



Screening and assessing new water resources permissions for impacts on conservation, heritage and landscape

Operational instruction 226_10

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What's this document about?

This document will help to ensure that you comply with our statutory duties for conservation, landscape and heritage. We need to apply these when determining water resources permissions.

It includes the assessment processes required under the:

- Habitats Regulations, and;
- CRoW Act.

Follow this guidance when assessing any new water resources licence application, permit or consent.

It includes both the pre-application and formal application stages. A full list of permissions this document relates to is listed within.



Document details



Related documents

Who does this apply to?

Any staff dealing with water resources permits:

- National Permitting Service (NPS);
- Permitting Support Centre (PSC);
- Area Environment Planning (AEP);
- Fisheries and Biodiversity (**F&B**);
- Groundwater and Contaminated Land (GWCL);
- Environmental Monitoring Analysis and Reporting (A&R);
- Regional Environment Planning Water Resources (REP);
- National Customer Contact Centre (NCCC).



Feedback

Contact for queries

Water Resources Helpdesk

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Overview

Identifying permissions

Use this document for assessing all of the following water resources permissions:

Primary user	Type of permission
NPS	Abstraction licences: full, transfer and temporary . Formal variations to licences or renewals of licences.
NPS	Impoundment licence.
GWCL	S32 Groundwater investigation consents.
NPS	Drought permits.
NPS	S20 Water resources management arrangements
NPS	S158 Water resources management arrangements

Time limited licence renewals

Applications to renew time limited licences or variations are covered by this guidance, even if the applications are being dealt with as a block renewal.

Temporary licences

Applications for temporary licences should follow the conservation assessment process outlined in [97_06](#). You will need to use the extra information in this document to help your assessment.

The process

To make sure you have screened and assessed water resources permissions for nature conservation, heritage and landscape sites, you must follow all of sections 1 and 2.

Use the process in sections 3 and 4 if the application could affect a Site of Special Scientific Interest (SSSI) and/or a Habitats Directive site.

Section	Description
1	Pre-application technical checks
2	Formal application process – technical checks
3	Check if the application is in, or is capable of damaging a SSSI
4	Check if the application is in, or is capable of affecting a Habitats Directive site

! Important legislation

You must conduct the assessment and consultation processes, as it is required under the legislation listed below.

Legislation	Areas covered
The Conservation of Habitats and Species Regulations 2010 ; known as the 'Habitats Regulations'	<ul style="list-style-type: none"> ▪ Special Areas of Conservation (SAC & cSAC), ▪ Special Protection Areas (SPA & pSPA) ▪ Ramsar sites

The Countryside and Rights of Way (Crow) Act 2000	Sites of Special Scientific Interest (SSSI)
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Other legislation

This process will also allow you to satisfy the other statutory duties required for nature conservation, heritage and landscape sites, including Biodiversity Action Plan (BAP) habitats and species, national and European protected species.

1. Pre-application technical checks

The process

Use this guidance when you are following:

[1107_08 Permitting overview](#). Step 8 and 9 of the pre-application flowchart in the water resources permitting process and the step ‘internal and external consultation’ of the Groundwater Investigation Consent process in the Appendix.

[68_09 Pre-application activities for water resource permissions](#).

You should also use it to support your decisions when following these documents:

- [97_06 Temporary licence applications](#);
- [S20 Water resources management arrangements](#);
- [S158 Water resources management arrangements](#);
- [32_10 Drought orders and permits](#).

Purpose of technical checks

You will need to undertake pre-application technical checks to:

- confirm the final risk score of the proposal in the conservation elements of the water resources Risk Screening Tool (RST);
- ensure we carry out appropriate consultation, and;
- make sure that the applicant is aware of the risks associated with their proposal and all the information they will need to provide to support a formal application.

Tasks

To complete the pre-application process you will need to complete the following seven tasks.

Task	Detail
1	Pre-application identifying designated sites
2	Pre-application technical checks: Landscape designations
3	Pre-application technical checks: Heritage designations
4	Pre-application Technical checks: Conservation designations
5	Pre application consultation
6	Feedback to enquirer
7	When using the RST - confirm the RST score .

Pre-application: Identifying designated sites

Identifying sites

NPS and GWCL teams to follow the actions below:

Step	Action
1	<p>Use the Risk Screening Tool to help you identify sites that may be affected by the proposed application.</p> <p>For proposals where it is not appropriate to use the RST, use Easimap to identify conservation, heritage and landscape sites.</p>
2	<p>Look at the risk scores for conservation sites within the RST outputs (In the 'Risk summary & next steps' worksheet).</p> <p>If the:</p> <ul style="list-style-type: none"> ▪ GW Search column; ▪ SW search column; ▪ Combined search column, or the; ▪ Downstream conservation site risks row, <p>show a medium risk, it means the proposal is near enough to a designated conservation, landscape and/or heritage site to pose a possible risk. The Risk Screening Tool will list those sites in the worksheets 'Local search feature list' and 'downstream cons. site risks'.</p>
3	<p>Use Table 1 and the pre-application technical checks to help interpret the outputs for any designated sites, or designated species, identified by the RST.</p> <p>You need to assess the potential of the proposed abstraction to have an adverse effect on these sites if it were to be licensed. Based on your decision you can confirm if the RST score is appropriate.</p>
4	<p>You also need to manually check the relevant CAMS and RSA programme.</p> <p>If there are existing abstraction pressures on a site downstream identified :</p> <ul style="list-style-type: none"> ▪ by the CAMS status being 'over abstracted' (CAMS colours red or purple) or 'over licensed' (CAMS colours yellow or orange) ▪ by RSA schemes downstream, <p>you must then undertake a manual determination of whether the new application could have an adverse effect on the listed sites 'in-combination' with existing pressures.</p>
5	<p>For groundwater proposals</p> <p>GWCL teams do a desk study to consider the hydrogeological catchment of proposed GW abstraction. Use the results of the water feature search (WFS) from the applicant to identify sensitive features and assess the risk from the proposed application. If the features survey area is larger/different from that produced by the RST, you must take this into account in your assessment.</p> <p>Remember, the RST and WRGIS contain up-to-date and agreed datasets. Ensure you use up to date information to guide your</p>

assessment.

! Important Groundwater Investigation consents (GICs) are subject to the same legal requirements as full abstraction licences. The GWCL team must follow the assessment and consultation processes for designated sites.

Table 1 Identifying sites.

Use the information in the table below to identify if the proposal may have an adverse effect on a site or area of interest.

