

**Eden District Council Habitats
Regulations Assessment
Screening Report
Lazonby Neighbourhood Plan
Prepared for Lazonby Parish Council
June 2017**

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1 Introduction

- 1.1 This Habitats Regulations Assessment [HRA] screening report has been prepared by Eden District Council in respect of the Lazonby Neighbourhood Plan, which has been produced by Lazonby Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012. This HRA screening report accompanies the Lazonby Neighbourhood Plan produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 1.2 The Lazonby Neighbourhood Plan has been produced to guide development within the whole Parish area. It has a principal objective to “*enhance the overall quality of life of those living and working in Lazonby over the plan period,*” and seeks to achieve this through the application of a number of policies. The plan also proposes the allocation of seven sites for housing development.
- 1.3 A separate report containing the possible need for SEA has been prepared, with this report covering Habitats Regulation Assessment. The need to screen for Habitats Regulations Assessment (HRA) is required by the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). The aim on HRA screening is to assess whether there are any likely significant effects on European sites within relative proximity to the Neighbourhood Plan area.
- 1.4 In preparing this screening report, the Council has drawn upon the HRA for the Eden Local Plan, the most recent version of which was published in January 2017. It is considered that some of the background information in the District Plan HRA can be used for this screening report of the Lazonby Neighbourhood Plan and, as such, this screening report should be read in conjunction with it.

2. Legislative Background

- 2.1 The Natura 2000 network consists of sites across Europe designated for their nature conservation importance. It aims to be an ecologically coherent network of designated sites that protect threatened species and habitats. The Natura 2000 network is formed of Special Areas of Conservation for species, plants and habitats (designated under the Habitats Directive) and Special Protection Areas for bird species (classified under the Birds Directive). In addition to SPAs and SACs, Ramsar sites are designated under the Ramsar Convention. Although they are not covered by the Habitats Regulations, as a matter of Government policy, Ramsar sites should be treated in the same way as European wildlife sites. European wildlife sites and Ramsar sites are collectively known as internationally designated wildlife sites.

- 2.2 To help protect the Nature 2000 network, there are particular requirements for plans and projects. Article 6(3) of the European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’) states:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned, and, if appropriate, after having obtained the opinion of the general public.”

- 2.3 The Habitats Directive is clear that an ‘appropriate assessment’ of a plan or project applies to both Special Areas of Conservation and Special Protection Areas.

- 2.4 The Conservation of Habitats and Species Regulations 2010 (the ‘Habitats Regulations’), the UK’s transposition of the Habitats Directive and Regulation 102, provides:

“(1) Where a land use plan –

(a) Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) Is not directly connected with or necessary to the management of the site, the plan-making authority for the plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.”

- 2.5 This means that any proposed plan that may affect a European site (Special Area of Conservation of Special Protection Area) must first undergo an assessment to look at its potential impacts applying the precautionary principle. This is to determine if the plan will adversely affect the integrity of the European site(s) concerned. This process is known as a Habitats Regulations Assessment and the first stage considers any likely significant effects (LSE) (the screening stage) on any European site as a result of the Plan or Programme, either on its own or in combination with other plans or projects. Straightforward mitigation measures can be applied at the screening stage which may mean that previous likely significant effects can be ruled out after applying straightforward mitigation measures. The appropriate assessment looks at the implications of a plan for a European site in view of the site's conservation objectives. Further more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as competent authority must ascertain that it would not adversely affect the integrity of European site(s).
- 2.6 In terms of neighbourhood plans, the Neighbourhood (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and needs to demonstrate that it is not likely to have a significant effect on a European site.

3. Approach

Overview

- 3.1 This screening draws upon the HRA screening carried out for the draft Eden Local Plan in 2014. However, as no sites in Lazonby are allocated for development by the Eden Local Plan, the Eden District HRA has its limitations.
- 3.2 The screening 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 Plan should be subject to appropriate assessment. This stage considers the impacts of the plan 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.

3.3 **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 4)

Screening

3.4 The screening must consider all Natura 2000 sites within the Neighbourhood Plan limits and any sites which lie outside the boundary of Lazonby Parish 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.

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

Assessment

- 3.6 The HRA considers whether the proposed Plan 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 (i.e. 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.

Uncertainty

- 3.7 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.

4. Baseline Summary

- 4.1 Our approach was to identify the Natura 2000 sites with the closest proximity to the Neighbourhood Plan area. The following European sites are within 15km of Lazonby Parish (see Appendix 1):
- River Eden & Tributaries SAC – follows the Parish boundary
 - North Pennines Moors SAC & SPA – c. 6km
 - Moor House Upper Teesdale SAC – c. 6km
 - Cumbrian Marsh Fritillary Site SAC – c. 8km
 - Tarn Moss SAC – c. 14km
 - Lake District High Fells SAC – c. 15km
- 4.2 In considering the potential effects of the Neighbourhood Plan, regard is had to the Impact Risk Zones [IRZ] for residential development for 50 units or more (plus 100 units or more around the River Eden SAC) associated with each of the aforementioned SPAs and SACs. As the plan at Appendix 2 illustrates, only the IRZ for the River Eden SAC falls within the Parish Boundary. The Plan area is over 5km away from all other SACs and SPAs. For these two reasons, it is deemed reasonable to assess whether there are likely significant effects, as a result of the proposals in the Neighbourhood

Development Plan, on just the River Eden SAC.

