ADVICE TO NORTHERMBERLAND NATIONAL PARK AUTHORITY

Northumberland National Park Authority
Local Plan 2017-2037 Draft Issues Paper

Habitats Regulations Assessment Preliminary Report (February 2017)

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BY
DTA ECOLOGY

Rectory Farm
Finchampstead
Wokingham
Berkshire
RG40 4JY

Tel 0118 973 4700
caroline@dt-a.co.uk
Website: www.dt-a.co.uk

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1 Relevant background and introduction

1.1 Relevant background

1.1.1 Northumberland National Park Authority (NNPA) is preparing a new Local Plan for the Northumberland National Park. The process is just beginning and the final Plan will have a key influence in where development goes, what it looks like and how it is used. Once adopted, the Local Plan will be the foundation upon which planning decisions within the National Park are made.

1.1.2 The first step in the plan making process is the drafting of an Issues Paper. As its name suggests this document identified key issues. The Issues Paper is closely linked to the Northumberland National Park Management Plan and it highlights which of the strategic aims and objectives are most relevant to delivering the spatial aspects of the Management Plan through the land-use planning system.

1.1.3 The Issues Paper contains two main strands. Firstly it identifies a ‘vision and strategic priorities’ for the park and secondly, it sets out broad policy themes and key issues. There are nine broad policy themes identified which are

1. Spatial Strategy
2. Community facilities and Infrastructure
3. Housing and Employment
4. Transport and Access
5. Farming and Estates
6. Natural Environment
7. Historic Environment
8. Leisure and Tourism
9. Minerals and Waste

1.2 Habitats Regulations of land use plans generally

1.2.1 NNPA is a competent authority under the Conservation of Habitats and Species Regulations 2010\(^1\) (as amended), commonly referred to as the Habitats Regulations. In accordance with Regulation 102 of those regulations, NNPA must make an assessment of their final Land Use Plans as a matter of law prior to adoption. This assessment is generally referred to as a ‘Habitats Regulations Assessment’ or ‘HRA’ and the regulations set out a clearly defined step-wise process which must be followed.

1.2.2 Under the regulations, HRA is required in respect of both ‘plans’ and ‘projects’. Where a project is subject to assessment, there is generally sufficient detailed project specific information against which to make a comprehensive assessment. A plan based assessment is different; in most cases a plan is a strategic level document setting out broad intentions and often lacking the project specific details which may not be developed until after the plan has been published. Indeed, it is the plan itself which frequently steers the detail of the projects which it envisages. As such the HRA of a ‘plan’ is recognised to require a different approach to that of a ‘project’.

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\(^1\) The Conservation of Habitats and Species Regulations 2010 SI No 490 (as amended)
1.2.3 In the case of the **EC v UK** to the European Court of Justice (the ECJ) required the UK Government to secure the assessment of Britain’s land use plans under the provisions of the Habitats Directive. In that judgment the Advocate General, and the Court itself, recognised that although they considered Britain’s land use plans could potentially have significant effects on European sites, despite the subsequent need for planning permission at ‘project’ level stage, the assessment of plans had to be tailored to the stage in plan making.

1.2.4 The Advocate General’s opinion which informed the judgment of the court acknowledged the difficulties associated with an assessment of a plan. In paragraph 49 of her opinion Advocate General Kokott stated that adverse effects:

‘...must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.’

Consistently, in the UK High Court case of *Feeney* the judge said:

‘Each appropriate assessment must be commensurate to the relative precision of the plans at any particular stage and no more. There does have to be an appropriate assessment at the Core Strategy stage, but such an assessment cannot do more than the level of detail of the strategy at that stage permits.’

