



**Habitats Regulations Assessment  
Screening Report**

**Langwathby Draft Neighbourhood Plan**

**Prepared for Langwathby Parish Council**

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# **Screening Report for Draft Habitats Regulation Assessment**

## **Langwathby Draft Neighbourhood Plan**

### **1. Introduction**

- 1.1.1 Langwathby Parish Council is currently preparing a draft Neighbourhood Plan for the whole Parish area. The plan proposes to allocate land for phased housing development and employment purposes within the village of Langwathby. The plan also proposes 10 policies which apply to the entire Parish area.
- 1.1.2 The draft plan must undergo a number of statutory environmental assessments including checking whether any need for a Strategic Environmental Assessment (SEA) or 'Appropriate Assessment' against the Habitats Directions are required. The draft order is 'screened' to identify any possible impacts that may trigger the need for these. A separate report containing the possible need for SEA has been prepared, with this report covering habitats Regulation Assessment. A need to screen for Habitats Regulations Assessment (HRA) is required by the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations).

### **1.2 Habitats Regulations Assessment (HRA)**

- 1.2.1 Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that competent authorities (in this case the District Council which will eventually 'make' the neighbourhood plan) assess the potential impacts of plans and programmes on the Natura 2000 network of European protected sites to determine whether there will be any 'likely significant effects' (LSE) on any European site as a result of the order, either on its own or in combination with other plans or projects. Further, it requires consideration of whether these effects will result in any adverse effects on a site's integrity. This process of assessing the impacts of the Plan against the conservation objectives of a European site is known as the Habitats Regulations Assessment (HRA).

## **2. Approach**

### **2.1 Overview**

- 2.1.1 This screening is heavily based on the screening carried out for the draft Eden Local Plan in 2014. It determines whether there will be any likely significant effects on any European site as a result of the plan's implementation (either on its own or in combination with other plans and projects) and, if so, whether these effects will result in any adverse impact on the site's integrity. The current guidance details a four stage process for an HRA, although not all stages will necessarily be a requirement.

## **Box 1 Stages of HRA**

### **Stage 1- Screening**

This stage identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans, and determines whether these impacts are likely to be not significant (inconsequential), significant or whether this is uncertain.

### **Stage 2 - Appropriate Assessment**

Where there are likely significant effects, or the effects are uncertain, the order should be subject to appropriate assessment. This stage considers the impacts of the order or project on the integrity of the relevant European sites, either alone or in conjunction with other projects or plans, with respect to the sites structures and function and their conservation objectives. Where there are adverse impacts, it also includes an assessment of the potential mitigation for those impacts.

### **Stage 3 - Assessment of Alternative Solutions**

Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the order that avoids adverse impacts on the integrity of European sites.

### **Stage 4 - Assessment Where No Alternative Solutions Exist and Where Adverse Impacts Remain**

This stage assesses compensatory measures where it is deemed that the project or Plan should proceed for imperative reasons of overriding public interest.

2.1.1 This report is concerned with Stage 1 - Screening. The outcomes are:

- Collect information on Natura 2000 sites
- Determine whether the Plan has potential to have a significant effect on any Natura 2000 sites
- Identify any other plans or projects with potential for 'in combination' effects (these are listed in Appendix 1)

## **2.2 Screening**

2.2.1 The screening must consider all Natura 2000 sites within the order limits and any sites which lie outside the boundary of Eden District but could potentially be impacted by the Plan through hydrological linkages. The Report identifies the conservation objectives for European sites, factors which are important for the maintenance of the qualifying features etc. This will enable the report to identify issues which are likely to require consideration in the evaluation of LSE.

2.2.2 The screening involves consideration of the order in relation to potential impacts on the natural environment either alone or in combination with other plans and policies.