- 4.3 Table 2 provides a summary of the baseline information on this site, and the sensitivities and vulnerabilities of the interest features. The commentary provides a broad indication of the type of impact that the SAC is likely to be susceptible to. The information has been primarily obtained from available data from Natural England.
- 4.4 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 Site

Site	Interest Features	Summary of Site Sensitivities/vulnerabilities
<p>River Eden SAC</p>	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* • White-clawed (or Atlantic stream) crayfish Austropotamobius pallipes • Sea lamprey Petromyzon marinus • Brook lamprey Lampetra planeri • River lamprey Lampetra fluviatilis • Atlantic salmon Salmo salar • Bullhead Cottus gobio • Otter Lutra lutra 	<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>

5. Assessment of the Draft Neighbourhood Plan.

- 5.1 This assessment aims to identify whether the area covered by the draft Neighbourhood Plan is unsuitable from an HRA perspective or 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 (e.g. connecting watercourse);
 - any known indirect linkages or pathways (eg roosting areas);
 - the type of development proposed.
- 5.2 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
<p>The Plan will not, as far as can be reasonably determined, have any significant effects on any European site due to:</p> <ul style="list-style-type: none">• 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. <p>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.</p>
<p>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.</p>
<p>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.</p>

Table 3: Policy Assessment

Policy Number	Screened in	Potential Impact Identified
D1	General Development Principles	No impact. Policy is designed to ensure proposals demonstrate a sustainable approach to development.
D2	Greenfield Sites	Increased population – potential to increase vehicle emissions through scattered development pattern, surface water run-off and increase predation from domestic animals. Potential for increased recreational pressures. However potential for development under this policy is tightly controlled.
D3	Design of New Development	No impact. Policy is designed to support high quality and innovative design.
D4	Landscaping of New Development	No impact. Policy seeks to secure high quality landscaping which is sensitive to the surrounding topography and architecture.
D5	Trees	No impact. Policy is designed to protect and incorporate trees and hedges into development schemes.
D6	Protection of Local Green Space	No impact. Policy is designed to retain existing areas of public open space and encourage the creation of new areas of amenity value.
D7	New Recreation and Play Areas	Potential to lead to increased vehicular movements in respect of new recreation and play areas being provided. Potential for increased surface water run-off.
D8	Footpaths	No impact. Policy seeks to safeguard existing footpaths, adopted footpaths and public rights of way.
D9	Cycle-ways	Potential for increased surface water run-off.

Policy Number	Screened in	Potential Impact Identified
H1	Housing Development	Increased population – potential to increase vehicle emissions, surface water run-off and increase predation from domestic animals. Potential for increased recreational pressures. However potential for development under this policy is tightly controlled and is unlikely to exceed that proposed through the emerging Eden Local Plan.
H2	Affordable Housing	No impact. Policy is designed to control the occupation of affordable housing.
H3	Sheltered Housing	Potential to lead to increased vehicular movements, vehicle emissions, surface water run-off and predation from domestic animals. These factors can largely be mitigated for and controlled through the planning application process.
B1	New Business Premises Development	Increased vehicular movements, surface water run-off and potential for contamination issues. However, these factors can be mitigated for and controlled through the planning application process. The potential level of employment development is unlikely to exceed that identified in the emerging Local Plan.
B2	Farm Diversification and Buildings Outside Current Settlement Areas	Increased population - potential to increase vehicle emissions through scattered development pattern, surface water run-off and increase predation from domestic animals. Potential for increased recreational pressures. These factors can largely be mitigated for and controlled through the planning application process.
B3	Café or A3 Premises	Potential for increased vehicular movement, vehicular emissions and surface water run-off, the latter of which can be controlled through the planning application process.

Policy Number	Screened in	Potential Impact Identified
B4	New Tourism Development	Increased population - potential to increase vehicle emissions through scattered development pattern, surface water run-off and increase predation from domestic animals. Potential for increased recreational pressures. These factors can largely be mitigated for and controlled through the planning application process.
B5	Conversion of Redundant Buildings	Potential for increased vehicular movement and vehicular emissions.
M1	Small Scale Renewable and Low Carbon Energy Schemes	Potential for increased vehicular movement and vehicular emissions.
I1	Infrastructure Capacity	No impact – policy is designed to ensure adequate infrastructure is provided in association with new development proposals.
I2	Parking and Traffic	Potential for increased surface water run-off

Table 4: Site Assessment

Site Reference	Possible use and Site Character	Summary of Potential Effects on European sites Due to Location
Hesket Park	Housing	The closest European site is the River Eden which is approximately 3km away to the east of the site. With the inclusion of appropriate construction working practices and 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. Any proposed use is unlikely to materially increase potential LSE when balanced with the site's existing use.

Site Reference	Possible use and Site Character	Summary of Potential Effects on European sites Due to Location
The Meadows	Housing	The closest European site is the River Eden which is approximately 675m away to the east of the site. Planning permission was granted in 2013 for the residential development of the site and development completed in late 2016.
Land behind The Lilacs	Housing	The closest European site is the River Eden which is approximately 650m away to the northeast of the site. With the inclusion of appropriate construction working practices and 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.
Scaur Lane	Housing	The closest European site is the River Eden which is approximately 675m away to the northeast of the site. With the inclusion of appropriate construction working practices and 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.
The Old Piggeries	Housing	The closest European site is the River Eden which is approximately 200m away to the northeast of the site. With the inclusion of appropriate construction working practices and 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.