1.2.5 In undertaking preliminary screening assessments of the kind that are the subject of this report, it is therefore important to get the balance right. Too severe an approach whereby a full regulation 102 assessment is undertaken at this stage may be excessive. It is important, even adopting a precautionary approach, not to assign a ‘likely significant effect’ to policies and proposals that could not, realistically, have such an effect, because of their general nature. It is important to apply the precautionary principle in the ‘likely significant effect test’ in the Regulations, but the European Commission in its own guidance on the application of the test, accepts that policies in a plan that are no more than general policy statements or which express the general political will of an authority cannot be likely to have a significant effect on a site.

1.2.6 Too lenient a view however can be equally problematic. For example, in respect of proposed mitigation measures, the intention to simply rely on a general European ‘site protection policy’ in the eventual plan would not form a compliant basis for the HRA. Reliance on a general European site safeguard policy as the ‘mitigation measure’ in the HRA of a plan is insufficient to resolve any tensions or conflicts in the plan between site protection and policies or proposals which could significantly affect European sites. In the **EC v UK**, the ECJ found that it was the requirement to determine planning applications in accordance with the development plan (unless material considerations indicate otherwise) that made Britain’s land use plans capable of significantly affecting European sites. Consequently, policies or proposals which could have a high potential for significant adverse effects on European sites should be removed from the plan, or policy-specific, or proposal-specific, mitigation.
measures must be introduced to the plan. This is in preference to a general protection policy which merely creates an internal conflict between plan policies, rather than avoiding the potentially significant effects. Any tension in the plan must be resolved in favour of protecting the European sites from harm which may be caused by the effects of the policies or proposals in the plan.

1.2.7 Consequently, a general policy cannot form a mitigation measure in order for the Park Authority to ascertain no adverse effects on the integrity of any European sites. A safeguard condition or policy qualifying a particular proposal in the plan would however be permissible, because it would refer to specific details of future particular development. There is nothing wrong in adopting something in principle which may not happen in the future if the condition or qualification is not satisfied. But this principle cannot be stretched so far that the condition or qualification is merely a general policy aspiring to protect all European sites from all and any effects of the plan.

1.2.8 The inherent problems with an intention to rely on a general policy as appropriate mitigation in the HRA of the Deposit plan is what underpins the need to consider the requirements of the Habitats Regulations at all stages of a plan making process. Where possible, the elimination of the likelihood of significant effects at this early stage can be particularly important to the overall assessment. This can be done by removing any policies or proposals that may have such an effect or by introducing case-specific measures to mitigate them.

1.3 Scope of this assessment

1.3.1 This report is a preliminary informal ‘checking’ exercise, having regard to the requirements of the Habitats Regulations, to inform the selection of the Preferred Options and the ongoing development of the Local Plan. It is not a full assessment under Regulation 102, as such an assessment is not required as a matter of law until the Plan is more formally developed and a meaningful assessment can be undertaken.

1.4 The Defra guidance on competent authority co-ordination

1.4.1 An important, but frequently overlooked, provision within the Habitats Regulations can be found at regulation 65 which reads as follows:

<table>
<thead>
<tr>
<th>Co-ordination where more than one competent authority involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>65. (1) This regulation applies where a plan or project—</td>
</tr>
<tr>
<td>(a) is undertaken by more than one competent authority;</td>
</tr>
<tr>
<td>(b) requires the consent, permission or other authorisation of more than one competent authority; or</td>
</tr>
<tr>
<td>(c) is undertaken by one or more competent authorities and requires the consent, permission or other authorisation of one or more other competent authorities.</td>
</tr>
<tr>
<td>(2) Nothing in regulation 61(1) or 63(2) requires a competent authority to assess any implications of a plan or project which would be more appropriately assessed under that provision by another competent authority.</td>
</tr>
</tbody>
</table>

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6 Feeney paragraphs 88, 90 and 92
7 Feeney paragraph 96
1.4.2 In light of the significance of this provision for minimising duplication of assessment effort and increasing efficiency, in England Defra issued guidance on regulation 65 under the provisions of 65(3); competent authorities are obliged to have regard to this guidance under the provisions of regulation 65(4).