Site/area of interest	How to identify	What is it?	What impacts need considering?
National landscape designations			
National Park	Use RST or Easimap (where RST can't be used)	National landscape designation.	Physical structures associated with the application.
Area of Outstanding Natural Beauty (AONB)/ Heritage Coast	Use RST or Easimap	National landscape designation	Physical structures associated with the application.
National heritage designations			
Scheduled Ancient Monument (SAM)	Use RST or Easimap	National heritage designation.	Most are structures that will not be affected by WR permissions. There are a few which may. Consider direct impacts such as lowered/changed water levels, desiccation, and erosion.
Conservation designations			
cSAC, SAC, pSPA, SPA, Ramsar	Use RST or Easimap	Internationally designated site.	All.
SSSI	Use RST or Easimap	Nationally designated site.	All.
National Nature Reserve	Use RST or Easimap	Nationally designated site.	Most of these are SSSI and will not need specific consideration.

<p>Local Nature Reserve, Ancient woodland</p>	<p>Use RST or Easimap</p>	<p>Locally designated/important sites.</p>	<p>Risks to these sites only need considering if local resource availability (shown by the RST) is unsatisfactory that is where fully licensed flows are below, but within 10%, of the Environmental Flow Indicators (EFIs), or worse that is yellow, orange, red or purple resource availability colours.</p>
<p>Local wildlife sites</p>	<p>Consult area F&B team if local resource availability is unsatisfactory.</p>	<p>Locally designated sites.</p>	<p>Risks to these sites only need considering if local resource availability (shown by the RST) is unsatisfactory that is where fully licensed flows are below, but within 10%, of the Environmental Flow Indicators (EFIs), or worse that is yellow, orange, red or purple CAMS resource availability colours.</p>
<p>Biodiversity Action Plan (BAP), European and nationally protected species and BAP habitats</p>	<p>Use RST for BAP, European and nationally protected species and BAP habitats and consult area Fisheries Technical teams for locations of protected fish species if local resource availability is unsatisfactory.</p>	<p>Internationally and nationally important species and habitats.</p>	<p>Risks to these sites need considering if there are depleted reaches and/or if local resource availability (shown by the RST) is unsatisfactory that is where fully licensed flows are below, but within 10%, of the Environmental Flow Indicators (EFIs), or worse that is yellow, orange, red or purple CAMS resource availability colours.</p>

Pre-application technical checks: Landscape designations

Landscape designations

Follow the actions below:

Step	Action
1	<p>Check any landscape designations identified within the RST. Assess whether the proposal is appropriate within its setting.</p> <p>Do this by considering if the proposal has substantial physical works associated with it. These include:</p> <ul style="list-style-type: none"> ▪ large impoundments; ▪ buildings or other large structures; ▪ storage reservoirs and lakes.
2	<p>If you need help establishing if there is a landscape issue, seek advice from the NPS biodiversity and conservation lead in your team. If you believe the proposed abstraction poses a risk of adversely affecting a landscape site(s) then you should consult with area F&B teams and consider using the National Environmental Assessment Service (NEAS) Principal Landscape Architect for an opinion on large or complex cases.</p>

Pre-application technical checks: Heritage designations

Heritage designations

Follow the actions below:

Step	Action
1	<p>Check any SAMs identified within the RST. Those identified in the immediate vicinity of the application are at the greatest risk.</p> <p>For groundwater applications: check the water features survey to see if any SAMs were identified.</p> <p>Potential impacts on SAMs include:</p> <ul style="list-style-type: none"> ▪ lowered water levels causing desiccation or subsidence; ▪ direct affects from physical works associated with the structure.
2	<p>If you need help establishing if there is an issue seek advice from the NPS biodiversity and conservation lead in your team. If you believe the proposed abstraction poses a risk of adversely affecting a designated heritage site(s) then you should consult with the area F&B team. Contact a NEAS Archaeologist for opinion on complex assessments.</p> <p>Be aware that we're likely to refuse proposals which could affect a SAM.</p>

Pre-application technical checks: Conservation designations

Conservation designations

Use the information in the table below to undertake all the technical checks required on a proposal. This includes checks required even if the RST indicates a 'low' risk score.

Use Easimap to help identify sites if you are undertaking an assessment which doesn't use the RST or if extra information is required.

Issue	Action.
<p>International and national designated sites that require formal consultation:</p> <p>cSAC, SAC, pSPA, SPA, SSSI or Ramsar site identified by RST.</p>	<ul style="list-style-type: none"> ▪ Check if the interest features of the site can be affected by the proposal, for example are they water dependant. Refer to Table 2 for help. ▪ Check to see what existing information/assessments exist for a potentially affected site. ▪ Specify to the enquirer the ecological data they will need to provide with their application. <p>Conservation specialists within NPS can help identify which interest features could be affected and what supporting information may be required with an application.</p> <p>Area Environment Planning/F&B teams may hold existing information or assessments about a site. The Habitats Directive database and Restoring Sustainable Abstraction database may hold relevant information.</p>
<p>Nationally and locally designated sites:</p> <p>NNR, LNR, ancient woodland or local wildlife site identified in the RST.</p>	<p>Check if the proposal is going to affect the water resource status. If the water resources status is unsatisfactory (as described in table 1 above) then you should investigate the potential impacts on any of these sites with conservation specialists within NPS and area F&B teams.</p>
<p>Upstream cSAC, SAC and SSSIs.</p>	<ul style="list-style-type: none"> ▪ Check for SACs and SSSIs upstream which have migratory fish as interest features. <p>In order to comply with the requirements for consultation on designated sites this check needs to be undertaken. The RST does not identify designated sites upstream of a proposed abstraction.</p> <p>Use Easimap to get a copy of the site citation for SSSI if you need to.</p>

<p>Depleted reaches; including hydropower applications.</p>	<ul style="list-style-type: none"> ▪ Identify sensitive features within the depleted reach (you can use the RST for this); ▪ Identify appropriate fish passage and screening requirements (in consultation with area F&B teams); ▪ Identify risks from direct impacts within the reach. <p>Advice is given in the following sections:</p> <ul style="list-style-type: none"> ▪ 3. Check if the application is in, or is capable of damaging a SSSI. ▪ 4. Check if the application is in, or is capable of affecting a Habitats Directive site. <p>Make the enquirer aware of any information that will need to be supplied with their application.</p> <p>For hydropower proposals, refer them to our Hydropower manual and Good Practice Guidelines on our website.</p> <p>Conservation specialists within NPS, and area F&B teams if needed can help with identifying risks in depleted reaches.</p>
<p>Designated species and BAP habitat information</p>	<p>Undertake a search on RST. Details of these are not included in the RST spreadsheet, so you must visually search for these using the GIS layers or Easimap for National Permitting. Details on how to do this are given in the OI on using the RST. Consult area Fisheries team for protected fish species.</p>
<p>Fish screens required?</p>	<ul style="list-style-type: none"> ▪ Identify if fish screens are required on intakes. <p>Provide the enquirer with a copy of the report: The appropriate assessment of fish entrainment from water resources permissions under the Habitats Regulations. They will need to include appropriate screening proposals with their application.</p> <ul style="list-style-type: none"> ▪ Speak to area Fisheries teams if you require further help.