Site Reference	Possible use and Site Character	Summary of Potential Effects on European sites Due to Location
Egg Packing Plant	Housing	<p>The closest European site is the River Eden which is approximately 550m away to the northeast of the site. With the inclusion of appropriate construction working practices and 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. Any proposed use is unlikely to materially increase potential LSE when balanced with the site's previous use.</p>
Old Telephone Exchange	Housing	<p>The closest European site is the River Eden which is approximately 600m away to the northeast of the site. With the inclusion of appropriate construction working practices and 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. Any proposed use is unlikely to materially increase potential LSE when balanced with the site's previous use.</p>

Table 5: Summary of Likely Effects on the River Eden SAC

International Site	Nature of Impact	Likely Significant Effects?	Impact on Conservation Objective	Mitigation Needed?
River Eden SAC	Recreational Disturbance	No	The River Eden is approximately 200m away from the nearest site proposed to deliver development (The Old Piggeries). This combined with the nature and scale of development proposed means there is little or no risk of impacts.	No
	Water Quality Impacts	No	The River Eden is approximately 200m away from the main site proposed to deliver development (The Old Piggeries). This combined with the nature and scale of development proposed means there is little or no risk of impacts.	No
	Water Resource Availability	No	The River Eden is approximately 200m away from the main site proposed to deliver development (the Old Piggeries). This combined with the nature and scale of development proposed means there is little or no risk of impacts.	No
	Pollution (Chemical, light, noise, air and dust)	No	The River Eden is approximately 200m away from the main site proposed to deliver development (The Old Piggeries). This combined with the nature and scale of development proposed means there is little or no risk of impacts. Construction phase	No

International Site	Nature of Impact	Likely Significant Effects?	Impact on Conservation Objective	Mitigation Needed?
			concerns can be addressed through the Planning application process.	

Potential for Significant Effects

- 5.3 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.

In-Combination Effects

- 5.4 Existing and emerging plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create 'in combination' effects.
- 5.5 Major projects or plans that are active or which may come forward during the lifetime of this Neighbourhood Plan, and which are relevant in terms of potential impacts and proximity to Natura 2000 sites are assessed as:
- Eden District Council Local Plan 2014 – 2032
 - Draft Cumbria Minerals and Waste Plan
- 5.6 None of these plans have been identified as having a significant effect upon the integrity of the European sites considered here. The nature and scale of development proposed by the Lazonby Neighbourhood Plan, together with the changes to the plan recommended here, will mean no in combination effects are likely to occur.

6. Consultation

- 6.1 The Habitats Regulations require that the appropriate nature conservation body is consulted (Natural England), as well as the Environment Agency. These two statutory consultation bodies were consulted on 5th April 2017 to determine if they agree with the screening outcomes of this report. Their responses are attached at Appendix 5.
- 6.2 We would also advise you to have regard to the comments provided by Cumbria Biodiversity Data Centre (provided at Appendix 6) who, at the request of Natural England, have been consulted. Their comments provide a

biodiversity and nature conservation perspective on Lazonby Parish and it is recommended that their comments are borne in mind during the formulation of future development proposals.