1.4.3 It is recognised that, strictly speaking, the provisions of regulation 65 do not apply as a matter of law to the assessment requirements for this Issues Document, as it does not meet either of the three scenarios in regulation 65(1). However it is generally accepted\(^8\) that paragraphs 5-7 of the Defra guidance should be applied widely as a matter of good practice. Paragraph 4 of the guidance refers to two situations where competent authorities might ‘coordinate’ their assessment requirements. The first scenario is of relevance to the current HRA as it states that ‘where previous decisions have been taken in relation to the appropriate assessment requirements for a plan or project, competent authorities should adopt the parts of the earlier assessment that are robust and have not become outdated by further information or developments’.

1.4.4 Having introduced the concept of ‘adopting’ earlier decisions in order to ‘simplify the assessment process and reduce its time and costs for both the applicant and the competent authorities involved’\(^9\), paragraphs 5-7 then provide specific further guidance on how and when a competent authority might adopt the reasoning or conclusions from an earlier assessment; they read as follows:

5. The Regulations transposing the Habitats Directive enable competent authorities to adopt the reasoning or conclusions of another competent authority as to whether a plan or project is likely to have a significant effect on a European site, or will adversely affect the integrity of a European site. They also provide that a competent authority is not required to assess any implications of a plan or project that would be more appropriately assessed by another competent authority.

6. Competent authorities should adopt the reasoning, conclusion or assessment of another competent authority in relation to the appropriate assessment requirements for a plan or project, if they can. This can happen when all or part of the appropriate assessment requirements have already been met by another competent authority. It could also happen if one competent authority is completing all or part of the appropriate assessment requirements on behalf of others. Competent authorities remain responsible for ensuring their decisions are consistent with the Habitats Directive, so must be satisfied:

- No additional material information has emerged, such as new environmental evidence or changes or developments to the plan or project, that means the reasoning, conclusion or assessment they are adopting has become out of date
- The analysis underpinning the reasoning, conclusion or assessment they are adopting is sufficiently rigorous and robust. This condition can be assumed to be met for a plan or project involving the consideration of technical matters if the reasoning, conclusion or assessment was undertaken or made by a competent authority with the necessary technical expertise.

\(^8\) Refer section C.12 of The Habitats Regulations Assessment Handbook
\(^9\) Refer para 2 of the Defra guidance
7. Due to these conditions there may be cases where it is not appropriate to adopt the reasoning, conclusions or assessment of another competent authority, or it is only appropriate to adopt some elements of an earlier assessment. In addition, even where the conditions are met, a competent authority may need to undertake additional work to supplement the assessment they have adopted in order to meet the full appropriate assessment requirements.’

1.4.5 The application and implications of the Defra guidance has been considered in detail within Part C12 of the HRA Handbook which refers to a ‘common sense’ approach at C.12.3 and states that:

‘In respect of ‘earlier decisions’ that relate to a separate plan or project, the competent authorities do not need to ‘coordinate’, because only one authority has a decision to take... However, the principles set out in the Defra statutory guidance, about adopting the reasoning and conclusions of another authority may be applicable and should be adopted as good practice. ‘Earlier decisions’ that relate to a separate plan or project could be separated by short, or relatively long, periods of time. The point is that the earlier decision is made before the later competent authority embarks on its assessment.’

In the context of this assessment it is appropriate for NNPA to ‘adopt’ the reasoning, conclusion or assessment of relevant earlier (or ‘previous’) HRA findings if they can.

*Earlier relevant ‘plan’ assessments*

1.4.6 The currently adopted Local Plan (then referred to as the Core Strategy) was itself subject to HRA in 2008\(^{10}\), as a result where this Issues Document refers to or reiterates the Local Plan policies or proposals they are not re-assessed within this record because that would generate unnecessary duplication. Where appropriate, this assessment ‘adopts’ some of the underlying reasoning from the earlier HRA of the Current Local Plan where.

