

Draft Habitats Regulations Appraisal

Carlisle District Local Plan 2015-2030 Preferred Options Consultation Stage Two



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SCREENING REPORT FOR DRAFT HABITATS REGULATIONS ASSESSMENT

Carlisle District Local Plan 2015 – 2030 Preferred Options (stage 2)

1.0 Introduction

- 1.1 Carlisle City Council is drafting a district wide Local Plan, (the Carlisle District Local Plan 2015 – 2030 Preferred Options). The Plan contains strategic policies for growth, detailed development management policies and allocations of land for development. When adopted, the Local Plan will form the Council’s statutory policy framework for planning, and will shape and guide future development to 2030.
- 1.2 The Local Plan has reached the Preferred Options (stage 2). [The Habitats Regulations Appraisal \(HRA\) represents the screening stage of the process to determine whether the Local Plan is likely to have a significant effect on a European site.](#) The HRA has been an ongoing process carried out for all stages of the Plan preparation. The Preferred Options (stage 1) HRA was consulted on alongside the Local Plan from July to September 2013. 32 responses were received to the HRA, of which 5 were comments, 19 were support and 8 were objections. Natural England responded as follows:

“The approach and methodology used to scope the Habitats Regulations Assessment are acceptable to Natural England and are in line with the advice that would be offered by us. The proposed policies set out guidance and clarification of existing policies, seeking protection of the environment and sustainable use of resources, rather than delivering schemes or projects directly. I would advise that Table 3 – Policies, requires further explanation before being screened out, or where measures are proposed. Policies 20, 23, 26 and 31 are unclear as to whether they have been scoped in or out.

Having checked through the document, Natural England can agree with Carlisle Council’s conclusion (chapter/section 8) that stages 2 and 3 of the Habitats Regulations Assessment, requiring a full Appropriate Assessment, is not required. This does not remove the need for consideration of Habitats Regulations Assessment screening for schemes and projects which may be adjacent to or in close proximity to Natura 2000 sites, should they be proposed.

The Council should also consider responses from the Environment Agency to help consolidate and strengthen the environmental and biodiversity of the area”.

- 1.3 The Environment Agency was consulted on the HRA and had no comment other than the Agency deferred to Natural England’s comments on the HRA.
- 1.4 Prior to this, and pre-publication of the NPPF, the Council undertook a first draft HRA of the Issues and Options stage of the then Core Strategy. (Post NPPF the Council made a decision to produce a full Local Plan). The approach taken in the first draft was endorsed by Natural England who commented;

“We commend the Council on the proactive approach of considering the requirements of the Regulations during these early stages in the development of the Core Strategy”.

- 1.5 This report sets out the next stage of the Habitats Regulations Appraisal process for the Local Plan. The aim of the report is to make sure that the Plan making process complies with the Habitats Directive, identifies any policies that are likely to have a significant effect on European Site(s) and ensure that policies within the Plan avoid any likely significant effect on European sites.
- 1.6 The Habitats Regulations require that the appropriate nature conservation statutory body is consulted (Natural England). The HRA is also available for wider public consultation. Any responses received will be considered by the Council, and will inform future iterations of the HRA at both publication and submission stage. Details of any responses made will be set out in the next draft of the HRA.
- 1.7 Comments on the HRA can be made as follows: by e-mail to lpc@carlisle.gov.uk
By post to – Investment and Policy Team
 Planning Services,
 Carlisle City Council,
 Civic Centre,
 Carlisle,
 CA3 8QG

2.0 Methodology

2.1 Notwithstanding the legal requirements prescribed in the Habitats Directive and transposed in the Regulations, there is no standard methodology published by either DCLG or Natural England for how HRA should be carried out. Therefore this document has had regard to 'Habitats Regulations Appraisal of Plans: Guidance for Plan-Making Bodies in Scotland August 2012, produced by Scottish Natural Heritage (SNH). Whilst the SNH guidance is aimed at all types of plans, the methodological process of assessing the policies and proposals in a plan are applicable to a local plan. The guidance includes the following stages:

- *evidence gathering*: collecting information on the European sites within and outside the Plan area (including their characteristics and conservation objectives), and other relevant plans or projects;
- *screening*: this stage is not a single stage in the preparation of the Plan. It is a stage that is likely to need repeating, for example as the Plan changes through the consultation process, and perhaps again towards the end of the Plan making process when modifications are considered for inclusion after the examination of the Plan;
- *if necessary, appropriate assessment*: this stage will be carried out if the screening stage finds likely significant effects on European sites of a particular policy option or part of the Plan. The Appropriate Assessment will be of the implications of the particular policy or allocations in the Plan for the European site in view of the site's conservation objectives;
- *mitigation measures and alternative solutions*: if a policy option or part of the Plan has been found to have adverse effects on the integrity of a European site, the option will normally require modification until the adverse effects are cancelled out or sufficiently reduced;
- if the likely impacts identified during the screening stage are considered unlikely to have a significant impact on a European site, Appropriate Assessment and other subsequent stages will not be needed. The Boggis* judgement in the Court of Appeal ruled that there should be:

“...credible evidence that there was a real, rather than a hypothetical, risk”.

What the HRA therefore concentrates on is assessing those aspects of the Plan that could, realistically, be likely to have a significant effect.¹

2.0 Deciding whether a plan should be subject to Habitats Regulations Appraisal

- 2.1 The first stage in the appraisal process is to establish whether the relevant plan should be subject to Habitats Regulations Appraisal.
- 2.2 Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) require local planning authorities to undertake a Habitats Regulations Appraisal for all land use plans. The Carlisle District Local Plan (Preferred Options) is a land use plan that will be subject to such an assessment.
- 2.3 The Regulations require that any potential effects on European sites arising out of the implementation of policies and proposal in a land use plan are considered in an iterative process from the earliest stage of plan making.
- 2.4 A Habitats Regulations Appraisal (HRA) is required to ensure the protection of sites identified under the Natura 2000 network as sites of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European community. These sites are collectively known as European sites and European Offshore Marine Sites. They consist of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). As a matter of policy the Government expects listed Ramsar sites to be assessed as if they were fully designated European sites.
- 2.5 The purpose of an HRA is to ensure that the proposals of any plan or project, or the cumulative effect of a number of plans or projects, will not adversely affect the integrity of any European sites. The ‘integrity’ of the site is defined in ODPM Circular 06/2005: (Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System) as *the*

¹ Peter Charles Boggis and East Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF 20th October 2009.