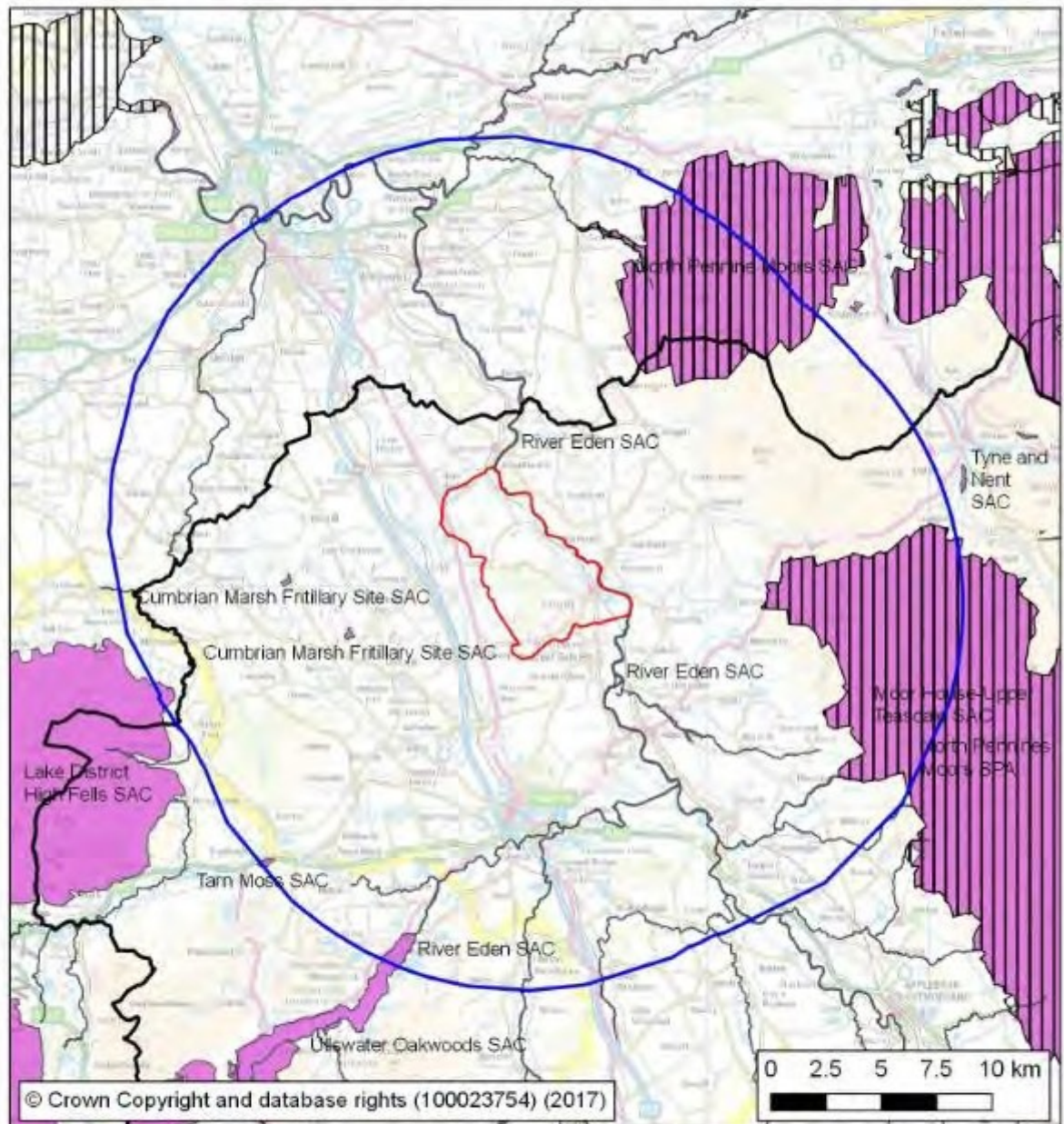
7. Screening Outcome

- 7.1 As demonstrated, a screening assessment has been undertaken to assess the potential impact of the draft Lazonby Neighbourhood Plan on European sites in the area. In light of the District Council's findings, and the responses received from the statutory consultees, it is concluded that the draft Lazonby Neighbourhood Plan would not cause a likely significant effect to the River Eden SAC, either alone or in combination with other plans. As such, a full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the Lazonby Neighbourhood Plan is not required. However, if the Neighbourhood Plan is materially altered, this Screening Report may have to be revised.
- 7.2 This conclusion should be revisited at future stages, as EDC must decide whether the neighbourhood plan proposal is compatible with EU obligations when it takes the decision on whether the neighbourhood plan should proceed to referendum; and when it takes the decision on whether or not to make the neighbourhood plan.