- No material information has emerged which would render the reasoning ‘out of date’, and
- The analysis underpinning the reasoning is sufficiently rigorous and robust

1.4.7 In addition, NNPA produced a Management Plan in December 2015. This document was subject to assessment under the Habitats Regulations in 2015\(^{11}\). This HRA work is relatively recent and it is reasonable to assume that there will be many elements of the ‘reasoning’ contained within this earlier assessment which would apply equally to this HRA. Where appropriate therefore, this assessment ‘adopts’ some of the underlying reasoning from the earlier HRA of the Northumberland National Park Management Plan where.

- No material information has emerged which would render the reasoning ‘out of date’, and
- The analysis underpinning the reasoning is sufficiently rigorous and robust

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\(^{10}\) Local development Framework Core Strategy and Development Policies Final Appropriate Assessment May 2008.

2 Preliminary ‘checking’ of the Issues Document

2.1 The HRA approach

2.1.1 The HRA for the Local Plan will follow the guidance set out in The Habitats Regulations Assessment Handbook\textsuperscript{12} (hereafter referred to as ‘The HRA Handbook’). Current subscribers to the Handbook include Natural England and the Planning Inspectorate and the ‘Practical Guidance for the Assessment of Plans under the Regulations’ contained in Part F is considered to represent best practice as it is accepted by both these bodies as appropriate for their own staff to follow.

2.1.2 The process and method of assessment is summarised in the following two diagrams which are taken from the HRA Handbook.

\textbf{Figure 1.1: Outline of the four stage approach to the assessment of plans under the Habitats Regulations}

UK: DTA Publications Ltd.
2.1.3 Figure 1.2 below shows how the HRA process is integrated into the plan making process.

![Diagram of HRA process integration]

**Figure 1.2: The relationship of steps in the HRA with a typical plan making process**

2.1.4 This diagrammatic representation helpfully illustrates how, at this early Issues Document stage, a full HRA would be excessive. The methodological approach set out within the Handbook is appropriate once a full draft plan is available for assessment. The yellow star indicates how far a preliminary assessment of this Issues Paper can realistically go. It is helpful to undertake a ‘check’ of the emerging strategy and objectives at this stage (to inform the ongoing development of the plan and the selection of ‘options’ but, in the absence of potential options as to how the plan might deliver its objectives the extent to
which a meaningful assessment can be undertaken is limited. To undertake even a preliminary screening of the issues document would be premature as to be able to undertake a screening for likely significant effects it is necessary to have sufficient spatial detail as to how the plan might realistically impact upon a given European site. The approach taken to this ‘checking’ exercise therefore reflects the first four green boxes in figure 1.2 above.

2.2 Box 1: Decide if the plan is exempt, or can be excluded or eliminated from assessment

2.2.1 Box 1 refers the reader to section F.3 in the HRA Handbook. The Local Plan being developed by NNPA is neither exempt (directly connected with or necessary to the management of a European site), excluded (not a ‘plan’ for the purpose of the Habitats Regulations) or eliminated (it is a ‘plan’ but cannot have any conceivable effect upon any European site) from assessment. As such, the Local Plan will be subject to assessment in accordance with regulation 102.

2.3 Box 2: Scanning and site selection

2.3.1 It is appropriate at this early stage to identify the sites which should be subject to assessment when the plan is more developed and a meaningful assessment is possible. In this regard the HRA of the existing Local Plan, and that of the National Park Management Plan, identified the European sites potentially at risk from the implementation of those plans. It follows that, with reference to the Defra guidance on competent authority co-ordination (see 1.4 above), as the Issues Document is concerned with the same plan making area the ‘reasoning’ for the selection of sites potentially affected can reasonably be ‘adopted’ for the purpose of this preliminary screening exercise.

2.3.2 With reference to HRAs for both the current Local Plan and the Management Plan, seven sites were initially identified for screening. In summary therefore, in adopting the reasoning of earlier HRA effort, the European sites which should be considered as part of the ongoing HRA for the emerging Local Plan are those listed in table 1 of the 2008 HRA of the current Local Plan and replicated at table 4.1 of the 2015 HRA for the Management Plan which has been reproduced as table 2.1 below.