## 2.3 Assessment

2.3.1 The HRA considers whether the proposed site allocations and policies are likely to have an impact on European site interest features and identifying reasonable impact pathways by which the allocations could affect them. The plan was therefore assessed to identify any sites or policies that are likely to be:

- Unacceptable from an HRA perspective (ie unavoidable significant or adverse effects on a European site likely); or
- Which may require additional assessment or investigation; or
- Which may require specific mitigation to be identified and included in the plan to ensure no significant or adverse effects are likely if the site is developed.

## 2.4 Uncertainty

2.4.1 HRA of plans and orders usually indicates where there may be some uncertainty of potential impacts, and where there are uncertainties whether safeguards and mitigation can be put in place when the construction phase begins. However, development proposed under this draft plan will be subject to applications for planning permission and there will be further opportunity to assess the potential impacts at this stage.

## 3. Baseline Summary

3.1 Our approach was to identify the sites with the closest proximity to the Neighbourhood Plan area. The following tables provide a summary of the baseline information on these sites, and the sensitivities and vulnerabilities of the interest features. The commentary attached provides a broad indication of the type of impact that each site is likely to be susceptible to. The information has been primarily obtained from available data from Natural England.

**Table 1 - Overview of European Sites**

3.2 The following European sites are closest to Langwathby Parish:

Site Name	Distance from area	Type
River Eden	within	SAC
North Pennines Moors	c. 6.5km	SAC
North Pennines Moors	c. 6.5km	SPA
Cumbrian Marsh Fritillary Site	c. 10km	SAC

3.3 A summary of the sites is contained in Table 2. Conservation objectives are published by Natural England. Current objectives are broadly the same for all sites. They are to:

- Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.
- Subject to natural change, to maintain or restore:
  - The extent and distribution of qualifying natural habitats and habitats of qualifying species;
  - The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;
  - The supporting processes on which qualifying natural habitats of qualifying species rely;
  - The populations of qualifying species; and
  - The distribution of qualifying species within the site

**Table 2 - Nearest European Sites**

Site	Interest Features	Summary of Site Sensitivities/vulnerabilities
River Eden SAC	<p><b>Annex I habitats that are a primary reason for selection of this site:</b></p> <ul style="list-style-type: none"> <li>• Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation</li> <li>• Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*</li> <li>• White-clawed (or Atlantic stream) crayfish Austropotamobius pallipes</li> <li>• Sea lamprey Petromyzon marinus</li> <li>• Brook lamprey Lampetra planeri</li> <li>• River lamprey Lampetra fluviatilis</li> <li>• Atlantic salmon Salmo salar</li> <li>• Bullhead Cottus gobio</li> <li>• Otter Lutra lutra</li> </ul>	<p>The maintenance of breeding and nursery areas for the species on this site depends on the habitat quality of streams and their margins. Many of the streams within the site suffer from overgrazing of riverbanks and nutrient run-off. This is being addressed by a number of measures, including a conservation strategy with actions to address river quality issues, and a partnership approach to funding habitat improvements. The water-crowfoot communities as well as the species are sensitive to water quality, particularly eutrophication. Again, actions have been identified for getting improvements in water quality and they will be carried forward in the periodic reviews of water company expenditure and reviews of consents under the Habitats Regulations. Practices associated with sheep-dipping pose a potential threat at this site, and are currently under investigation. Much of the alluvial forest cover is fragmented and/or in poor condition. It is hoped to address this through management agreements or Woodland Grant Schemes with individual owners.</p>