Appendix 1 – Natura 2000 sites within 15km of Lazonby Parish

Lazonby Neighbourhood Plan screening - map 10

Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Directive



Scale: 1:250,000@A4 RA/AD/20.03.17

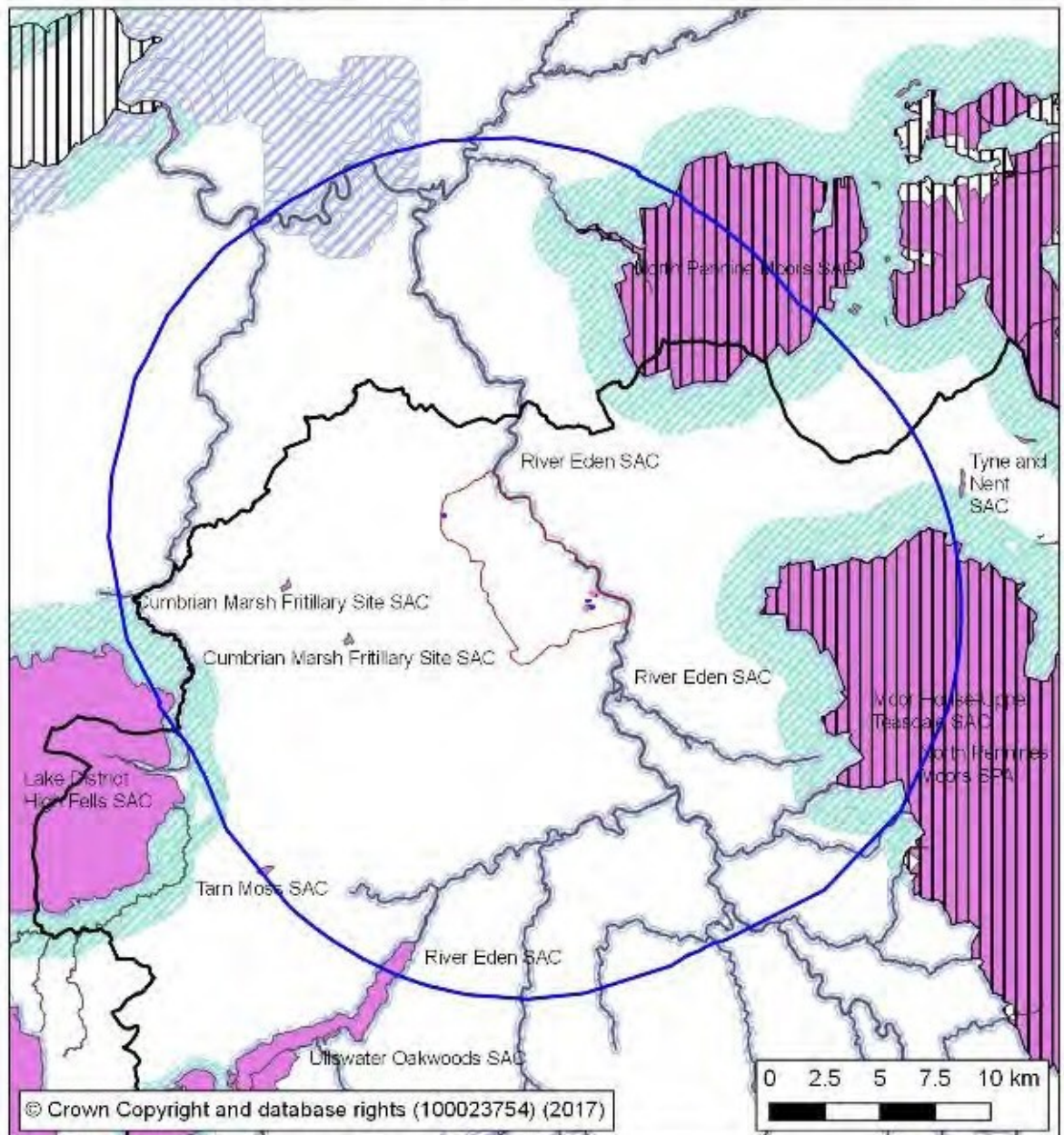
Key - map 10: Natura Sites

Eden district boundary	Special Area of Conservation
Lazonby parish boundary	Special Protection Area
Lazonby parish 15km buffer zone	

Appendix 2 – Extent of Impact Risk Zones around Natura 2000 Sites

Lazonby Neighbourhood Plan screening - map 12

Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Directive



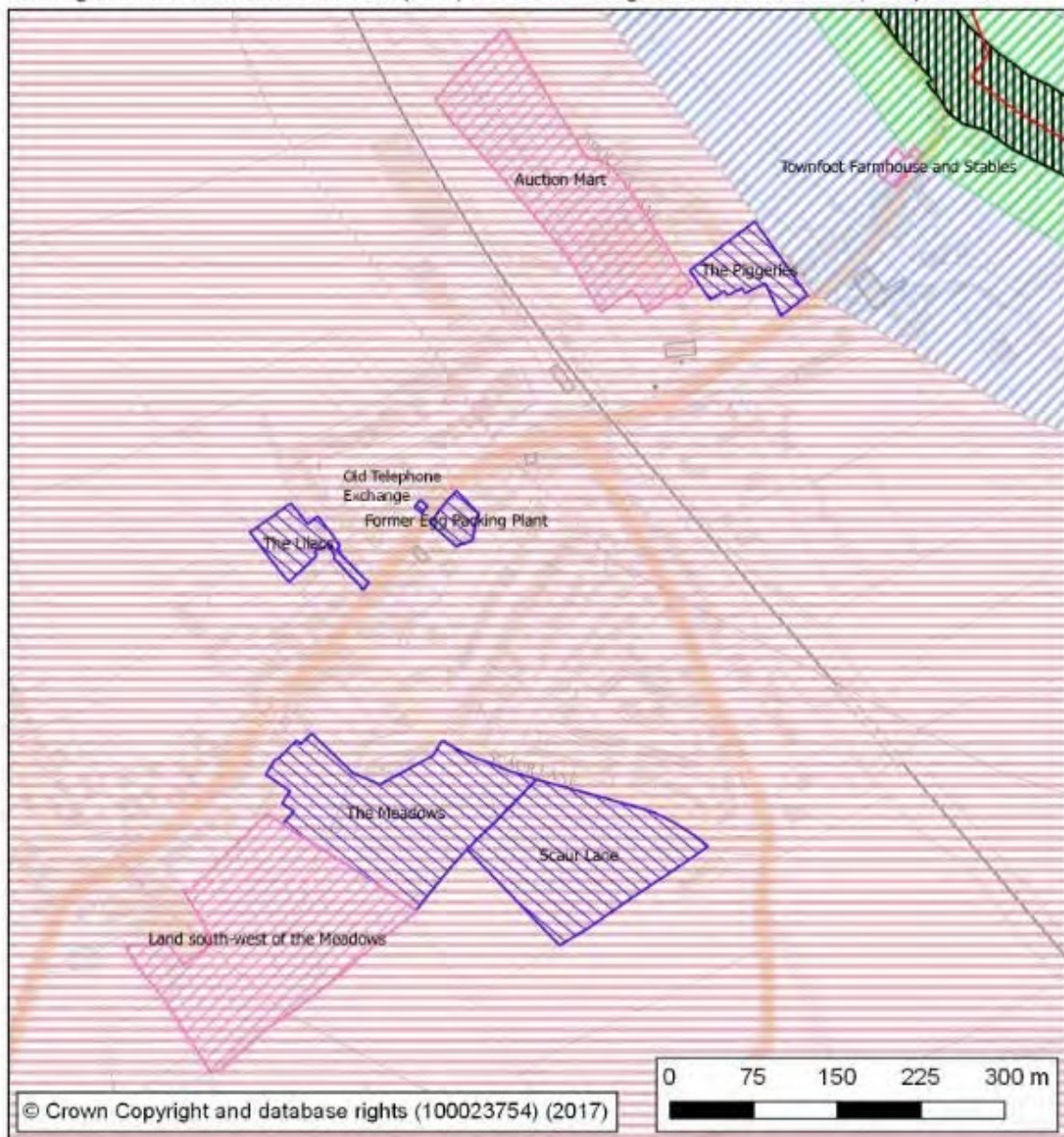
Key - map 12: Natura Sites / Impact Risk Zones

Eden district boundary	Special Protection Area
Lazonby parish boundary	Impact Risk Zones:
Lazonby parish 15km buffer zone	Residential development of 10 units or more.
Special Area of Conservation	Residential development of 50 units or more.