2.3.3 By way of clarification, as noted in para 3.3 of the HRA for the current Local Plan ‘There are no SPAs in or near the National Park Boundary that require consideration’.
Table 2.1: European site potentially at risk from impacts which might arise from the Local Plan

<table>
<thead>
<tr>
<th>SAC Name</th>
<th>Qualifying Habitat</th>
<th>Qualifying Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roman Wall Loughs</td>
<td>Natural eutrophic lakes with <em>Magnopotaminion</em> or <em>Hydrocharition</em>-type vegetation.</td>
<td>None</td>
</tr>
<tr>
<td>Border Mires, Kielder-Butterburn</td>
<td>Blanket bogs. Petrifying springs with tufa formation. European dry heaths. Northern Atlantic wet heaths with <em>Erica tetralix</em>. Transition mires and quaking bogs</td>
<td>None</td>
</tr>
<tr>
<td>North Pennines Dales Meadows</td>
<td><em>Molinia</em> meadows on calcareous, peaty or clayey-silt-laden soils Mountain hay meadows.</td>
<td>None</td>
</tr>
<tr>
<td>Simonside Hills</td>
<td>Blanket bogs. European dry heaths.</td>
<td>None</td>
</tr>
<tr>
<td>Harbottle Moors</td>
<td>European dry heaths.</td>
<td>None</td>
</tr>
<tr>
<td>River Tweed</td>
<td>Water courses of plain to mountain levels with the <em>Ranunculion fluviatilis</em> and <em>Callitrichio-Batrachion</em> vegetation.</td>
<td>Atlantic salmon, Brook lamprey, otter, River lamprey, Sea lamprey</td>
</tr>
<tr>
<td>River Eden</td>
<td>Water courses of plain to mountain levels with the <em>Ranunculion fluviatilis</em> and <em>Callitrichio-Batrachion</em> vegetation. <em>Alluvial forests</em> with <em>Alnus glutinosa</em> and <em>Fraxinus excelsior</em> (<em>Alno-Padion, Alnion incanae, Salicion albae</em>)</td>
<td>Atlantic salmon, Brook lamprey, otter, River lamprey, Sea lamprey, Bullhead, White-clawed crayfish.</td>
</tr>
</tbody>
</table>

2.4 Box 3: Gathering information on European sites

2.4.1 With reference to the sites identified above, the HRA Handbook recognises at F.3.1 that:

‘Collating the ‘information required for assessment’ ... concurrently with the early development of the plan’s strategy and options will ensure that potential effects on European sites are borne in mind during the early stages of plan formulation. Even if no formal assessment is possible at the early stages, or in respect of general objectives, the information will be a ‘background influence’ to help to steer the plan as may be necessary.’

2.4.2 This section 2.4 seeks to pull together some relevant information on the sites identified which might be useful to steer the development of the plan. The conservation objectives are fundamental to the assessment that is required under the Habitats Regulations and they follow a standard format. With reference to the qualifying features listed in table 2.1 above, the conservation objectives for the five non riverine sites are as follows:
2.4.3 With reference to the qualifying features listed in table 2.1 above, the conservation objectives for the two riverine sites (which have species qualifying features as well as habitat features) are as follows:

**Conservation objectives for the two riverine SACs identified in table 2.1**

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the qualifying natural habitats
- The structure and function (including typical species) of the qualifying natural habitats, and,
- The supporting processes on which the qualifying natural habitats rely

2.4.4 Natural England recently published Site Improvement Plans (SIPs) for all European sites. These plans were progressed as part of the Improvement Programme of England’s Natura 2000 Sites (IPENS). Each SIP consists of three parts: A summary table setting out the priority issues and measures for the site; a more detailed actions table detailing who needs to do what, when and how much it might cost and a set of tables providing contextual information.