Groundwater proposal?	<ul style="list-style-type: none"> ▪ For a GIC – follow the same checks as above. ▪ For a GW abstraction licence - Has the GIC identified any issues for conservation, landscape or heritage sites? ▪ Have these been addressed appropriately in the GW abstraction licence application? <p>! Important When looking at a proposed abstraction at the GIC stage, you need to assess both the impact of the (short term) test pumping authorised by the GIC and the long term GW abstraction being applied for.</p>
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Pre application consultation

Consultation No formal consultation with external organisations is required for pre-application technical checks, but you need to consider the following action:

Step	Action
1	<p>Identify if the proposal should be informally discussed with external consultees at this stage.</p> <p>Specifically consider if you need to discuss the proposal with Natural England and/or the Countryside Council for Wales, in order to ensure the enquirer supplies sufficient data with their application for us to determine it.</p>

Feedback to enquirer

Feedback to enquirer This stage is completed by you writing to the enquirer.

Step	Action
1	<p>Follow the actions listed in 68_09 Pre-application activities for Water Resource permissions. This will guide you to the template letter you need to use. Make sure the applicant is clear on the information you will need if they make a formal application, state specifically in the letter:</p> <ul style="list-style-type: none"> ▪ the nature conservation, landscape or heritage issues you've identified; ▪ the likely external consultation requirements; ▪ any information required in order for us to undertake necessary assessments on their formal application. More information about content of reports to accompany licence applications is available in 108_06 Reports to accompany water resources licence

[applications.](#)

Confirm the RST score

Confirm the RST score

To complete the pre-application technical checks you must update and confirm the RST score with your conclusions. Follow the instructions in [913_08 Using the RST on water resource licence applications](#) to update the scores in the 'Risk summary and next steps' spreadsheet.

2. Formal application process – technical checks

The process

Follow this process when a formal application has been made.

Also use this guidance if you are determining one of the other WR permissions listed in [identify permissions section](#). You may need to use Easimap for searches, where you can't use the RST.

You need to follow this guidance when starting [step 5 of the formal application flowchart in the water resources permitting process](#).

To complete the formal application process you must complete all of tasks one to three. Tasks four and five must be followed if a SSSI or HD site is identified in task one.

Task	Detail
1	Identify designated sites.
2	Undertake initial assessment and technical checks. <ul style="list-style-type: none">▪ Landscape designations▪ Heritage designations▪ Nature conservation designations
3	Complete the conservation, landscape and heritage assessment
4	Check if the application is in, or is capable of damaging a SSSI;
5	Check if the application is in, or is capable of affecting a Habitats Directive site.

Formal application: Identify designated sites

Identifying sites

You need to identify if any nature conservation, landscape or heritage sites are affected by the application. To do this, follow the actions below.

Step	Action
1	Use the Risk Screening Tool to help you identify sites that may be affected by the proposed abstraction.
2	<p>Look at the risk scores for conservation sites within the RST outputs (in the 'Risk summary & next steps' worksheet).</p> <p>If the:</p> <ul style="list-style-type: none"> ▪ GW Search column; ▪ SW search column; ▪ Combined search column; or the ▪ Downstream conservation sites risks row, <p>show a medium risk it means that the proposal is near enough to a designated nature conservation, landscape and/or heritage site to pose a possible risk. The RST will list those sites in the worksheets 'Local search feature list' and 'downstream cons. site risks'.</p>
3	Use Table 1 to help interpret the outputs from the RST for any designated sites or designated species. You need to assess the potential of the proposed abstraction to have an adverse effect on these sites if it was to be licensed. Based on your decision you can confirm if the RST score is appropriate.
4	<p>If not already available from the pre-application information - you also need to manually check the relevant CAMS and RSA programme.</p> <p>If there are existing abstraction pressures on a designated conservation site downstream identified :</p> <ul style="list-style-type: none"> ▪ by the CAMS status being 'over abstracted' (CAMS colours red or purple) or 'over licensed' (CAMS colours yellow or orange) ▪ by RSA schemes downstream, <p>you must then undertake a manual determination of whether the new application could have an adverse effect on the listed sites 'in-combination' with existing pressures even if outside the RSA search area.</p>
5	<p>For groundwater applications, see recommendations from GWCL teams based on their risk assessment from the GIC pre-application process and the water feature search (WFS). If the GW features survey area is larger/different from that produced by the RST this must be taken into account in the assessment.</p> <p>! Important GIC are subject to the same legal requirements as full abstraction licences. The GWCL team must follow the assessment and consultation processes for designated sites.</p>
4	If you are not using the RST, manually identify any landscape, heritage or conservation sites that you may need to consider. Use Easimap if appropriate. For Habitats Directive sites, follow the section ' not using the RST '.

Undertake initial assessment and technical checks

NPS

You will need to undertake initial assessment and technical checks, complete all the actions below.

If you are dealing with an application for which the RST was run and pre-application checks and informal consultation undertaken, make sure you refer to the information collected at the time and avoid duplicating effort.

You should avoid reconsulting colleagues in AEP and F&B teams unless the details of the proposal have changed since the pre-application stage, additional information has been provided as a result of the pre-application work, or a significant time has elapsed.

Landscape designations

Landscape designations

Check if the application is in an area designated for landscape and has substantial physical works associated with it. These include:

- large impoundments;
- buildings or other large structures;
- storage reservoirs and lakes.

If...	then...
the application is not located within a designated landscape;	no further investigations are required into impact on designated landscapes and no consultation required.
you identify any permissions that are in a designated landscape	you need to consult the relevant National Park/ Broads Authority.

Consultation

To do this follow the actions below.

Step	Action
1	You must contact the National Park/ Broads Authority within 14 working days of the relevant date, Note: The relevant date is the trigger date when the determination period and any necessary advertising and subsequent processes begin. It is a maximum of 21 days after receiving a complete and valid application.
2	Complete covering letter WR-120 Full Copy of Application to Statutory consultees .
3	You must send the authority a full copy of the application, including completed application forms and the map with the covering letter.
4	There is generally no technical assessment required although you should consider including a brief note on whether the application represents a landscape issue ¹ or not. Area F&B teams should be able to help establish whether this is the case.

¹Landscape issue - this is related to physical structures that are linked to the abstraction.

Receiving response

Follow the actions below to make sure that responses are dealt with consistently.

Step	Action
1	If a reply is not received in 28 consecutive days (not working days), of sending the letter you can take this as 'No comments to make.' Record this in the determination report.
2	You must acknowledge the response and address any comments raised.
3	Screen for inappropriate responses at this stage, for example representations about noise are not relevant.
4	Assess the likely implications of the application, regarding the results of consultation.
5	Ask the NEAS Principal Landscape Architect for an opinion if a dispute arises.