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

- 2.6 Article 6(3) of the Habitats Directive requires that any plan or project which is not directly connected with, or necessary to the management of, a European site, but would be likely to have a significant effect on such a site, either individually or in combinations with other plans and projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's 'conservation objectives'. An Appropriate Assessment is only one particular stage in the process of Habitats Regulations Appraisal.
- 2.7 Not all of the policies and site allocations will reach the stage of Appropriate Assessment, because many of the policies and allocations would not be likely to have a significant effect on a European site.
- 2.8 The purpose of the HRA is to determine whether or not significant effects are likely and to suggest ways in which they could be avoided. An effect is significant if it could adversely affect the integrity of the site in terms of its nature conservation objectives. Where potential negative effects are identified, other policy options should be examined to avoid any potential damaging effects. The appraisal is therefore carried out having regard to the conservation objectives for which a European site has been designated, and its integrity in relation to its ability to support those objectives.
- 3.0 Identifying European Sites that should be considered in the HRA
- 3.1 As part of the process, the HRA identifies the European sites that should be considered in the appraisal, both within and adjacent to Carlisle District.
- 3.2 It is important to ensure that all sites that are potentially affected are considered as part of the appraisal, but it has been equally important to avoid excessive data gathering about sites that are not likely to be affected. The following European sites have therefore been included:
- sites within the Local Plan area;
 - sites upstream or downstream of the River Eden SAC;
 - peatland and other wetland sites with hydrological links to the Local Plan area;

- sites with significant ecological links, for example sites used by migratory birds, which may be outside the Plan area but link with sites in the Plan area;
- sites within a reasonable travel distance of the Plan area that may be affected by local recreational or other visitor pressure from within the Plan area, (for example sites which are also National Nature Reserves);
- sites that are used for, or could be affected by, water abstraction, for example the River Eden at Cumwhinton Water Treatment Works at Wetheral Pastures;
- sites used for, or affected by, discharge of effluent from wastewater treatment works, e.g. the River Eden in Carlisle (Willowholme Sewage Works);
- sites that could be affected by transport or other infrastructure;
- sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic; and
- sites that are part of a coastal ecosystem.

3.3 The following is a list of European sites within or partially within the Local Plan boundary:

- Upper Solway Flats and Marshes Ramsar;
- Upper Solway Flats and Marshes SPA;
- Solway Firth SAC;
- River Eden SAC;
- Border Mires, Kielder-Butterburn SAC;
- Irthinghead Mires Ramsar;
- North Pennines Moors SAC;
- North Pennine Moors SPA;
- North Pennine Dales Meadow SAC; and
- Walton Moss SAC.

3.4 The following sites lie outside the Carlisle District boundary, but may be affected by the Plan:

- Moorhouse-Upper Teasdale SAC;
- Roman Wall Loughs SAC;

- Langholm-Newcastleton Hills SPA;
- Raeburn Flow SAC;
- South Solway Mosses SAC; and
- Tyne and Allen River Gravels SAC.

3.5 Definitions:

- A Special Area of Conservation (SAC) is an area which has been given special protection under the European Union's Habitats Directive. SACs provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.
- A Special Protection Area (SPA) is an area of land, water or sea which has been identified as being of international importance for the breeding, feeding wintering or the migration of rare and vulnerable species of birds found within the European Union. SPAs are European designated sites, classified under the European Wild Birds directive which affords them enhanced protection.
- A Ramsar Site is a wetland of international importance, designated under the Ramsar convention.

4.0 Information gathering about the European Sites

- 4.1 This stage has involved obtaining, examining and understanding the citation (or equivalent document) and map of each European site and the conservation objectives for each qualifying interest of each site potentially affected. In addition the site vulnerabilities have been recorded, together with any available information on the condition of each site.
- 4.2 This information has been gathered from JNCC, Natural England and Scottish Natural Heritage. Many of the conservation objectives are generic information from the natural England web-site, as more detailed site specific objectives were not available. This information is contained within the following set of tables:

Table 1 – European Sites

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
Upper Solway Flats and Marshes	<p>Ramsar. 30/11/1992</p> <p>Carlisle District; Allerdale District; Dumfries and Galloway</p>	<p>Ramsar criterion 2 Supports over 10% of the British population of natterjack toad <i>Bufo calamita</i> (Habitats Directive Annex IV species (S1202))</p> <p>Ramsar criterion 5 Assemblages of international importance: Species with peak counts in winter: 135720 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6 Species/populations occurring at levels of international importance. Eurasian oystercatcher.</p> <p>Species with peak counts in winter: Whooper swan, Pink-footed goose , Barnacle goose, Northern pintail , Greater scaup, Red knot, Bar-tailed godwit, Eurasian curlew, Common redshank.</p>	<p>For the wetland which hosts internationally important populations of natterjack toad <i>Bufo calamita</i>: Subject to natural change, maintain the habitats which host the endangered populations of natterjack toad <i>Bufo calamita</i> in favourable condition, in particular:</p> <ul style="list-style-type: none"> • Saltmarsh communities. <p>For the internationally important wetland, regularly supporting 20,000 or more waterbird: Subject to natural change, maintain the wetland regularly supporting 20,000 or more waterfowl in favourable condition, in particular:</p> <ul style="list-style-type: none"> • Saltmarsh communities • Intertidal mudflats and sandflats • Intertidal rocky scar ground • Subtidal sandbanks <p>For the internationally important wetland, regularly supporting 1% or more of the individuals in a population of one species or subspecies of waterfowl: Subject to natural change, maintain the wetland regularly supporting 1% or more of the individuals in a population of one species or sub-species of waterfowl in favourable</p>	<p>The site lies on the west coast on the border between England and Scotland. The flats and marshes of the Upper Solway form one of the largest continuous areas of intertidal habitat in Britain. The geomorphology and vegetation of the estuarine saltmarshes or meres are of international importance, with broad transitions to mature 'upper-marsh' being particularly well represented. The whole estuarine complex is of importance for wintering wildfowl (ducks, geese and swans) and waders, and is a vital link in a chain of west coast UK estuaries used by migrating waterbirds. The SPA supports virtually all of the Svalbard population of Barnacle Goose <i>Branta leucopsis</i> over the winter.</p>