2.4.5 An awareness of the key issues which are currently regarded as presenting the greatest threats to a European site provides important contextual information to inform an assessment under the Habitats Regulations as it gives an indication of the sorts of activities which are already presenting a risk to the site. Table 2.2 below provides a summary of the issues (given in priority order) for each of the European sites identified in table 2.1 above.
<table>
<thead>
<tr>
<th>SAC</th>
<th>Key Issues identified in Site Improvement Plan (in priority order)</th>
</tr>
</thead>
</table>
| Roman Walls Loughs  | 1. Water pollution  
                      2. Invasive species  
                      3. Feature location/extent/condition unknown                                                                 |
| Bolder Mires Kieder-Butterburn | 1. Hydrogeological changes  
                      2. Forestry and woodland management  
                      3. Change in land management  
                      4. Air pollution: impact of atmospheric nitrogen deposition  
                      5. Species decline                                                                 |
| North Pennines Dales Meadows | 1. Fertiliser use  
                      2. Change in land management  
                      3. Air pollution: impact of atmospheric nitrogen deposition  
                      4. Change in land management (duplicated in SIP)  
                      5. Inappropriate cutting / mowing  
                      6. Changes in species distributions  
                      7. Inappropriate CSS/ESA prescription  
                      8. Drainage  
                      9. Overgrazing  
                      10. Undergrazing  
                      11. Hydrogeological changes  
                      12. Inappropriate weed control  
                      13. Invasive species  
                      14. Direct impact from third party.                                                                 |
| Simonside Hills     | 1. Change in land management  
                      2. Managed rotational burning  
                      3. Invasive species  
                      4. Wildfire / arson  
                      5. Public access / Disturbance  
                      6. Air pollution: impact of atmospheric nitrogen deposition                                                                 |
| Harbottle Moors     | 1. Wildfire / arson  
                      2. Invasive species  
                      3. Air pollution: impact of atmospheric nitrogen deposition                                                                 |
| River Tweed         | 1. Water Pollution  
                      2. Invasive species  
                      3. Physical modification  
                      4. Water abstraction                                                                 |
| River Eden          | 1. Water pollution  
                      2. Agricultural management practices  
                      3. Physical modification  
                      4. Invasive species  
                      5. Changes in species distribution  
                      6. Forestry and woodland management  
                      7. Hydrogeological changes  
                      8. Disease  
                      9. Air pollution: impact of atmospheric nitrogen deposition                                                                 |

Table 2.2: Table summarising the main issues identified in the Site Improvement Plans for each of the sites identified in table 2.1
2.5 Box 4: Checking the plans emerging strategy and objectives

2.5.1 Having identified the sites which might potentially be affected by aspects of the emerging Local Plan, the box 4 in figure 2.1 above refers to a ‘check’ to be undertaken of the emerging strategy and objectives with reference to guidance contained in section F.5 of the HRA Handbook.

2.5.2 F.5 of the HRA Handbook states:

‘Different options or alternatives for delivering a plan’s overall strategy, goals and objectives may have differing effects on European sites. These should be checked, even if this is only possible in a very broad analysis of the effects, so that option selection is adequately informed and conflicts with European site conservation objectives are avoided at the earliest stages of plan preparation. Even if options are too broadly defined to enable the potential effects on European sites to be properly understood, a broad analysis of the potential implications for different options may at least alert the plan-making body to the potential for there to be problems later in the formulation of the plan’s proposals.’

2.5.3 F.5 goes on to confirm that the output of this ‘checking’ step might be a short paper to inform the plan making process ‘by giving a broad indication of the likely implications of the strategy and objectives of the plan for European sites and a broad brush comparison of the different implications for different options or alternatives’.

Checking the vision and strategic priorities

2.5.4 Chapter 2 of the Issues document sets out a vision and five strategic priorities. These all simply set out general statements of intent and they cannot have any impact upon a European site.