Heritage designations

Heritage designations

Check if a SAM has been identified by the RST or the groundwater features survey. What is it? Consider if the SAM could be affected by impacts like:

- lowered water levels causing desiccation or subsidence;
- direct affects from physical works associated with the structure.

If...	then...
you do not identify any SAMs relating to this application;	no further investigations into impacts on SAMs are required.
you do identify any SAMs relating to this application;	you need to decide on consultation.

Consultation

The likely outcome if a SAM is affected will be to refuse the application.

No external consultation is needed as we have made our decision. With this in mind, you must be confident of the impacts to justify your decision in light of any subsequent appeal by the applicant.

If you are not fully confident of the impacts you need to consult English Heritage (in England) or Cadw (in Wales); follow the actions below.

Step	Action
1	Complete covering letter WR-120 'Full Copy of Application to Statutory consultees' , include a full copy of the application and map. You may need to amend this to reflect the advice you require.
2	Explain your intended course of action if you do not hear from them.

Receiving response

Follow the actions below to make sure that responses are dealt with consistently.

Step	Action
1	If a reply is not received in 28 consecutive days (not working days), of sending the letter you can take this as 'No comments to make.' Record this in the determination report.
2	You may need to acknowledge the response and address any comments raised.
3	Screen for inappropriate responses at this stage, for example representations about noise are not relevant.
4	Assess the likely implications of the application, regarding the results of consultation.
5	Ask the NEAS Principal Landscape Architect for an opinion if a dispute arises.

Nature conservation designations

Nature conservation designations

Check to see if any national or international nature conservation sites have been identified (cSAC, SAC, pSPA, SPA, SSSI, Ramsar). Consider if:

- their interest features are dependant on water?
- physical disturbance related to the application will affect the site?

Ask the NPS biodiversity **and conservation lead in your team** for help if you need it.

Step	Action
1	If yes: <ul style="list-style-type: none">▪ For SSSI follow instructions in 3. Check if the application is in, or is capable of damaging a SSSI;▪ For SAC/SPA/Ramsar follow instructions in 4. Check if the application is in, or is capable of affecting a Habitats Directive site.▪ For other sites see National and local designations.
2	If no, then no further action is necessary.

Upstream designated sites

Check to see if there are there any cSAC, SAC or SSSI sites upstream designated for migratory fish? If the application could affect the migration of a designated fish species **associated with a** designated site we must follow the consultation processes for SSSI and SAC.

Ask the NPT Biodiversity specialist for help if you need it.

Step	Action
1	If yes: <ul style="list-style-type: none">▪ Change the RST score to medium,▪ For SSSI follow instructions in 3. Check if the application is in, or

	<p>is capable of damaging a SSSI:</p> <ul style="list-style-type: none"> For SAC/SPA/Ramsar follow instructions in 4. Check if the application is in, or is capable of affecting a Habitats Directive site.
2	If no, then you do not need to consider this issue anymore.

Depleted reaches including hydropower

Check to consider if the abstraction will cause a depleted reach.

Step	Action
1	<p>If yes:</p> <ul style="list-style-type: none"> Use the RST to check if there are native (white-clawed) crayfish or pearl mussel in the depleted reach; Consult the area Analysis and Reporting and F&B teams for support with the assessment if you need to.
2	If no, then you do not need to consider this issue anymore.

Designated species

Check to see if protected species or habitats have been identified.

Consider if:

- they are dependant on water and the application could affect them,
- physical disturbance related to the application will affect the site.

Ask the NPS Biodiversity specialist for help if you need it.

Step	Action
1	<p>If yes:</p> <ul style="list-style-type: none"> Consult area Analysis and Reporting and F&B teams for support with the assessment if you need to.
2	If no, then you do not need to consider this issue anymore.

Fish screens

Check to consider if the application requires a fish screen.

Step	Action
1	<p>If yes;</p> <ul style="list-style-type: none"> and no screening provision has been made with the application the application will be invalid; return application to the applicant and provide them with a copy of the report: The appropriate assessment of fish entrainment from water resources permissions under the Habitats Regulations ask the area F&B team to provide support for assessing screening.
2	If no, then you do not need to consider this issue anymore.

Groundwater proposals

Check to see if a water features survey has been conducted. If it has, have any conservation, heritage or landscape implications been addressed in the licence application?

Step	Action
1	<p>If yes;</p> <ul style="list-style-type: none"> ▪ and provision has not been made with the application to address any concerns then the application will be invalid; ▪ return application to the applicant asking for relevant supporting information and/or amendments to the application to ensure that risks identified in the investigation are addressed
2	If no (and an s32 GIC has been issued) then no further action is necessary.

National and local designations

Other designated sites to be aware of are listed in the table below.

You need to also take the impacts on these sites into account.

There is no statutory consultation process for these sites.

If there may be an impact, consult or advise the relevant authority as listed below.

Designation	Recommended consultees (if site affected or additional advice required to inform decision)
National Nature Reserves	<ul style="list-style-type: none"> ▪ Area F&B teams ▪ If covered by other designations, such as SSSI, consult as appropriate.
Local Nature Reserves	<ul style="list-style-type: none"> ▪ Landowner (usually district council) ▪ If covered by other designations, such as SSSI, consult as appropriate ▪ Area F&B team in cases of dispute
Local wildlife sites	<ul style="list-style-type: none"> ▪ Area F&B teams ▪ County Ecologist (based at the county council) ▪ Relevant wildlife trust
Area of Outstanding Natural Beauty	<ul style="list-style-type: none"> ▪ AONB conservation board
Heritage Coastlines	<ul style="list-style-type: none"> ▪ Natural England, Countryside Council for Wales ▪ National Environmental Assessment Service in cases of dispute
Ancient woodlands	<ul style="list-style-type: none"> ▪ Area F&B teams ▪ County Ecologist (based at the county council)
UK Biodiversity Action Plan (UK BAP)	<ul style="list-style-type: none"> ▪ Area F&B teams
Regionally Important Geological and Geomorphological Sites (RIGGS)	<ul style="list-style-type: none"> ▪ English Heritage/Cadw ▪ National Environmental Assessment Service in cases of dispute ▪ Regional geomorphologists

- World Heritage Site
 - Area **F&B** teams
 - Local authority (Planning department)
- Listed buildings
 - Area **F&B** teams
 - Grade II – Local authority (Conservation officer)
 - Grade II*/Grade I - English Heritage/Cadw
 - National Environmental Assessment Service in cases of dispute
- Built conservation area
 - Area **F&B** teams
 - Local authority (Planning department)
- Historic battlefields
 - Area F&B teams
 - English Heritage/Cadw
 - National Environmental Assessment Service in cases of dispute
- Registered parks and gardens
 - Area **F&B** teams
 - English Heritage/Cadw
 - National Environmental Assessment Service in cases of dispute

Complete the conservation, heritage and landscape assessment

Completing

Use the information from the tasks above and follow the if... then... table below to complete your assessment.

if...	then...
you are not undertaking a SSSI or Habitats Directive assessment, and intend to issue a licence	determine the permission following the process in Determining water resources licence applications .
you are not undertaking a SSSI or Habitats Directive assessment and have grounds to refuse the licence	refuse the application. Follow the process in Determining water resources licence applications .
the application could affect a SSSI	follow instructions in 3. Check if the application is in, or is capable of damaging a SSSI ;
the application could affect a HD site	follow instructions in 4. Check if the application is in, or is capable of affecting a Habitats Directive site .