			condition, in particular: <ul style="list-style-type: none"> • Saltmarsh communities • Intertidal mudflats and sandflats • Intertidal rocky scar ground • Subtidal sandbanks. 	
<p>Factors currently influencing the site/site condition: Changes to water quality. Increasing recreational use. Changes in habitat or agricultural management within or adjacent to site. The site is divided into a large number of units for condition assessment purposes. The last condition assessments were carried out over the period 2006 – 2010, at which time the majority of units were classified as in favourable condition with some unfavourable recovering.</p>				
<p>Vulnerabilities to change/potential effects of the Local Plan:</p> <ul style="list-style-type: none"> • Potential death or injury to SPA birds and Marine Conservation area mammals through installation and operation of offshore wind farms; • Overgrazing of salt meadows – though this impact is not considered to be relevant to Policies in the Local Plan; • Natural coast processes – these may be interfered with as a result of works such as flood defence works; • Disturbance of bird roosts and foraging areas by human activity – as a result of increased housing, employment, tourism along the coastal area; • Water-based recreation resulting in injury or death to wildlife, pollution, litter and erosion of habitats; • Fisheries – potential for increased pressure on resources as a result of increased population, and hence increases in fishing, and damage of marine benthic habitat directly through fishing methods <p>Between 550 and 650 new houses are planned for Carlisle between 2020 and 2030. (From 2015-2020 there is an existing 5 year supply). This could lead to a proportional increase in recreational use of the area and in traffic, although many of the sites are remote.</p> <p>Policy 12 encourages tourism development to support the economy of the area. This could lead to increased visitor pressure in the area.</p>				

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
Solway Firth	SAC 20/05/2004	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Sandbanks which are slightly covered by seawater all the time; • estuaries; • mudflats and sandflats not covered by seawater at low tide; • <i>Salicornia</i> and other annuals not colonising mud and sand; • Atlantic salt meadows. <p>Annex 1 habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • reefs; • perennial vegetation of stony banks; • fixed dunes with herbaceous vegetation, (grey dunes) *priority feature; <p>Annex II species that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Sea lamprey; • River lamprey. 	<p>Subject to natural change, avoid deterioration of the qualifying habitat (Estuaries, Sandbanks which are slightly covered by seawater all the time, Mudflats and sandflats not covered by seawater at low tide, Reefs, <i>Salicornia</i> and other annuals colonising mud and sand and Atlantic salt meadows) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying interests.</p> <p>To ensure for the qualifying habitats that the following are maintained in the long term:</p> <ul style="list-style-type: none"> • extent of the habitat on site; • distribution of the habitat within site; • structure and function of the habitat • processes supporting the habitat • distribution of typical species of the habitat • viability of typical species as components of the habitat • no significant disturbance of typical species of the habitat. 	<p>Tidal rivers. Estuaries. Mud flats. Sand flats. Lagoons (including saltwork basins) (90%) Salt marshes. Salt pastures. Salt steppes (10%).</p>

Factors currently influencing the site:

Changes to water quality. Increasing recreational use. Changes in habitat or agricultural management within or adjacent to site.

The site is divided into a large number of units for condition assessment purposes. The last condition assessments were carried out over the period 2006 – 2010, at which time the majority of units were classified as in favourable condition with some unfavourable recovering.

Vulnerabilities to change/potential effects of the Local Plan:

This large site is subject to a number of activities. These include flood defence and coastal erosion work, fishing and shellfisheries (including a cockle fishery which is currently closed to allow stocks to recover), wind turbine development, saltmarsh/merse grazing, and oil and gas exploration.

Between 550 and 650 new houses are planned for Carlisle between 2020 and 2030. (From 2015-2020 there is an existing 5 year supply). This could lead to a proportional increase in recreational use of the area and in traffic, although many of the sites are remote.

Policy 12 encourages tourism development to support the economy of the area. This could lead to increased visitor pressure in the area.

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
Upper Solway Flats and Marshes	SPA 30/11/1992	<p>This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p>Over winter; Bar-tailed Godwit <i>Limosa lapponica</i>; Barnacle Goose <i>Branta leucopsis</i>; Golden Plover <i>Pluvialis apricaria</i>; Whooper Swan <i>Cygnus cygnus</i>.</p> <p>This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>On passage; Ringed Plover <i>Charadrius hiaticula</i>;</p> <p>Over winter; Curlew <i>Numenius arquata</i>; Dunlin <i>Calidris alpina alpina</i>; Knot <i>Calidris canutus</i>; Oystercatcher <i>Haematopus ostralegus</i>; Pink-footed Goose <i>Anser brachyrhynchus</i>; Pintail <i>Anas acuta</i>; Redshank <i>Tringa totanus</i>.</p> <p>Assemblage qualification: A wetland of international importance.</p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by</p>	<p>Subject to natural change, maintain in favourable condition the habitats of the internationally important populations of the regularly occurring Annex 1 species, in particular:</p> <ul style="list-style-type: none"> • extent and sward height of saltmarsh communities; • intertidal mudflats and sandflats as roosting and feeding grounds. <p>Subject to natural change, maintain in favourable condition the habitats of the regularly occurring internationally important migratory waterfowl present during the winter, in particular:</p> <ul style="list-style-type: none"> • extent and sward height of saltmarsh communities; • extent and species diversity of intertidal mudflat and sandflat communities; • extent and species diversity of intertidal rocky scar communities. <p>Subject to natural change, maintain in favourable condition the habitats of the internationally important assemblage of waterfowl, in particular:</p> <ul style="list-style-type: none"> • extent and sward height of saltmarsh communities; • extent and species diversity of intertidal mudflat and sandflat communities; • extent of pioneer saltmarsh 	<p>The site lies on the west coast on the border between England and Scotland. The flats and marshes of the Upper Solway form one of the largest continuous areas of intertidal habitat in Britain. The geomorphology and vegetation of the estuarine saltmarshes or merses are of international importance, with broad transitions to mature 'upper-marsh' being particularly well represented. The whole estuarine complex is of importance for wintering wildfowl (ducks, geese and swans) and waders, and is a vital link in a chain of west coast UK estuaries used by migrating waterbirds. The SPA supports virtually all of the Svalbard population of Barnacle Goose <i>Branta leucopsis</i> over the winter.</p>

