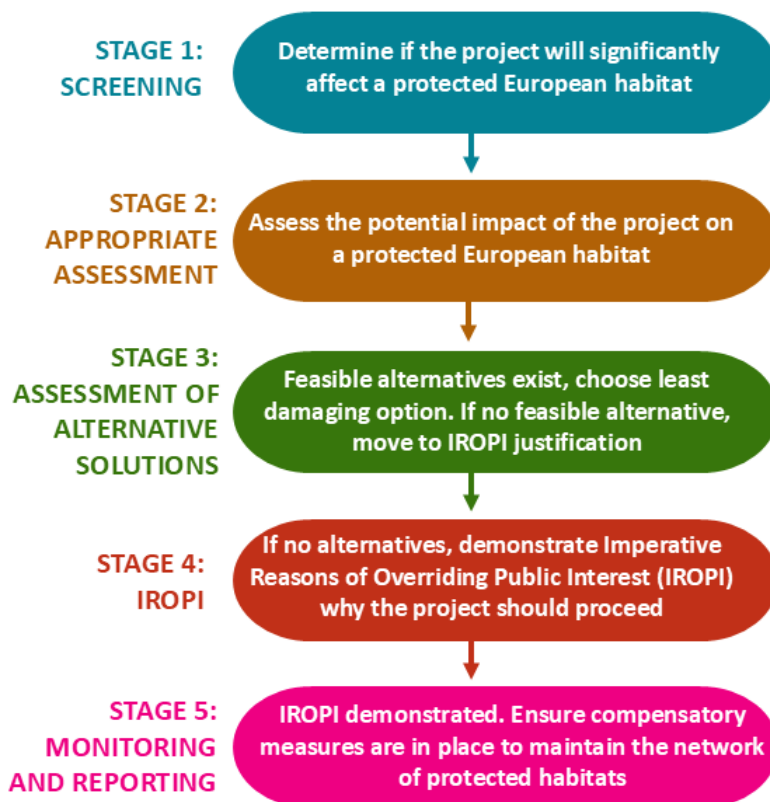
Hydro hedge dam



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 through the scheme

Using the conclusions of the Habitats Regulations Assessment (HRA), we can ensure that design modifications are made to reduce direct impacts on the Special Area of Conservation (SAC). Where impacts cannot be fully avoided, we can implement enhancement measures beyond the project boundaries to support the protected features of the SAC, such as improving river habitat conditions.

If no feasible alternative solutions exist, the team must demonstrate [Imperative Reasons of Overriding Public Interest \(IROPI\)](#) to justify why the scheme should proceed despite its potential impact on the site.

The competent authority for flood schemes is the Environment Agency (EA), and in this role will assess whether the proposal meets the following IROPI criteria:

- **Imperative** – The scheme addresses an issue of critical importance.
- **In the public interest** – The scheme benefits the wider public, not just private interests.
- **Overriding** – The public benefit must clearly outweigh the harm to the protected site, and appropriate compensatory measures must be secured.

If the criteria are met, the EA, as the competent authority, must submit the case for IROPI to DEFRA (the Secretary of State) to secure approval for the scheme.

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