3. Check if the application is in, or is capable of damaging a SSSI

Identify permissions that could affect a SSSI

Identify sites In this stage you need to collate the relevant information from the technical checks and determine if the application is in, or is capable of damaging a SSSI.

Step	Action
1	You can check that you have a relevant site by using the risk screening tool (RST) to identify SSSIs that may be damaged by the application. You may wish to refer to generic operation instruction:- Applying the CRow Act 2000 to permit applications that could impact SSSI

Undertake assessment

Identify pathways and receptors

Use [Table 2](#) to help you carry out the checks below:

Step	Technical check
1	<ul style="list-style-type: none"> Identify the sources of potential damage, for example changes to water levels.
2	<ul style="list-style-type: none"> Identify the mechanism or pathways through which damage may be caused, for example lowering of water levels around a borehole in a fenland habitat; Check that the abstraction point is within the boundary or could affect the site – for example is upstream of a SSSI;
3	<ul style="list-style-type: none"> Identify sensitive receptors or features that may be affected, for example particular plants or animals such as breeding bird populations in reed beds. Use the SSSI citation to identify if the features of the SSSI are dependant on water.
4	<ul style="list-style-type: none"> Determine the scale of the effect;
5	<ul style="list-style-type: none"> Consider the timing of the operation, as this may remove the mechanism for damage, for example low flows during salmon migration.

Decide if damage will occur

Use the site citation specific to each SSSI and the **list of Operations Requiring Consent** (formerly 'Operations Likely to Damage' (OLD)) within the site citation to help you decide whether damage will occur.

Step	Technical check
1	Check:

	<ul style="list-style-type: none"> site citations. These are available via links in Easimap for national permitting or directly from the conservation body websites. <ul style="list-style-type: none"> http://www.naturalengland.org.uk http://www.ccw.gov.uk F&B teams may hold site citations for SSSI within their area's geographic boundary. <p>! Important Refer to the site's conservation objectives where available. NE/CCW will expect us to demonstrate in the assessment why deviating from these objectives will not damage the site.</p>				
	<table border="1"> <thead> <tr> <th>If...</th> <th>then...</th> </tr> </thead> <tbody> <tr> <td>If the site citation indicates features of interest that you think may be damaged by the proposed activity even when the activity is not covered on the list of 'Operations Requiring Consent' you must treat the activity as 'likely to damage'.</td> <td>You must treat these as 'operations requiring consent'.</td> </tr> </tbody> </table>	If...	then...	If the site citation indicates features of interest that you think may be damaged by the proposed activity even when the activity is not covered on the list of 'Operations Requiring Consent' you must treat the activity as 'likely to damage'.	You must treat these as 'operations requiring consent'.
If...	then...				
If the site citation indicates features of interest that you think may be damaged by the proposed activity even when the activity is not covered on the list of 'Operations Requiring Consent' you must treat the activity as 'likely to damage'.	You must treat these as 'operations requiring consent'.				
2	Check previous RSA investigations to assess if the application could damage the site.				
3	<p>Consult internally for advice if you feel you are unable to make a judgement on the potential for damage.</p> <ul style="list-style-type: none"> Speak to permitting officers with a specialism in nature conservation assessment for guidance, or Ask the local F&B team for advice, or <p>Ask conservation and ecology technical services for advice.</p>				

If the application is not likely to damage

If you have assessed that the application is not likely to damage the SSSI there is no obligation to consult Natural England/CCW even if abstraction appears on the **list of Operations Requiring Consent** for the SSSI.

Record your assessment on the CRoW Formal Notice [appendix 4](#) by following the actions below:

Step	Action
1	Include details of why the application is not likely to damage.
2	File the completed appendix 4 with the final determination report for audit purposes or in case of challenge from NE/CCW or the applicant.

If the application is likely to damage

If the application is likely to damage the SSSI and you cannot identify any mitigation (conditions or restrictions) to prevent that damage you must refuse the application.

Step	Action
1	If you refuse the application, you do not need to consult Natural England/CCW. Operational Instruction Applying the CROW Act 2000 to permit applications that could impact SSSI includes steps to follow to consult in this situation.
2	If the application is likely to damage the SSSI but you have identified appropriate measures to prevent that damage, you need to consult Natural England/CCW to ensure they are in agreement with the measures by following the next section.

Consult NE/CCW

Consult Natural England/CCW

If you have determined that the activity is likely to damage the SSSI you must formally consult Natural England/Countryside Council for Wales (CCW).

Follow the actions below.

Step	Action
1	Complete appendix 4 The CROW Act 2000 and Environment Agency Permissions - Formal Notice. You must provide NE/CCW with all the information they need to make a decision. Make sure that the following is included: <ul style="list-style-type: none">▪ details of any mitigation (conditions / restrictions) which are proposed for the application which remove the risk to the SSSI and provide the supporting justification as to why issuing the licence is appropriate.▪ details of the risk assessment undertaken and information used in the assessment and refer to any other reports or information used in the assessment.
2	Send appendix 4 to Natural England/Countryside Council Wales for consultation.
3	Track consultation and save response to EDM.

Complete the SSSI assessment

Completing the process

You can expect one of five reactions from the consultation:

1. There is no response from NE/CCW.
2. NE/CCW advise that the operation can go ahead.
3. NE/CCW advise the operation can go ahead with conditions.
4. NE/CCW disagree with our conclusion and advise against permitting the operation.
5. NE/CCW agree with our conclusion that the operation is damaging, and advise against permitting the operation.

Follow the actions in the table below.