		regularly supporting at least 20,000 waterfowl.	communities; • extent and species diversity of intertidal rocky scar communities; • extent and species diversity of subtidal sandbank communities.	
<p>Factors currently influencing the site: Changes to water quality. Increasing recreational use. Changes in habitat or agricultural management within or adjacent to site.</p> <p>The site is divided into a large number of units for condition assessment purposes. The last condition assessments were carried out over the period 2006 – 2010, at which time the majority of units were classified as in favourable condition with some unfavourable recovering.</p> <p>Vulnerabilities to change/potential effects of the Local Plan: There has been relatively little land claim compared with most other estuaries in the UK but some established and new flood defence and coastal erosion works may exacerbate erosion elsewhere within the site. The cockle fishery has been closed for a number of years due to overexploitation and the other commercial, traditional and shell fisheries are regulated by Government to ensure that they are carried out in a sustainable way and that their impact on bird feeding areas are not significant. Roosts and feeding areas are vulnerable to disturbance.</p> <p>Between 550 and 650 new houses are planned for Carlisle between 2020 and 2030. (From 2015-2020 there is an existing 5 year supply). This could lead to a proportional increase in recreational use of the area and in traffic, although many of the sites are remote.</p> <p>Policy 12 encourages tourism development to support the economy of the area. This could lead to increased visitor pressure in the area.</p>				

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
River Eden	SAC April 2005	<p>Annex I habitats that are a primary reason for selection of this site: Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or of the <i>Isoeto Nanojuncetea</i>; Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>).</p> <p>Annex II species that are a primary reason for selection of this site: white clawed (Atlantic stream) crayfish; sea lamprey; brook lamprey, river lamprey; Atlantic salmon; bullhead; otter.</p>	<p>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.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> • 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 and habitats of qualifying species rely; • the populations of qualifying species; • The distribution of qualifying species within the site. 	<p>Tidal rivers. Estuaries. Mud flats. Sand flats. Lagoons (including saltwork basins) (1%) Inland water bodies (standing water, running water) (93.4%) Bogs. Marshes. Water fringed vegetation. Fens (3%) Broad-leaved deciduous woodland (2.6%).</p>

Factors currently influencing the site/site condition:

Changes to water quality. Water abstraction. Increasing recreational use. Changes in habitat or agricultural management within or adjacent to site. Changes to river channel including artificial reinforcement of banks. Housing and other development within catchment. Climate change including increased rainfall.

Floating formations of water crowfoot – unfavourable condition.

Vulnerabilities to change/potential effects of the Local Plan:

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.

Between 550 and 650 new houses are planned for Carlisle between 2020 and 2030. (From 2015-2020 there is an existing 5 year supply). This could lead to a proportional increase in recreational use of the area and in traffic, although many of the sites are remote.

Policy 12 encourages tourism development to support the economy of the area. This could lead to increased visitor pressure in the area.

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
Border Mires, Kielder/Butterburn	SAC April 2005	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • blanket bogs; • transition mires and quaking bogs. <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i>; • European dry heaths; • Petrifying springs with tufa formation (<i>cratoneurion</i>)* priority feature. 	<p>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.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> ➤ 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 and habitats of qualifying species rely; ➤ the populations of qualifying species; ➤ the distribution of qualifying species within the site. 	<p>Bogs. Marshes. Water fringed vegetation. Fens (80%) Heath. Scrub. Maquis and garrigue. Phygrana (18%) Coniferous woodland (1%) Other land (including towns, villages, roads, waste places, mines, industrial sites) (1%).</p>
<p>Factors currently influencing the site/condition status: Climate change including increased rainfall, or prolonged dry periods leading to increased risk of fires.</p> <p>Unfavourable recovering.</p>				

Vulnerabilities to change/potential effects of the Local Plan:

Forestry drainage and conifer planting (including natural seeding) has encroached onto the bogs. This has resulted in drying-out and degradation of the habitat in places. A programme of rehabilitation of bogs damaged by forestry is underway, based on management plans covering a large proportion of the SAC. The sites within the Kielder Forest are largely ungrazed and are not burnt. This improves their condition and nature conservation value. However a small area (c. 10%) on the forest margins and on the highest elevation parts of the site are overgrazed by livestock and suffer some damage from burning. Future management will address this issue. Part of the SAC is within the Royal Air Force Spadeadam Base. Drains created in the bog in the past to form a dummy runway have caused some damage but rehabilitation has now been agreed with Ministry of Defence and plans to redevelop the RAF base will result in long-term improvements for the bogs and their catchments.