Appendix 3 – Relationship between River Eden SAC Impact Risk Zones and Proposed Housing Allocations

Lazonby Neighbourhood Plan screening - map 4

Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Directive

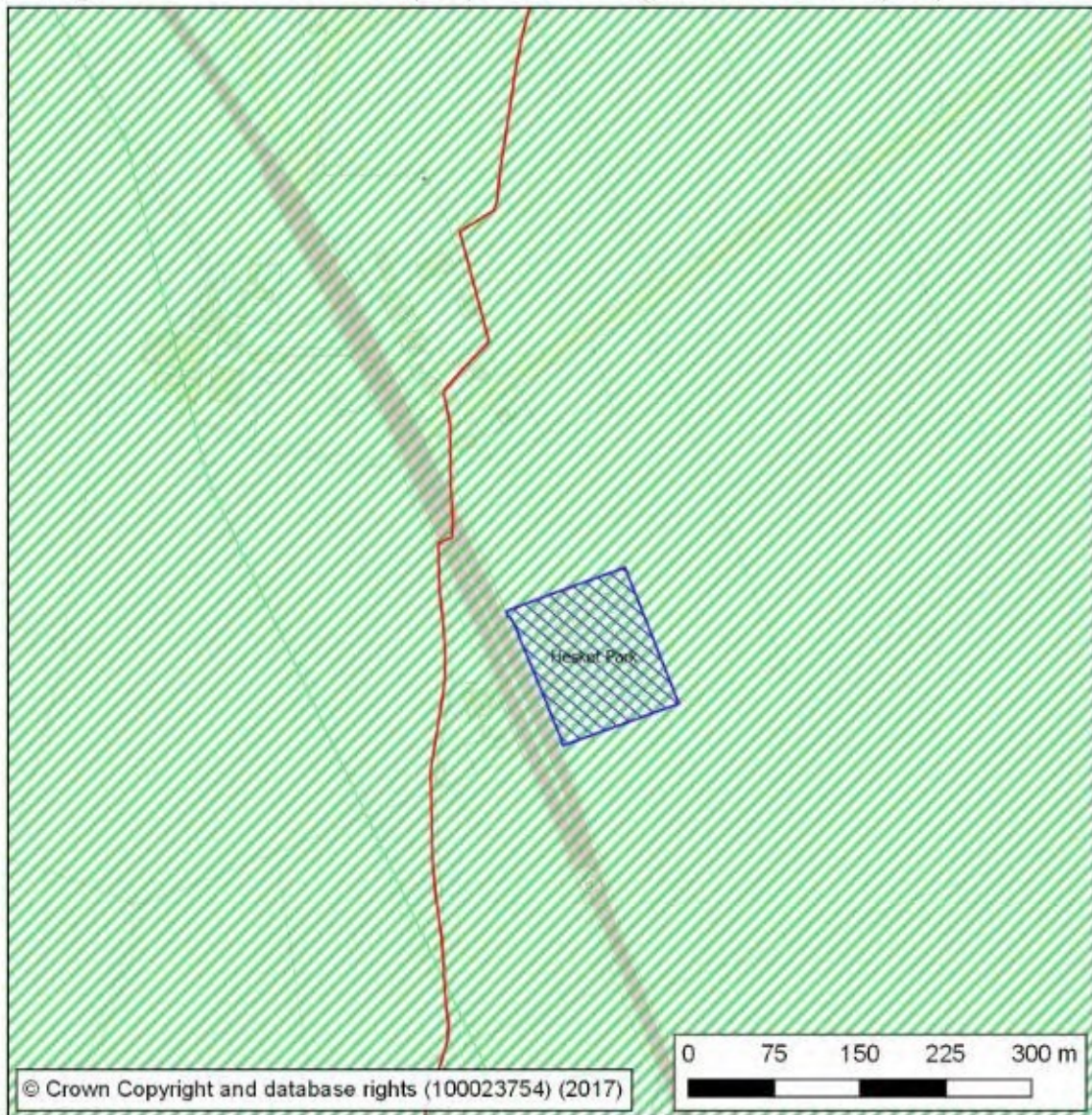


Scale: 1:5000@A4 RA/AD/13.2.17

Key - map 4

 Lazonby parish boundary	Impact Risk Zone - SSSI
 Housing Site	 Residential development of 10 units or more
 Discounted Site	 Residential development of 100 units or more
	 All planning applications (except householder)
	 River Eden Site of Special Scientific Interest

Lazonby Neighbourhood Plan screening - map 5
Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Directive



Scale: 1:5000@A4 RA/AD/14.2.17

Key - map 5

Lazonby parish boundary

Housing Site

Impact Risk Zone - SSSI

Applications for: Infrastructure, Quarry, Air Pollution, Combustion, Discharge (ref: 48072)

Appendix 4 - 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 (2014) Strategic Economic Plan