If ..	then ..
There is no response from NE/CCW	after 28 calendar days, assume they have no comment, determine the permission following the process in Determining water resources licence applications I. In spite of no response, you must endeavour to conserve the special interest features of the SSSI.
NE/CCW advise that the operation can go ahead	determine the permission following the process Determining water resources licence applications .
NE/CCW advise that the operation can go ahead with conditions.	determine that permission following the process in taking NE/CCW conditions and advice into account
NE/CCW disagree with our conclusion and advise against permitting the operation	<ul style="list-style-type: none"> ▪ if you are minded to issue the permit even if NE/CCW disagree, you must attempt to resolve disagreement before issuing the licence. ▪ if you cannot reconcile views, and you are still minded to issue the permit, you must inform your manager that you intend to send a second Formal Notification 140_10_SD03 Appendix 6 of the CRoW Act to NE/CCW. ▪ you may want to consult Legal and/or Conservation and Ecology Technical Services for advice. ▪ you must not allow the permitted operation to commence from 21 calendar days from the date of this second formal notice. ▪ this gives NE/CCW 21 calendar days to either accept or appeal your decision.
NE/CCW agree with our conclusion that the operation is	refuse the permit on conservation grounds. Follow the process in Determining water resources licence applications .

damaging and advise against permitting the operation.	
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Maintain records

Keep all documentation for audit purposes in case of legal challenge from with NE/CCW or the applicant.

Upload documentation to EDRM.

4. Check if the application is in, or is capable of affecting a Habitats Directive site

Process

To complete this process there are four stages to follow.

	Stages
1	Identify permissions that could affect a Habitats Directive site.
2	Assess likely significant effect
3	Undertake the appropriate assessment
4	Conclude the Habitats Directive assessment and determine the licence.

Identify permissions that could affect a Habitats Directive site

Identify relevant permissions

In this stage you need to collate the relevant information from the technical checks and determine if the application is in, or is capable of adversely affecting a Habitats Directive and/or Ramsar sites.

Not using the risk screening tool

If the risk screening tool is not available to you follow steps below to identify if an application is relevant to a Habitats Directive site:

Step	Action
1	<p>Use the following criteria to identify applications that are relevant to a European site and will need a Stage 2 assessment:</p> <ul style="list-style-type: none"> ▪ any application within the boundary of a European site; ▪ any application that is in hydrological continuity with a European site. This includes surface or groundwater abstractions from a hydrological system only part of which may be classified as a European site. The exception to this is surface water licences downstream of the European site. These can be disregarded as not relevant unless the site is designated for migratory fish, then they must be considered in the assessment; ▪ any application located outside the European site that has the potential to affect the interest features of the European site, either directly or indirectly;

	<ul style="list-style-type: none"> applications for groundwater abstractions from aquifers that are not in hydraulic continuity with the site can be disregarded.
2	If you have agreed with Natural England/CCW site-specific screening criteria for easily identifying permissions that could not affect the European site use this for the assessment. The details will be contained in the site dossier.

Assess likely significant effect

Advice

You need to carry out a screening exercise to identify those applications that are likely to have a significant effect on the European site and therefore need an [appropriate assessment](#).

'Likely significant effect'

To complete this stage, known as Stage 2, you need to understand this definition:

'Likely significant effect' in this context is 'any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which a site was designated²'.

Likely significant effect must relate to **the interest features** and the **conservation objectives** for which the site is designated. You must judge each case individually.

Site management

To screen out applications that are related to achieving conservation aims, follow the actions below.

Step	Action
1	Check if the application is directly connected with or necessary for the management of the site for conservation purposes. If it is, no further assessment will be necessary. This can only apply if the application will not harm any of the interest features of the European site and you have agreement to this assessment from Natural England/CCW.
2	You will need to record the decision in the 276_05 (Appendix 11) form which must be created from the National Habitats Directive System.
3	If it is not, you need to continue with stage 2.

Assess likely significant effect

Assess the likely significant effect by carrying out a **risk assessment** consisting of **three questions**.

You must assess the risk to the site from fully licensed quantities.

Risk assessment three questions	
1	Investigate - Is there a potential hazard from the proposal, which could affect the interest features of the site, either directly or

² English Nature Habitats Regulations Guidance Note 3: The determination of likely significant effect under the Conservation (Natural Habitats &c.) Regulations 1994.

	<p>indirectly, alone and/or in combination? Are the features sensitive to this hazard?</p> <p>Potential hazards, for example changes in water level or flow, are listed (A to I) in Table 2. This table is automatically referenced when creating the 276.05 form from the National Habitats Directive System.</p> <p>Further details about potential hazards is available in 'Explanation of terms used in Habitats Directive assessments: Glossary of hazards' http://ams.ea.gov/ams_root/2011/851_900/890_11.doc</p>
2	<p>Investigate - Is there a pathway such that the potential hazard could affect the interest features of the site alone and/or in combination? What is the exposure of the feature to this hazard?</p>
3	<p>Investigate - For each hazard is the potential scale or magnitude of any effect likely to be significant?</p>

Water Resources

	SAC Habitat Groups													SAC Species Groups												SPA Bird Groups													
	1.01	1.02	1.03	1.04	1.05	1.06	1.07	1.08	1.09	1.10	1.11	1.12	1.13	2.01	2.02	2.03	2.04	2.05	2.06	2.07	2.08	2.09	2.10	2.11	2.12	3.01	3.02	3.03	3.04	3.05	3.06	3.07	3.08	3.09	3.10				
Change in freshwater flow to estuary	■										■	■						■																				■	
Change in salinity regime	■		■								■	■	■						■	■																	■	■	
Changed water chemistry	■	■	■	■	■						■	■	■	■	■				■	■			■	■	■		■				■				■				
Changes in surface water flooding	■	■	■								■					■							■	■	■		■					■				■	■		
Changes in velocity or flow regime	■	■	■	■	■						■		■	■	■				■	■			■		■						■					■	■		
Changes in water levels or table	■	■	■	■	■						■	■		■	■		■	■	■			■	■	■		■					■				■			■	
Entrapment			■																■	■			■																
Habitat loss	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Reduced dilution capacity	■	■	■	■	■						■	■	■	■	■				■	■			■		■										■			■	

A shaded square indicates that one or more of the habitats or species in that group may be sensitive to that hazard. For details of the habitats and species in each group see the 'What's protected' guidelines

This matrix applies to the following types of permission

- Abstraction Licence
- Capital Scheme (e.g Gauging Stations And Weirs)
- Drought Permits and Orders
- Impoundment Licence
- River Regulation Schemes
- S158 WRA91 (Operating Agreements)
- S20 WRA91 (Arrangements with Water Companies)
- S30 WRA91 (Conservation Notices)
- S32 WRA91 (Consents to Drill and Pump)

This matrix may not be comprehensive but is based on the judgement of staff in the Environment Agency, Natural England and Countryside Council for Wales. There may be other hazards and sensitivities, which will vary according to circumstances

The in combination assessment

Follow the actions below.