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
Irthinghead Mires	<p>Ramsar Oct 1986</p> <p>A composite site embracing seven separate areas of mire, within Carlisle District and Northumberland.</p>	<p>Ramsar criterion 1: Supports an outstanding example of undamaged blanket bogs which are characteristic of the vegetation of upland north-western Britain. Most English (and many Scottish) blanket bogs have been extensively degraded by afforestation, burning, agricultural drainage and overgrazing. The Irthinghead Mires are one of few examples of this vegetation type in a near-natural state. There is also good representation of different topographic mire type and surface patterning.</p> <p>Ramsar criterion 2 A notable variety of <i>Sphagnum</i> mosses.</p> <p>Ramsar criterion 3 Butterburn Flow several rare plants, whilst a rare spider, <i>Eboria caliginosa</i>, has been recorded at Coom Rogg Moss.</p>	<p>Appropriate grazing</p> <ul style="list-style-type: none"> • No burning on bog habitat; • Maintenance of water levels and hydrological conditions; • Absence of nutrient enrichment • Absence of atmospheric pollution • High rainfall and low Evapotranspiration; • Bracken and scrub control; • Avoidance of erosion resulting from trampling, vehicles etc. 	<p>Irthinghead Mires comprises a series of five high quality blanket mires, Butterburn Flow, Haining Head Moss, Hummel Knowe Moss, Coom Rigg Moss and Felicia Moss. They occupy various topographical situations including extensive valley-side flows, saddle mires and convex watershed mires. The undamaged state of these mires together with the range of vegetation and morphological mire type makes this an outstanding complex.</p>
<p>Factors currently influencing the site/condition status</p> <p>The 1990 UK National Report stated that research carried out since 1987 had shown the mires to be gradually drying-out as a result of nearby afforestation. Management actions aimed at tackling this problem were being implemented in conjunction with the Forestry Commission.</p>				

Vulnerabilities to change/potential effects of the Local Plan:

Climate change. Latest information shows no adverse factors reported.

Between 550 and 650 new houses are planned for Carlisle between 2020 and 2030. (From 2015-2020 there is an existing 5 year supply). This could lead to a proportional increase in recreational use of the area and in traffic, although many of the sites are remote.

Policy 12 encourages tourism development to support the economy of the area. This could lead to increased visitor pressure in the area.

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
North Pennines Moors	SAC Composite site comprising 11 separate sites in Carlisle District, Northumberland, Durham and North Yorkshire.	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • European dry heaths; • <i>Juniperous communis</i> formations on heaths or calcareous grasslands; • blanket bogs; • petrifying springs with tufa formations; • siliceous rocky slopes with chasmophytic vegetation; • old sessile oak woods with <i>ilex</i> and <i>blechnum</i>. <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i>; • Calaminarian grasslands of the <i>violetalia calaminariae</i>; • <i>Siliceous alpine and boreal grasslands</i>; • semi-natural dry grasslands and scrubland facies: on calcareous substrates; • alkaline fens; • siliceous scree of the montane to snow levels (<i>androsacetalia alpinae</i> and <i>galeopsietalia ladani</i>); • calcareous rocky slopes with 	<p>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.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> • 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 and habitats of qualifying species rely; • the populations of qualifying species; • the distribution of qualifying species within the site. 	<p>Bogs. Marshes. Water fringed vegetation. Fens (41%) Heath. Scrub. Maquis and garrigue. Phygrana (32%) Dry grassland. Steppes (26.5%) Broad-leaved deciduous woodland (0.5%).</p>

		<p>chasmophytic vegetation.</p> <p>Annex II species present as a qualifying feature, but not a primary reason for site selection;</p> <ul style="list-style-type: none"> marsh saxifrage. 		
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Factors currently influencing the site/condition status:
 Excessive livestock grazing. Drainage of bogs. Over intensive and inappropriate burning.

Vulnerabilities to change/potential effects of the Local Plan:
 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 dependant 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 (e.g. 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. Recreational activity may be problematic but is addressed through Site Management Statements and through continuing working with Local Authorities to manage access. There is evidence that acidic and nitrogen deposition are having damaging effects on the vegetation and hence on the bird populations. Such issues are being addressed through existing pollution control mechanisms. Within this large site there is scope to enhance many of the more natural habitats and species whilst maintaining the core SPA interests.

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
North Pennines Moors	SPA Feb 2001 Composite site within Carlisle District, Northumberland, Durham and North Yorkshire.	ARTICLE 4.1 QUALIFICATION (79/409/EEC) During the breeding season the area regularly supports: Hen harrier (<i>Circus cyaneus</i>) 2.2% of the GB breeding population Count as at 1993 and 1994 Merlin (<i>Falco columbarius</i>) 10.5% of the GB breeding population Estimated population Peregrine (<i>Falco peregrines</i>) 1.3% of the GB breeding population Count as at 1991 Golden plover (<i>Pluvialis apricaria</i>) (North-western Europe - breeding) at least 6.2% of the GB breeding population Estimated population	Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive. Subject to natural change, to maintain or restore: <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features; • The structure and function of the habitats of the qualifying features; • The supporting processes on which the habitats of the qualifying features rely; • The populations of the qualifying features; • The distribution of the qualifying features within the site. 	The site is situated in Cumbria, County Durham, Northumberland and North Yorkshire and includes parts of the moorland massif between the Tyne Gap (Hexham) and the Ribble-Aire corridor (Skipton). It encompasses extensive tracts of semi-natural moorland habitats. The site is of European importance for several upland breeding species, including birds of prey and waders. The southern end of the SPA is within 10 km of the South Pennine Moors SPA which supports a similar assemblage of upland breeding species. North Pennine Moors subsumes Moor House SPA, a site subject to separate classification.

Factors currently influencing the site/condition status:

North Pennine Moors SAC and SPA comprises sixteen component SSSI's. During the most recent Condition Assessment process, 9.8% of the component SSSI's combined were classified as 'area favourable,' 89.22% were classified as 'unfavourable recovering,' 0.5% were classified as 'unfavourable no change' and 0.4% were classified as unfavourable declining.' Between the condition assessments of 2011 and 2012 the following sites have either improved or declined.

Vulnerabilities to change/potential effects of the Local Plan:

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 dependant 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 (e.g. 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. Recreational activity may be problematic but is addressed through Site Management Statements and through continuing working with Local

Authorities to manage access. There is evidence that acidic and nitrogen deposition are having damaging effects on the vegetation and hence on the bird populations. Such issues are being addressed through existing pollution control mechanisms. Within this large site there is scope to enhance many of the more natural habitats and species whilst maintaining the core SPA interests.