Site	Interest Features	Summary of Site Sensitivities/vulnerabilities
North Pennines Moors SPA	<ul style="list-style-type: none"> <li>• Curlew <i>Numenius arquata</i> (breeding)</li> <li>• Dunlin (ssp. <i>schinzii</i>) <i>Calidris alpina schinzii</i> (breeding)</li> <li>• Golden plover <i>Pluvialis apricaria</i> (breeding)</li> <li>• Hen harrier <i>Circus cyaneus</i> (breeding)</li> <li>• Merlin <i>Falco columbarius</i> (breeding)</li> <li>• Peregrine falcon <i>Falco peregrinus</i> (breeding)</li> </ul>	<p>The North Pennine Moors covers nearly 150,000 hectares and is largely heather moorland, either as blanket bog or drier heathland, with smaller associated areas of wetland, grassland, bracken, scrub, woodland and cliff. The habitats and qualifying breeding bird populations are mostly dependent upon stock grazing and burning at sympathetic levels. The continuation of these practices relies on their profitability, including any subsidy or incentive payments. Over-grazing, over-burning and other forms of intensive agricultural or sporting management (eg drainage) may be damaging. These issues are being partly addressed through management agreements and related incentives. Further legislation relating to Common land and reform of the Common Agricultural Policy would achieve sustainable solutions.</p>
North Pennines SAC	<p><b>Annex I habitats that are a primary reason for selection of this site:</b></p> <ul style="list-style-type: none"> <li>• European dry heaths</li> <li>• Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> <li>• Siliceous rocky slopes with chasmophytic vegetation</li> <li>• Blanket bogs*</li> <li>• <i>Juniperus communis</i> formations on heaths or calcareous grasslands</li> <li>• Petrifying springs with tufa formation (<i>Cratoneurion</i>)*</li> </ul>	<p>All interest features have been affected by excessive livestock grazing levels across parts of the site. These have been, and are still, encouraged by headage payments, but agreements with graziers and moorland owners, including those in Wildlife Enhancement and Countryside Stewardship schemes, are starting to overcome the problems of overgrazing. In places, the difficulty of reaching agreements on commons, which cover much of the site, means that successes are limited at present, and continues to prevent restoration. Drainage of wet areas can also be a problem; drains have been cut across many areas of blanket bog, disrupting the hydrology and causing erosion, but in most parts these are being blocked and the habitat restored under agreements. Burning is a traditional management tool on these moorlands, which contributes to maintaining high</p>



Site	Interest Features	Summary of Site Sensitivities/vulnerabilities
	<p><b>Annex I habitats present as a qualifying feature:</b></p> <ul style="list-style-type: none"> <li>• Calaminarian grasslands of the <i>Violetalia calaminariae</i></li> <li>• Siliceous alpine and boreal grasslands</li> <li>• Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</li> <li>• Calcareous rocky slopes with chasmophytic vegetation</li> <li>• Alkaline fens</li> <li>• Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>)</li> <li>• Northern Atlantic wet heaths with <i>Erica tetralix</i></li> <li>• Annex II species present as a qualifying feature:</li> <li>• Marsh saxifrage <i>Saxifraga hirculus</i></li> </ul>	<p>populations of SPA breeding birds. However, over-intensive and inappropriate burning is damaging to heath and blanket bog and further agreements are needed with the landowners to achieve sympathetic burning regimes. Restoration, to some degree, of a mosaic of more natural habitats across parts of the site is desirable. Acid and nitrogen deposition continue to have damaging effects on the site.</p>
<p>Cumbrian Marsh Fritillary Site SAC</p>	<p><b>Annex II species that are a primary reason for selection of this site:</b></p> <p>Marsh fritillary butterfly <i>Euphydryas</i> (<i>Eurodryas</i>, <i>Hypodryas</i>) <i>aurinia</i></p>	<p>The grassland habitat of marsh fritillary requires appropriate grazing to maintain its suitability, and the presence of its food plant <i>Succisa pratensis</i>. The habitat within the site is in need of management and this is being addressed by pursuing management agreements with the landowners. The butterfly has suffered at this site in recent years from bad weather during its flight period. The site will be primarily vulnerable to direct encroachment, although damage to nearby habitats supporting the food plant could also have a negative effect.</p>

#### 4. Assessment of the draft Neighbourhood Plan

4.1. This assessment aims to identify whether the area covered by the draft Neighbourhood Plan is unsuitable from an HRA perspective or which would need to include specific measures to ensure that specific effects are avoided or mitigated appropriately. The assessment was desk based, using OS mapping data and information on the following:

- the proximity of the potential allocation site to any European site;
- the presences of direct linkages or impact pathways to a European site (eg connecting watercourse);
- any known indirect linkages or pathways (eg roosting areas);
- the type of development proposed;
- the size of the proposed allocation site.