Step	Action										
1	Use the standard letter and accompanying instructions (OI 202_04) to consult with other competent authorities if required.										
2	Use the responses from consultation (if applicable) or without consultation consider the in combination effects from the application with: <ul style="list-style-type: none"> ▪ other abstractions at the fully licensed quantities; ▪ other functions' permissions – for example discharges; ▪ currently exempt activities such as trickle irrigation; ▪ unlicensed activities such as deregulated abstractions. 										
3	As part of your assessment include the following four considerations:										
	<table border="1"> <thead> <tr> <th>Consider the...</th> <th>then assess...</th> </tr> </thead> <tbody> <tr> <td>extent of habitats or species population affected</td> <td>for some features any loss could be judged as unacceptable (for example - limestone pavement). Very small-scale loss of supporting habitat (for example in an estuarine Special Protection Area (SPA)) may be seen as not significant.</td> </tr> <tr> <td>duration of the impact</td> <td>very short-lived impacts would generally not be significant provided there were no persistent cumulative effects from repeated or simultaneous impacts of the same nature. Some short-term impacts, though, can be significant such as the disturbance of a colony of birds during the breeding season.</td> </tr> <tr> <td>reversibility of the effect</td> <td>how easy it is to reverse an impact (for example raising water levels) may not necessarily be reflected in how quick the effect is reversed (recovery of some wetland habitats in response to water level changes can take 15 years). Irreversible effects would generally be considered to be significant and some reversible effects may be significant depending on the scale and duration for recovery.</td> </tr> <tr> <td>cumulative effects of permissions</td> <td>Permissions should be assessed as to the cumulative effects of a hazard from a group of permissions of the same type and also the cumulative effect in association with other types of permission and plans/projects, such as the potential effects of changes of dilution with discharges.</td> </tr> </tbody> </table>	Consider the...	then assess...	extent of habitats or species population affected	for some features any loss could be judged as unacceptable (for example - limestone pavement). Very small-scale loss of supporting habitat (for example in an estuarine Special Protection Area (SPA)) may be seen as not significant.	duration of the impact	very short-lived impacts would generally not be significant provided there were no persistent cumulative effects from repeated or simultaneous impacts of the same nature. Some short-term impacts, though, can be significant such as the disturbance of a colony of birds during the breeding season.	reversibility of the effect	how easy it is to reverse an impact (for example raising water levels) may not necessarily be reflected in how quick the effect is reversed (recovery of some wetland habitats in response to water level changes can take 15 years). Irreversible effects would generally be considered to be significant and some reversible effects may be significant depending on the scale and duration for recovery.	cumulative effects of permissions	Permissions should be assessed as to the cumulative effects of a hazard from a group of permissions of the same type and also the cumulative effect in association with other types of permission and plans/projects, such as the potential effects of changes of dilution with discharges.
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Consultation You need to consult with Natural England/CCW as appropriate.

Step	Action
1	If the permission has been assessed as straightforward, (for example similar permissions already assessed at the site and no doubt of the outcome), send the 276_05 (Appendix 11) form to Natural England for information only. Independent of the likely significant effect outcome.
2	If the permission is large/complex/novel, Natural England/CCW must still be consulted with the 276_05 (Appendix 11) and given 20 working days to respond, regardless of the conclusion.

Concluding If you conclude:

- there is no likely significant effect proceed with determining the licence;
- the application may cause a likely significant effect proceed to [Preparation for the appropriate assessment](#).

Undertake the appropriate assessment

Working with Natural England/CCW

It is our responsibility to determine what is 'appropriate' in consultation with Natural England/CCW.

The appropriate assessment, also known as Stage 3, will need to be in proportion to the nature, scale and duration of the proposed activity and the sensitivity of the site.

Step	Action
1	Agree communications route with Natural England/CCW.
2	Agree scope of the assessment with Natural England/CCW, using any comments from Part B of the 276_05 form (Appendix 11).

Compile existing information and make initial assessment.

You need to carry out the investigation at a level that **is appropriate**, that means relative to the issues on the site and the type of application.

Do make use of all other previous investigations. Make sure you have enough information to carry out a full in combination assessment for the new application.

Step	Action
1	Assess whether you have enough information from the applicant to carry out the full appropriate assessment. If you don't have enough data contact the applicant to request the information you require. Inform the applicant that delays in receiving this will delay the assessment of their application. If you do not receive the information for some time consider requesting an extension to the statutory determination period.

2	<p>Collate outputs from review of consents and CAMS.</p> <p>If previous assessments have indicated that reductions in licences are required or were not able to conclude that there was no adverse effect from water resource permissions, it is likely that applications for new permissions would not be acceptable. The Habitats Directive database may hold relevant information.</p>
3	<p>If no previous or relevant assessments are available from the review of consents you will need to determine the level of existing impacts and whether the new application will impose additional impact on the site by checking:</p> <ul style="list-style-type: none"> ▪ comparison of historical data for the identified hazard (for example, water level change) and for the associated interest feature with current baseline and the current condition; ▪ influence of water level management and physical management and other natural influences; ▪ other abstraction licences including those which may be non-consumptive and may be having a localised impact; ▪ the impact of deregulated activities such as abstractions for volumes of less than 20m³ per day; ▪ inputs from other competent authorities as identified following the consultation (standard letter and accompanying instructions (OI 202_04)); ▪ other authorised influences on site such as other function's permissions, plans and projects.

The in - combination assessment

The in-combination effect of permissions is assessed by looking at the impact mechanisms which act upon attributes of the same feature.

Examples of in-combination effects include:

Type of effect	Example
Additive	where an abstraction of 50m ³ /day and one of 70m ³ /day equal a reduction of 120m ³ /day.
Synergistic	where the interaction of a number of effects is greater than the sum of the individual effects.
Neutralistic	where the effects counteract each other, for example, with a river augmentation and a surface water abstraction from a river.
Overlapping	the drawdown zone of two groundwater licences in close proximity.
Discrete	<p>Groundwater licences with non-overlapping drawdown zones impacting different areas of the same habitat within a European site. Another example may be the impacts from non-consumptive licences within a river catchment.</p> <p>If there are many small impacts on a key habitat such as spawning areas, the impacts may be deemed adverse due to cumulative effects.</p>

Assessing the impact of the permission

An adverse effect on the integrity of the Habitats Directive site is not purely an assessment of impact.

You must demonstrate clearly how a specific impact on an interest feature relates to the integrity of the interest feature and thus the site.

The integrity of the site has been defined as:

“the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified³.”

The assessment must include all four actions below:

Step	Action
1	Assess the impact in the context of the designated site as a whole.
2	Assess if the capacity for self-repair and self-renewal within normal dynamic conditions is maintained.
3	Asses if the site will require minimum external management.
4	Assess the possibility of short, medium and long-term effects.

Concluding the appropriate assessment

Definition An adverse effect on integrity prevents the site from maintaining at least the same contribution to favourable conservation status for the relevant feature as it did at the time of its designation.