Site	Designation Status and date	Qualifying interests	Conservation Objectives	Site summary
North Pennine Dales Meadow	<p>SAC April 2005</p> <p>Carlisle District, Durham; Lancashire; North Yorkshire; Northumberland.</p>	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • mountain hay meadows. <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • <i>molinia</i> meadows on calcareous peaty or clayey-silt-laden soils. 	<p>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.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> • 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 and habitats of qualifying species rely; • the populations of qualifying species; • the distribution of qualifying species within the site. 	<p>The site comprises a total area of approximately 497 hectares. Individual designated sites are located across the administrative boundaries of Cumbria, Durham, North Yorkshire, Northumberland and Lancashire</p> <p>The series of isolated fields that comprise this SAC encompass the range of variation exhibited by Mountain hay meadows in the UK and contains the major part of the remaining UK resources of this habitats type. The grasslands included within the SAC exhibit very limited effects of agricultural improvement and show good conservation of structure and function. A wide range of rare and local meadow species are contained within the meadows.</p>

Factors currently influencing the site/condition status:

The North Pennine Dales Meadows SAC comprises nine component SSSI's. During the most recent Condition Assessment process, 77% of the component SSSI's combined were classified as 'area favourable,' 18% were classified as 'unfavourable recovering,' and 5% were classified as 'unfavourable no change.' The status of the SSSI's have not changed between the condition assessments of 2011 and 2012 and no reason has been recorded for adverse condition.

However, from examination of the UK Air Pollution Information System it can be seen that North Pennine Dales Meadows SAC is currently subject to poor air quality.

Vulnerabilities to change/potential effects of the Local Plan:

These grasslands are dependent upon traditional agricultural management, with hay-cutting and no or minimal use of agrochemicals. Such management is no longer economic. Management agreements and ESA payments are being used to promote the continuation of traditional management. The refining of the prescriptions underpinning these schemes in the light of the findings of monitoring programmes is an important, continuing, part of delivering favourable condition.

Site	Designation Status/date; Location	Qualifying interests	Conservation Objectives	Site summary
Walton Moss	SAC April 2005 Carlisle District.	Annex I habitats that are a primary reason for selection of this site: <ul style="list-style-type: none"> • active raised bogs (priority feature); • degraded raised bogs still capable of natural regeneration. 	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: <ul style="list-style-type: none"> ➤ 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 and habitats of qualifying species rely; ➤ The populations of qualifying species; ➤ The distribution of qualifying species within the site. 	Bogs. Marshes. Water fringed vegetation. Fens (99%) Humid grassland. Mesophile grassland (1%) Active raised bogs for which this is considered to be one of the best areas in the United Kingdom. Degraded raised bogs still capable of natural regeneration for which this is considered to be one of the best areas in the United Kingdom.

Factors currently influencing the site/condition status:

Management of the unit appears to be favourable. The site is a National Nature Reserve. The whole of the NNR and the wider SSSI is open access land (under the Countryside and Rights of Way Act 2000 (CROW), the public can walk freely on mapped areas of mountain, moor, heath, downland and registered common land without having to stick to paths).

Vulnerabilities to change/potential effects of the Local Plan:

Significant portions of this site support mire vegetation in near-favourable condition. Walton Moss includes land managed as a National Nature Reserve. Remedial measures will be necessary to enable its recovery to favourable conservation status from damage caused by previous land-drainage operations and inappropriate grazing regimes. A hydrological monitoring regime is in preparation to inform remedial measures and grazing on the site has been tackled by enclosure and by Countryside Stewardship agreements.

Site	Designation Status/date; Location	Site summary
Bolton Fell Moss	<p>Site of Community Importance, and cSAC 2009. This accords European wide importance to Bolton Fell Moss and places duties on the UK government to restore the moss in accordance with its obligations under European law.</p> <p>Carlisle District, parishes of Hethersgill, Walton and Stapleton.</p>	<p>In 2009 Bolton Fell Moss was designated as a Site of Community Importance (SCI) by the European Union. This means it will ultimately become a Special Area of Conservation (SAC), placing a duty on the UK Government - under European Law - to restore it.</p> <p>In November 2013 planning permission was granted to Natural England for:</p> <ul style="list-style-type: none"> (i) the change of use of the land from active mineral operation, agricultural grazing land or no formal use to use as a nature reserve for the restoration of degraded peat to favourable conservation status including a small car park at Kernahill and (ii) Engineering works to provide ground form and drainage to retain water within cells which will be used to support the growth of sphagnum
<p>Factors currently influencing the site/condition status:</p> <p>Much of Bolton fell Moss has been cut-over or milled leaving a bare peat surface.</p> <p>The aim of restoration on Bolton Fell Moss is, through the manipulation of hydrology, removal of non-target vegetation and the reintroduction of target vegetation, to re-establish an active peat forming mire surface within 30 years. The key to achieving this is to stop peat extraction and to re-establish a water table which will range between 10cm below and 10cm above ground level.</p>		
<p>Vulnerabilities to change/potential effects of the Local Plan:</p> <p>Afforestation, agriculture or visitor pressure. All of these damaging operations compromise the hydrological integrity of the bog leading to further degradation.</p>		

5.0 The Screening Process

- 5.1 A key part of the Habitats Regulations Appraisal is the 'screening process'. This determines whether an 'appropriate assessment' is required. It is important to remember that an 'appropriate assessment' is only required where the plan making body determines that the plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.
- 5.2 In screening the Preferred Options of the CDLP, it is important to be aware of the nature of the Plan. The Plan sets out a spatial portrait of the District which describes what the area is like now, and identifies the key economic, social and environmental characteristics of both the rural and urban parts of the area. It also sets out the Council's planning policies in the following areas:
- Spatial Strategy and Strategic Policies;
 - Economy;
 - Housing;
 - Infrastructure;
 - Climate Change and Flood Risk;
 - Health, Wellbeing and Community;
 - Heritage;
 - Green Infrastructure.
- 5.3 The Preferred Options also sets out allocations of land for housing and other development.
- 5.4 The following table records the categories which have been used to screen the policies and proposals of the Local Plan, preferred options stage.