The results of the assessment are summarised in Table 3, 4 and 5, the assessment criteria and colour coding are summarised in Box 2.

##### **Box 2 - Summary of Assessment Criteria for Allocations and Colour Codes**

The order will not, as far as can be reasonable determined, have any significant effects on any European site due to:

- the European site or interest not being sensitive to the likely outcomes of the proposal;
- the site or interest features not being exposed to the likely outcomes of the proposal due to the absence of reasonable impact pathways of the likely scale/location of the development.

This will include sites where there is no reason to assume that works could not be accommodated without significant effects assuming that standard construction best practice or mitigation that is common and established and known to be successful in similar situations, is applied.

The site may require some additional investigation to determine the likelihood of significant effects and there may be a risk that the effects cannot be quantified sufficiently to show no LSE. Adverse effects are not necessarily likely but generic mitigation measures may not be sufficient to ensure no LSE.

Significant effects are very likely or certain due to the scale/nature/location of the proposals or the vulnerability and distribution of the interest features within/near the European site.

**Table 3: Policy Assessment**

<b>Policy Number</b>	<b>Screened in</b>	<b>Potential Impact Identified</b>
LNP1	Housing Provision	Increased population - potential to increase vehicle emissions, surface water run-off and increase predation from domestic animals also potentially give rise to additional recreational pressure. However the proposed level of development does not exceed that proposed by the Core Strategy.
LNP2	Housing Sites	See separate site assessments (Table 4)
LNP3	Small allocated sites and windfall sites	Increased population - potential to increase vehicle emissions, surface water run-off and increase predation from domestic animals also potentially give rise to additional recreational pressure. However the proposed level of development does not exceed that proposed by the Core Strategy.
LNP4	Affordable Housing	Increased population - potential to increase vehicle emissions, surface water run-off and increase predation from domestic animals also potentially give rise to additional recreational pressure. However the proposed level of development does not exceed that proposed by the Core Strategy.
LNP5	Older People's Housing	Increased population - potential to increase vehicle emissions, surface water run-off and increase predation from domestic animals also potentially give rise to additional recreational pressure. However the proposed level of development does not exceed that proposed by the Core Strategy.
LNP6	Existing Employment Land	Potential to increase vehicle emissions and surface water run off
LNP7	Environment	None- environmental protection measures.
LNP8	Heritage	No impact.

**Table 4: Site Assessment**

Site Reference	Possible use and Site Character	Summary of Potential Effects on European sites Due to Location
Langwathby Hall Farm	Housing	The closest European site is the River Eden which is approximately 180m away to the east of Langwathby. With the inclusion of appropriate surface water drainage systems to ensure controls are in place to prevent any adverse impacts, it is considered that the development of this modest site would not be likely to have any adverse impacts on the SAC.
Tyneholm & Carr's	Employment	The closest European site is the River Eden which is approximately 400m away to the east of Langwathby. These are sites which are already in operation, however, further development could be permitted subject to the inclusion of appropriate surface water drainage systems to ensure controls are in place to prevent any adverse impacts; it is considered that the development of this modest site would not be likely to have any adverse impacts on the SAC.