Step	Action
1	Use Natural England’s internal guidance note on site integrity to help reach your conclusion. Copies will be available from the area Habitats Directive co-ordinator.
2	Make sure your determination decision (made about effects on the integrity of the site) has had regard to ⁴ advice from Natural England/CCW.
3	Record the results of this consultation within the Appendix 12 form.
4	Use the table below to decide how to progress your determination.
If...	then...
you identify an environmental impact as the result of an assessment but are able to conclude that this is not an adverse effect on the integrity of the site you may still need to consider whether it is appropriate to issue the licence.	reconsider the outcome of task 2 . follow standard licensing practices as outlined in Determining water resources licence applications . If you decide to refuse the application follow the process in Determining water resources licence applications
the application as submitted can be shown to have no adverse effect on the integrity of the site.	you can determine that permission following the process in Determining water resources licence applications
the application for permission, as submitted, cannot be shown to have	you will then need to consider whether there are any different ways

³ Government Circular: Biodiversity and Geological Conservation - Defra Circular 01/2005, ODPM Circular 06/2005 / Technical Advice Note (Wales) 5

⁴ ‘Have regard to’ means that you must fully consider the advice from NE/CCW.

no adverse effect on the integrity of the site.	of progressing the proposal or if conditions or restrictions can be imposed on the permission to avoid adverse effects .
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Avoiding adverse effects

This step of the assessment is one of the key differences between the review of an existing consent and the assessment of a new application.

You have the opportunity to find alternative solutions to avoid adverse effects.

For example, imposing potential conditions or restrictions (such as hands-off flows or other cessation conditions) to enable you to conclude no adverse effect on site integrity for the application.

Finding alternative solutions

Follow the actions below:

Step	Action
1	You will need to discuss with both the applicant and Natural England/CCW the options that may be available in adding conditions or restrictions to the permission or undertaking the proposal in a different way.
2	You will also need to document the alternative solutions you have considered (such as alternative sources of supply) as these may be required to support a case for granting a licence based on imperative reasons of overriding public interest (OPI).
3	You will fully assess the alternative solutions during determination.
4	! Important This is not the same as identifying compensatory measures that may be required as part of a case for OPI.

Making your conclusion

You may find it difficult to reach a clear conclusion from the appropriate assessment, particularly where you have limited information or significant uncertainty in your data.

Providing you have carried out appropriate investigations using the best available information, make a decision based on:

- scientific knowledge and professional judgement;
- an evaluation of the reasonably foreseeable risk on a case by case basis;
- site-specific situation;
- applying the precautionary principle.

If you are in doubt about there being no risk to the European site you will not be able to conclude there is no adverse effect.

Completing

You will need to provide a clear and concise audit trail for all the decisions made about the application, to do this follow the actions below:

Step	Action
1	Document in the 220_04 (Appendix 12) form: <ul style="list-style-type: none">the type and sources of evidence used to reach the conclusion;assumptions or estimates used;the conclusion of the appropriate assessment.
2	Send the completed 220_04 form to Natural England/CCW. They will record their comments and whether they agree with the conclusion or not. You must have regard to any comments received from Natural England/CCW when making the final determination of the application.

Conclude the Habitats Directive assessment and determine the permission

Determining the permission

You will need to provide a clear and concise audit trail for all the decisions made about the application, to do this follow the actions below:

If...	then..
You have concluded there will be no adverse effect on site integrity (either as the original application or with conditions or restrictions)	you can determine that permission following the process in Determining water resources licence applications
you are unable to conclude the proposal would have no adverse effect,	you will need to make a brief assessment as to whether the application may be issued due to imperative reasons of overriding public interest (OPI) .

Overriding Public Interest

Make a brief assessment to assess if the proposal may be required as there are imperative reasons of overriding public interest (OPI). Examples of OPI are:

- A need to address a serious risk to human health and public safety;
- The interests of national security and defence;
- The provision of a clear and demonstrable direct environmental benefit on a national or international scale;
- A vital contribution to strategic economic development or regeneration;
- Where failure to proceed would have unacceptable social and/or economic consequences;

Consider whether there are alternatives to the proposal.

If...	then..
<ul style="list-style-type: none"> ▪ you are unable to conclude the proposal would have no adverse effect ▪ there is no case for OPI ▪ there are alternatives to the proposal 	<ul style="list-style-type: none"> ▪ refuse the application. Follow the process in Determining water resources licence applications
<p>you think there may be a case for OPI and there are no alternatives</p>	<p>Use the detailed guidance in section 4.4.0 of 183_01.</p> <p>At the earliest opportunity contact:</p> <ul style="list-style-type: none"> ▪ CETS so that the national team can provide support and keep a record of such cases; ▪ Legal team.

Related documents

Links

- [68_09 Pre-application activities for Water Resources Permissions](#)
 - [1107_08 Water Resources Permitting – an overview](#)
 - [913_08 Using the Risk Screening Tool to screen abstraction licence applications](#)
 - [914_08 How and when to consult for Water Resource licence applications](#)
 - [314_10 Determining water resources licence applications](#)
 - [86_07 Impounding Licences](#)
 - [484_10 Groundwater Investigation Consents \(Chapter 3\)](#)
 - [675_06 Section 32/3 consents to investigate groundwater](#)
 - [97_06 Temporary Licence applications](#)
 - [153_05 S20 Water Resources management arrangements](#)
 - [153_05 S158 Water Resources management arrangements](#)
 - [97_06 Temporary abstraction licence applications](#)
 - [Drought Orders and Drought Permits](#)
 - [32_10 Drought orders and permits](#)
 - [183_01 Habitats Directive: Taking a new permission, plan or project through the regulations](#)
 - [Habitats Directive: Related documents](#)
 - [276_05 Habitats Directive: Form for recording likely significant effect \(Stage 2\)](#)
 - [220_04 Habitats Directive: Form for recording ‘appropriate assessments’ \(Stage 3\)](#)
 - [279_05 Habitats Directive: Form to record information for the Secretary of State/Welsh ministers \(OPI\)](#)
 - [202_04 Habitats Directive: Standard letter for consulting other competent and/or relevant authorities about new permissions](#)
 - [124_02 - Applying the Countryside and Rights of Way Act 2000](#)
 - [140_10 - Applying the Countryside and Rights of Way \(CRoW\) Act 2000 to applications for permits with potential for impact on Sites of Special Scientific Interest \(SSSI\)](#)
 - [140_10_SD01 - CRoW Appendix 2: The CRoW act 2000 and Environment Agency application for permission flow diagram](#)
 - [140_10_SD02 - CRoW Appendix 4: The CRoW Act 2000 and Environment Agency Application for Permission – Formal Notice](#)
 - [141_10_SD02 - CRoW Appendix 3: The CRoW Act 2000 and Environment Agency Works – Formal Notice](#)
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