Table 2 – policies screened out as not likely to have a significant effect on a European site

The purpose of this screening is to identify whether, and if so which, aspects of the Plan should be subject to further appraisal, because they would be likely to have a significant effect on one or more European sites, taking account of mitigation measures which can be incorporated into the Plan as part of the appraisal process.

Interpretation of a likely significant effect – a likely effect is one that cannot be ruled out on the basis of objective information. The test is a ‘likelihood’ of effects rather than a ‘certainty’ of effects. In case law (Waddenzee) it has been ruled that a project should be subject to appropriate assessment “*if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site, either individually or in combination with other plans and projects*”. Therefore ‘likely’ for the purpose of this appraisal has been interpreted as meaning whether a significant effect can objectively be ruled out.

The European Commission in its own guidance on the application of the test of whether a policy is likely to have a ‘likely significant effect’ accepts that policies in a plan that are no more than general policy statements or which express the general political will of an authority can not be likely to have a significant effect on a site (EC 2000 Managing Natura 2000 Sites: the provision of article 6 of the Habitats Directive 92/43/EEC section 4.3.2).

Aspects of the Local Plan (Preferred Options Stage Two) which would <u>not</u> be likely to have a significant effect on a European site.	Identified parts of the Local Plan (Preferred Options Stage Two)
<p>General policy statements:</p> <p>The policies listed are general policy statements or aspirations for growth either generally across the district, or more specific (e.g. university) and have been screened out of the appraisal because they are unlikely to have a significant effect on a European site.</p>	<p>Vision; Objectives; Policy S1 – Sustainable Development; Policy S2 – Spatial Strategy; Policy S6 – Regeneration and Strategic Retail in the City Centre and Botchergate; Policy S7 – University Development; Policy 4 – Primary Shopping Areas;</p>

	<p>Policy 16 – Housing Strategy and Delivery (criteria 1 – 4); Policy 31 – Sustainable Transport; Policy 39 – Development, Energy Conservation and Efficiency;</p>
<p>Parts of the Local Plan excluded from the appraisal because they are not proposals generated by this Plan:</p> <p>This section screens out references to other plans and strategies, and specific proposals for projects referred to in, but not proposed by, the Local Plan.</p>	<p>Para 5.134 – Cumbria County Council ‘Extra Care Housing Strategy 2011-2029’. Para 5.140 - Cumbria County Council ‘Adult Social Care in Carlisle District Plan 2012-14’ Elements of Policy 31 – Sustainable Transport, which relate to the Cumbria Local Transport Plan; Elements of Policy 35 – Foul Water Drainage on Development Sites, which relate to the future development of Wetheral and Great Corby treatment works by United Utilities. Policy 38 – Wind Energy para 7.15 Cumbria County Council ‘Cumbria Renewable Energy Capacity and Deployment Study Sept 2011’; Elements of Policy 49 – Protection of Groundwaters and Surface Waters, particularly:</p> <ul style="list-style-type: none"> • paragraph 8.62 which makes reference to the Eden and Esk Abstraction Licensing Strategy (2013) gives information about how much surface water and groundwater is available for further abstraction from the main rivers and tributaries; • para 8.63 which makes reference to the Environment Agency strategy ‘Underground, Under Threat – The State of Groundwater in England and Wales’. <p>Policy 47 – Safeguarding Zones.</p>
<p>Policies in the Local Plan which protect the natural environment, including biodiversity, or conserve or enhance the natural, built or historic environment:</p>	<p>Policy S5 – Green Infrastructure; Policy 48 – Pollution; Policy 49 – Protection of Groundwaters and Surface Waters; Policy 53 – Hadrian’s Wall World Heritage Site; Policy 54 – Scheduled and Other Nationally Important Ancient Monuments; Policy 55 – Local Listings; Policy 56 – Conservation Areas;</p>

	<p>Policy 57 – Listed Buildings; Policy 58 – Historic Parks and Gardens; Policy 59 – Historic Battlefields; Policy 60 – Landscapes; Policy 61 – Areas of Outstanding Natural Beauty; Policy 62 – Biodiversity and Geodiversity; Policy 63 – Open Space; Policy 64 – Public Rights of Way; Policy 65 – Trees and Hedgerows.</p>
<p>Policies in the Local Plan which will not themselves lead to development or other change:</p> <p>This section screens out policies because they relate to design or other qualitative criteria for development or other kinds of change.</p>	<p>Policy S4 – Design; Policy 18 – Residential Density; Policy 19 – Affordable Housing; Policy 23 – Conversion of Heritage Assets to Housing (Part 1 of Policy); Policy 33 – Broadband Access; Policy 34 – Waste Minimisation and the Recycling of Waste; Policy 35 – Foul Water Drainage on Development Sites; Policy 36 – Planning Obligations; Policy 40 – Flood Risk and Development; Policy 41 – Sustainable Drainage Systems; Policy 44 – Sustaining Rural Facilities and Services; Policy 45 – Access, Mobility and Inclusion; Policy 46 – Planning out Crime.</p>
<p>Policies in the Local Plan which promote development that could not have any conceivable effect on a European site:</p> <p>This section screens out policies because there is no link or pathway between them and the qualifying interests, or would not otherwise undermine the conservation objectives for the site</p>	<p>Policy 5 – Primary Shopping Frontages; Policy 7 – Neighbourhood Shopping Parades; Policy 9 – Shop Fronts; Policy 26 – Large Houses in Multiple Occupation, Subdivision of Dwellings, and Student Accommodation. Policy 32 – Car Parking;</p>
<p>Policies for which effects on any particular European site can not be identified, because the policy is too general:</p> <p>This section screens out policies where it is not known where, when or how the aspect of the Plan may be implemented, or where any potential effects</p>	<p>Policy 10 – Food and Drink; Policy 11 – Arts, Culture and Tourism Development; Policy 12 – Caravan, Camping and Chalet Sites; Policy 13 – Rural Diversification; Policy 21 – Housing for Rural Workers;</p>

may occur, or which European sites, if any, may be affected.