Local

Alston Moor Partnership

Allerdale Local Plan (Part 1 and Part 2) 2014

Carlisle Local Plan 2015-30

County Durham Draft Plan

Cumbria Wind Energy SPD

Eden Local Plan 1996 – Saved Policies

Eden Core Strategy 2010

Eden Pre-Submission Local Plan 2015

Eden Housing Supplementary Planning Document

Eden and Esk Catchment Abstraction Management Strategy (2006)

Eden Area Plan

Eden Strategic Flood Risk Assessment (2015)

Eden District Retail Study (2008) & Retail Evidence Update (2014)

Eden Economic Plan

Eden Open Space Study (2015)

Eden Sustainable Community Strategy

Lake District National Park Local Plan (Part 1, Core Strategy and Part 2, Allocations of Land)

Lake District National Park Management Plan 2015 – 2020 (2015)

Langwathby Draft Neighbourhood Plan

Northumberland Local Development Plan (Core Strategy) Pre-Submission Draft

North Pennines AONB Management Plan 2014 - 2019

North Pennines AONB Planning Guidelines (2011)

South Lakeland District Council Local Plan - Core Strategy (2010) and Land Allocations(2013)

The Cumbria Biodiversity Evidence Base for Cumbria's Planning Authorities

Tyne Abstraction Licensing Strategy (2013)

Upper Eden Neighbourhood Plan (2013)

Appendix 5 – Responses from Statutory Consultees

Ms R Armstrong
Planning Officer (Policy)
Eden District Council
Mansion House
Penrith
Cumbria
CA11 7YG

Our ref: NO/2013/104973/SE-
04/SC1-L01
Your ref: Lazonby Neighbourhood
Plan
Date: 11 April 2017

Dear Ms Armstrong

Lazonby Neighbourhood Plan

Strategic Environmental Assessment Screening Report (March 2017)

Habitats Regulations Screening Report (April 2017)

Thank you for your consultation request received on 5 April 2017 regarding screening of the above documents relating to the Lazonby Neighbourhood Plan for Strategic Environmental Assessment (under European Directive 2001/42/EC and the Environmental Assessment of Plans and programmes Regulations 2004) and Appropriate Assessment (under the EU Habitats Directive).

The Environment Agency has reviewed the above reports and agrees with the screening outcomes concluded by Eden District Council.

Yours sincerely

Jeremy Pickup
Planning Advisor - Sustainable Places

E-mail clplanning@environment-agency.gov.uk

Environment Agency
Ghyll Mount (Gillan Way) Penrith 40 Business Park, Penrith, Cumbria, CA11 9BP.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
End

Date: 21 April 2017
Our ref: 212668
Your Ref: Lazonby NP



Rachael Armstrong
Planning Officer (Policy)
Eden District Council

Hornbeam House
Crewe Business Park
Bectra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Rachael,

Lazonby Neighbourhood Plan

Thank you for your consultation on the above dated 5th April 2017 which was received by Natural England on 5th April 2017.

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. We have reviewed your screening report in accordance with regulation 9 (2) (b) of the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) and provide the following advice;

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance¹. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- A neighbourhood plan allocates sites for development,
- The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan,
- The neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

¹<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary. Additional guidance and sources of information are provided in Annex 1.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact Colette Garner on 020822 57301. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Colette Garner
Sustainable Development Advisor

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)² website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres, such as Tullie House in Carlisle, may hold a range of additional information on the natural environment.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local landscape character assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

² <http://magic.defra.gov.uk/>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habitatsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework-2>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹²<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³<http://publications.naturalengland.org.uk/publication/35012>

- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance](#)).¹⁴
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Inbox - Rachael.Armstrong@eden.gov.uk - Microsoft Outlook

RE: Lazonby Neighbourhood Plan - Screening for SEA and AA - Message (HTML)

File Message McAfee E-mail Scan

Ignore X Reply Reply All Forward Meeting IM More

Junk Delete

Personal To Manager Done

Team E-mail Reply & Delete Create New

Rules OneNote

Move Actions

Mark Unread Categorize Follow Up

Tags

Find Related Select Zoom

Translate Editing Zoom

Follow up. Start by 06 June 2017. Due by 06 June 2017.
This message is part of a tracked conversation. Click here to find all related messages or to open the original flagged message.

From: Plan Cons Area Team (Cumbria) (NE) <PlanConsAreaTeamCumbria@defra.gsi.gov.uk> Sent: Thu 01/06/2017

To: Rachael Armstrong

Cc: Kevin Hutchinson; Emily Baldasera

Subject: RE: Lazonby Neighbourhood Plan - Screening for SEA and AA

Dear Rachael,

I apologise if my response dated 21st April 2017 was not sufficiently specific, but it is a standard letter that we are advised to use for low risk cases.


However, I have reviewed the original consultation and the SEA screening and HRA screening reports that were provided for the housing allocations in this plan in relation to protected sites, and can confirm that Natural England agrees with your conclusion that a full SEA is not required, and that there are not likely to be any significant effects on any protected sites. As you suggest in the HRA screening report, construction phase impacts can be mitigated through the planning application process to avoid any likely significant effects on the River Eden SAC.

I hope this answers your question.