2.5.5 Chapter 3 sets out the broad policy themes and key issues. Each of these has been checked, in a broad brush manner (rather than a formal screening per se) and the outcomes of this check are provided in table 2.3. Any current Local Plan policies or Management Plan aims or objectives referred in chapter 3 have already been subject to assessment under HRA and there is no need to duplicate assessment effort by further consideration in table 2.3 below.

<table>
<thead>
<tr>
<th>Theme</th>
<th>‘Checking’ outcome/further comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spatial Strategy</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site.</td>
</tr>
<tr>
<td>Community Facilities and Infrastructure</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. With reference to table 2.2 above however, in developing the Local Plan particular consideration should be given to and any infrastructure proposals which might lead to impacts associated with water pollution upon Roman Walls Loughs SAC, the River Tweed SAC or the River Eden SAC. In addition any infrastructure proposals which might lead to increase abstraction from the River Eden catchment should be flagged.</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Housing and Employment</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. With reference to table 2.2 above however, in developing the Local Plan particular consideration should be given to any housing or employment proposals which might lead to impacts associated with wastewater disposal upon Roman Walls Loughs SAC, the River Tweed SAC or the River Eden SAC. In addition any housing or employment proposals which might lead to increased abstraction from the River Eden catchment should be flagged.</td>
</tr>
<tr>
<td>Transport and Access</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. With reference to table 2.2 above however, in developing the Local Plan, particular consideration should be given to any proposals relating to improvements to access tracks for forestry, farming and shooting should be subject to consideration if they might impact upon Bolder Mires Keider – Butterburn SAC, North Pennines Dales Meadows SAC and Simonside Hills SAC where land management and public access are already identified as issues.</td>
</tr>
<tr>
<td>Farming and Estates</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. With reference to table 2.2 above however, in developing the Local Plan, any proposals relating to changes to land management practices should be subject to consideration if they might impact upon Bolder Mires Keider – Butterburn SAC, North Pennines Dales Meadows SAC and Simonside Hills SAC where land management and public access are already identified as issues.</td>
</tr>
<tr>
<td>Natural Environment</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site.</td>
</tr>
<tr>
<td>Historic Environment</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site.</td>
</tr>
<tr>
<td>Leisure and Tourism</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. With reference to table 2.2 above however, in developing the Local Plan, any proposals relating to changes in tourism related activities should be subject to consideration if they might impact upon Bolder Mires Keider – Butterburn SAC, North Pennines Dales Meadows SAC and Simonside Hills SAC where land management and public access are already identified as issues. Whilst no related issues have been flagged within the SIP for Harbottle Moors this site is potentially vulnerable to tourism related activities.</td>
</tr>
<tr>
<td>Minerals and Waste</td>
<td>At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site.</td>
</tr>
</tbody>
</table>
2.6 The need for assessment in-combination with other plans and projects

2.6.1 The extent to which the Issues Document can act ‘in-combination with other plans and projects’ in its own right is limited. It is the Local Plan itself which provides the framework for change and, as such, the Local Plan will be subject to assessment ‘in combination with other plans and projects’ as part of the later formal HRA. No assessment ‘in combination’ is required at this early stage.

3 Conclusions

3.1 Overall conclusion

3.1.1 The Issues Document has been subject to ‘checking’ to inform the development of the emerging Local Plan and identify and issues which might be relevant to steering the development to minimise the risk of unforeseen impacts being identified under the Habitats Regulations. Following a very broad analysis of the Issue Document, on the basis of the current level of detail provided there are no immediate concerns. This is not surprising given:

- The statutory purpose of the National Park and its Local Development Framework
- The statutory obligations of the National Park Authority
- The low level of development expected and provided for in the National Park; and
- The exceptionally high development management standards applied by the National Park Authority

3.1.2 Having said this, table 2.3 does flag some helpful issues to keep in mind during the development of the preferred options.

Caroline Chapman MCIEEM

(Director, DTA Ecology Ltd)

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