**Table 5: Summary of likely effects on European Sites**

International Site	Nature of Impact	Likely Significant Effects?	Impact on Conservation Objective	Mitigation Needed?
Cumbrian Marsh Fritillary SAC	Recreational Disturbance	No	Objectives for conservation relate to monitoring natural processes of the site to ensure correct balance is maintained to support to the marsh fritillary butterfly. The site is 13.4 km away. No impact can therefore be identified.	No
	Water Quality Impacts	No		
	Water Resource Availability	No		
	Disturbed Flight Lines/Ecological Activity	No		
	Pollution (Chemical, light, noise, air and dust)	No		
North Pennine Moors SAC	Hydrological changes	No	The condition of the peat based soils in this SAC is linked to agricultural management. The order site is around 8.3km away. The draft plan will not lead to significant issues	No
	Recreational Disturbance	No	Dog walking is the main concern from development, and the effects on breeding bird populations. Given that the order site is around 16km away impacts are will not be significant	
North Pennine Moors SPA	Hydrological changes	No	The condition of the peat based soils in this SAC is linked to agricultural management. The order will not lead to any significant issues	No
	Recreational Disturbance	No	Dog walking is the main concern from development, and the effects on breeding bird populations. Given that the order site is around 8.3 km away impacts are will not be significant	

International Site	Nature of Impact	Likely Significant Effects?	Impact on Conservation Objective	Mitigation Needed?
River Eden SAC	Recreational Disturbance	No	The River Eden is 180m km away from the site. This, together with the small size of the site means there is little or no risk of impacts.	No
	Water Quality Impacts	No	The River Eden is 180m away from the main housing site. This, together with the small size of the site means there is little or no risk of impacts.	Yes
	Water Resource Availability	No	The River Eden is 180m km away from the site. This, together with the small size of the site means there is little or no risk of impacts.	No
	Pollution (Chemical, light, noise, air and dust)	No	The River Eden is 180m km away from the site. This, together with the small size of the site means there is little or no risk of impacts.	No

## 4.2 Potential for Significant Effects

4.2.1 Whilst the River Eden (SAC) runs through the NP area, it is concluded that potential impacts will not result in significant effects on these sites. There is nothing associated with the scale or location of development or the type of development proposed which would suggest that the development proposed cannot be accommodated without significant effects.

## 4.3 In-Combination Effects

4.3.1 It is not considered that there will be any further in-combination effects than those already identified. Adjoining planning authorities have also plans at various stages which are themselves subject to HRA consideration both as stand-alone documents and in combination with the proposals for this site. No in-combination effects have been identified within these plans or by this HRA.

4.3.2 The Draft Cumbria Minerals and Waste Plan has identified two possible sites within Eden District:

- Flusco;
- Long Marton gypsum mine.

Both sites have been subject to an HRA, it was concluded that neither site would have an impact on a European site. There are not considered to be any in combination effects with the draft order site.

## **5. Summary**

- 5.1 The Langwathby Neighbourhood Plan area has been reviewed and its potential impacts on European sites in the area assessed. It is considered that development on the site is consistent with the protection and proper consideration of European sites and that no further adjustments or assessments are required.

## **6. Consultation**

- 6.1 The Habitats Regulations require that the appropriate nature conservation body is consulted (Natural England), as well as the Environment Agency. Responses to this screening report are attached at Appendix 2. The agencies agree with the conclusions of this opinion that a full Appropriate Assessment is not required.

## **Appendix 1**

List of other Plans/Policies which may have an 'in combination' effect

### **Regional**

Cumbria County Council (2011) 3rd Cumbria Local Transport Plan (2011-2026)  
Cumbria County Council (2006) Cumbria Sustainability Strategy  
Cumbria County Council (2011) Landscape Character Guidance and Toolkit  
Cumbria County Council (2013) Draft Cumbria Minerals and Waste Local Plan 2013  
Cumbria Biodiversity Action Plan  
Cumbria Local Enterprise Partnership Draft Strategic Economic Plan