Kind Regards,

Colette Garner
Sustainable Development Advisor

Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL



<http://www.gov.uk/natural-england>

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.
Teleconference dial-in: 0800 5285280; or 0207 9790003 if calling from mobile. Access code: 7529907#

Appendix 6 – Responses from Cumbria Biodiversity Data Centre

The Parish of Lazonby

The Parish of Lazonby is of significant importance with regard to its habitats and biodiversity.

The following information includes details of biodiversity significance within the parish boundary and within a 2km buffer zone. This is because activities within the parish itself may have a negative or positive impact outside of the parish.

Areas of Special Conservation Value

County Wildlife Sites

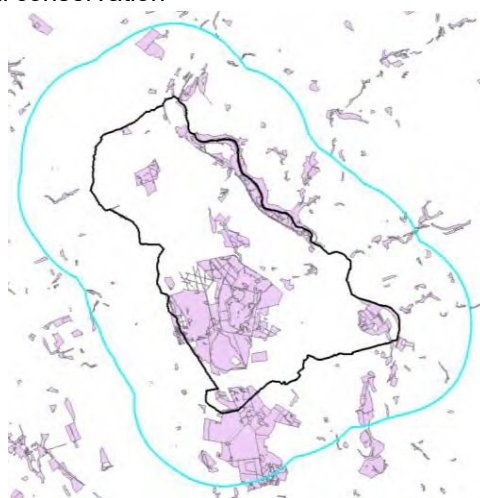
There are 4 county wildlife sites within the parish boundaries, with a further 5 within a 2k buffer of the parish boundary.

In the Parish	In the 2km Buffer zone
<ul style="list-style-type: none">• Baron Wood• Middleholme and Birks Moss• Blazefell Quarries• Edenlacy Marsh and the Glebe	<ul style="list-style-type: none">• Hanginbrow Wood• Highflats• Broad Wood• Daleraven Beck• Row Bank Fen

Habitats

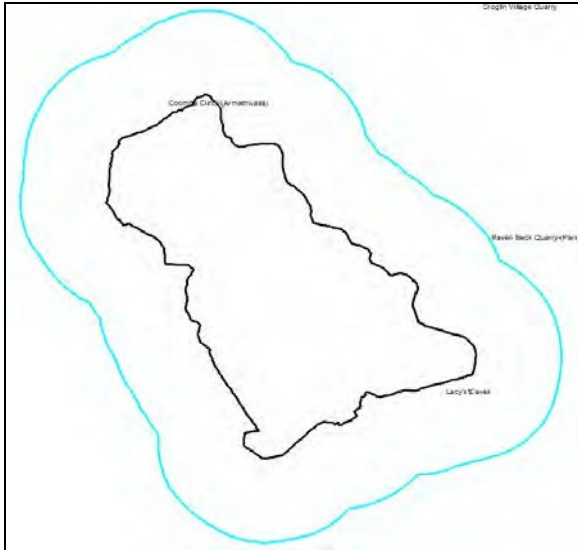
With the Parish and the 2km buffer there are a number of UK Biodiversity Action Plan Priority Habitats.

- Hedgerows
- Ponds
- Woodland: Ancient woodland and semi natural woodland
- Upland and Lowland Heath
- Wet flushes
- Areas with special conservation



Geological Sites

There are no sites of geological interest within the parish. Coombe Clints is on the boundary and Lacy's caves are within the buffer zone.



Species

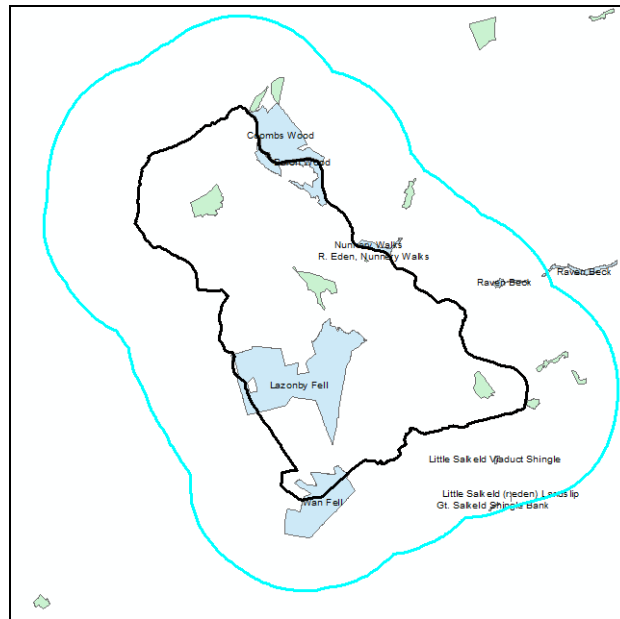
34,673 species records recorded.

Rare, Scarce and Protected: 127 species recorded are on the UK BAP action plan list, eg Otter, Curlews.

Non- native and Invasive species: Within the species list are species that may be subject to control methods, eg Indian Balsam and Grey Squirrel.

Sites of Invertebrate Significance

- Coombs Woods
- Baron Wood
- Nunnery Walks
- Lazonby Fells
- Wann Fell
- Raven Beck
- Little Selkeld Viaduct Shingle
- Little Selkeld Landslip
- Great Selkeld Shingle Bank



Cumbria Biodiversity Action Plan Species

There several sites that have been identified as potential Great Crested Newt sites and Water Vole habitat. This is likely to mean that CBDC does not have any current records, but the habitat is suitable and the species could be present.