### **Local**

Alston Moor Partnership  
Allerdale Local Plan (Part 1) 2013  
Carlisle Local Plan (Preferred Options) 2015-30  
County Durham Plan, Preferred Options  
Cumbria Wind Energy SPD  
Eden and Esk Catchment Abstraction Management Strategy (2006)  
Eden Area Plan  
Eden Catchment Flood Management Plan (Summary Report) (2009)  
Eden Cultural Strategy  
Eden District Retail Study  
Eden Economic Plan  
Eden Open Space and Recreation  
Eden Sustainable Community Strategy  
Lake District Local Plan (Part 1, Core Strategy and Part 2, Allocations of Land)  
Lake District National Park Management Plan  
Northumberland Local Development Plan (Core Strategy) Preferred Options  
North Pennines AONB Management Plan (2004)  
North Pennines AONB Planning and Design Guide (2011)  
Penrith Landscape and Visual Impact Assessment (LVIA)  
Penrith Strategic Master Plan  
South Lakeland District Council Local Plan (Core Strategy and Land Allocations)  
Strategic Flood Risk Assessment (SFRA)  
The Cumbria Biodiversity Evidence Base for Cumbria's Planning Authorities  
Upper Eden Neighbourhood Plan  
Tyne Abstraction Strategy



## Appendix 2 - Responses from Statutory Consultees.

Date: 09 October 2014  
Our ref: 132274

[Paul.Fellows@eden.gov.uk](mailto:Paul.Fellows@eden.gov.uk)

BY EMAIL ONLY



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Dear Mr Fellows

### Planning consultation: Draft HRA and SEA screening reports - Langwathby Neighbourhood Plan

Thank you for your consultation on the above which was received by Natural England on 18 September 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The conclusions reached are that the Langwathby Neighbourhood Plan does not require a Habitat Regulations Assessment or Strategic Environmental Assessment. These conclusions reached are based on an emerging Local Plan, and although we agree in principle we advise that you consider the scenario if development emerges in the Neighbourhood Plan before the Eden Local Plan is formally adopted. These conclusions are also based on the policies and detail contained in the Pre-submission consultation draft Neighbourhood Plan, if these policies alter then it may be necessary to rescreen the Habitats Regulations Assessment and the Strategic Environmental Assessment (SEA) screening.

As a reminder where a Neighbourhood Plan could lead to significant environmental effects it will be necessary to screen the Plan in relation to the Habitats & Species Regulations (as amended) 2010 (the 'Habitats Regulations') and the Environment Assessment of Plans and Programmes Regulations 2004. One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive and SEA Directive.

In relation to the Habitats Regulations, a Neighbourhood Plan cannot progress if it would result in a likely significant effect on any European Site (see Schedule 2, The Neighbourhood Planning (General) Regulations 2012). Therefore reduction and/or avoidance measures may need to be incorporated into the Neighbourhood Plan to ensure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the effects of the Plan on European protected sites. This will be particularly important if a Neighbourhood Plan is to progress before a Local Plan has been adopted and/or the Neighbourhood Plan proposes development which has not been assessed and/or included in the HRA for the Local Plan.

In addition to the HRA process, if environmental effects are predicted a SEA screening exercise should also be undertaken. A SEA may be required where:

- a neighbourhood plan allocates sites for development



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- a neighbourhood plan contain sensitive natural assets that may be affected by the plan
- a neighbourhood plan may have significant effects that have not already been considered and dealt with in the Sustainability Appraisal for the Local Plan.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Kate Wheeler on 07769 918711. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Kate Wheeler  
Cheshire, Greater Manchester, Merseyside and Lancashire Area



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**Our ref:** NO/2013/104973/SE-  
01/SC1-L01  
**Your ref:**

**Date:** 11 March 2015

□

Dear Paul

**SEA/HRA Screening Opinion Request for the draft Langwathby Neighbourhood Plan**

Thank you for your email of 9 March 2015 regarding the above, I apologise for the delay in replying to the original consultation.

The Environment Agency has considered the documents received with the HRA/SEA Screening request and agrees with the summary/ conclusions of Eden District Council.

Please forward any future related consultations/enquiries to: [clplanning@environment-agency.gov.uk](mailto:clplanning@environment-agency.gov.uk)

Yours sincerely

**Jeremy Pickup**  
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