This section includes general, topic related policies, listing general criteria against which planning applications will be judged.

- Policy 22 – Other Housing in the Open Countryside;
- Policy 24 – Development in Residential Gardens;
- Policy 25 – House Extensions;
- Policy 27 – Housing to Meet Specific Needs;
- Policy 29 – Other Uses in Primary Residential Areas;
- Policy 30 – Delivering Infrastructure;
- Policy 42 – Doctors’ Surgeries and Health Centres;
- Policy 43 – Educational Needs;
- Policy 50 – Hazardous Substances;
- Policy 51 – Land Affected by Contamination;
- Policy 52 – Cemetery Provision.

Table 3 below sets out a number of policies which have the potential to result in significant effects on a European site as the policies promote development of a specific type in a specific location. This enables a more accurate assessment of the effects of the proposals, and more specific mitigation can be advised. The aim of this part of the process has been to apply mitigation measures at the screening stage to avoid likely significant effects.

Policy 62 provides overarching protection to European sites as it states that development which would adversely affect or harm the integrity of such sites will be resisted except in exceptional circumstances. However, in line with good practice it is not appropriate to rely entirely on this policy to ensure that the Local Plan meets the requirements of the Habitats Directive. Therefore policy specific mitigation measures are required for some policies in order to ensure that the integrity of European sites is protected.

Table 3 – Policies requiring further explanation before being screened out, or where mitigation measures are proposed.

Remaining aspects of the Local Plan which require more detailed assessment or further information to eliminate the likelihood of a significant effect on a European site. Identified parts of the Local Plan:	Potential Impacts on European Sites:	Mitigation measures proposed; or Objective information provided to enable policy to be screened out:	Screened In/Out
<p>Policy 1 – Employment Land Allocations:</p> <p>This policy makes provision for specific sites to be developed for employment uses over the Plan period, including land at Carlisle Airport.</p>	<p>The allocation at Morton is crossed by Fairy Beck, a tributary of the River Eden SAC.</p> <p>The allocation at Brunthill lies 1.5km from the River Eden SAC.</p> <p>The allocation at Harker lies 2.6km from the River Eden SAC. (Employment site deleted as allocation no longer required)</p> <p>The eastern edge of Carlisle Airport is within 600m of the River Irthing, which forms part of the River Eden SAC. In addition, birds (pink-footed</p>	<p>Development would be unlikely to have a significant effect on the interest features of the SAC provided that a planning condition is imposed on any application that required a 'Construction Environmental Management Plan' (CEMP). The CEMP must include bio-security measures to prevent the introduction of disease and invasive species into the nearby watercourses, and comprehensive measures to protect the water quality of the River Eden catchment.</p> <p>The HRA for the airport application (10/1116) examined in detail the potential impacts of the proposed development during both construction and operation on the SPA</p>	<p>Out</p>

	<p>geese and whooper swans) considered to be part of the Upper Solway Flats and Marshes SPA populations are known to use land around the airport; therefore, SPA interest features could also potentially be impacted by any proposed development.</p> <p>Potential impacts could arise through:</p> <p><i>Construction</i> – development approved under this policy could give rise to temporary local air pollution during construction, and a resulting increase, (on completion) of air pollution from addition vehicle journeys made to the development;</p> <p><i>Water pollution</i> – development arising under this policy could lead to pollution of local watercourses as a result of pollutants in surface water run off from sites under construction and when completed entering either a nearby watercourse directly or via drainage systems that discharge run-off into a watercourse;</p> <p><i>Hydrological changes</i> – development arising under this policy could lead to or contribute towards flooding downstream because of increase volume of surface water run-off;</p> <p><i>Habitats and species disturbance</i> – development under this policy could result in an impact on European sites through increased ambient noise or vibrations during construction, especially at Carlisle Airport.</p>	<p>interest features (pink-footed geese and whooper swans), such as potential impacts of bird-strike and disturbance. The Assessment concludes that <i>“whilst there are still some shortcomings in the information and evidence base provided with the 2010 application, sufficient information has been provided by the applicant for the purposes of this assessment to show that the proposed development will not have an adverse effect on the integrity of the Upper Solway Flats and Marshes SPA. However, to be certain of no future adverse impacts on the integrity of Upper Solway Flats and Marshes SPA, several issues need to be conditioned in any planning permission that may be granted.”</i></p> <p>The assessment of the proposals on the River Eden SAC examines in detail the potential impacts of the proposed development during both construction and operation on the SAC interest features, such as potential impacts of pollution on water quality and of disturbance on otters. The draft Assessment concludes that <i>“sufficient information has been provided by the applicant for the purposes of this assessment to show that there are not likely to be any major barriers to ensuring that the proposed development will not have an adverse effect on the integrity of the River Eden SAC. However, to be certain of no adverse impacts on the integrity of the River Eden SAC, a number of issues regarding potential impacts on the River Eden will need to be conditioned in any planning permission that may be granted”.</i></p> <p>Proposed that additional wording is inserted into Policy 1 as follows:</p> <p><i>‘No development would be considered where the potential effect(s) on any Natura 2000 site(s) cannot be avoided or successfully mitigated by measures specified in a planning condition. In cases where the scope for adverse impacts cannot be completely avoided, such sites would only be considered where these effects can be successfully mitigated using techniques with a</i></p>	
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		<i>demonstrable record of success</i> '.	
<p>Policy 2 – Primary Employment Areas:</p> <p>This policy makes provision for B1, B2 and B8 uses within existing areas defined as being for primary employment purposes. Whilst there will be some change of use applications with no potential for impact on a European site, the policy also makes provision for redevelopment of land and buildings.</p> <p>Primary Employment Areas are located at Kingstown Industrial Estate, Kingmoor Park, Rosehill Industrial Estate, Durranhill Industrial Estate, Pirelli's on Dalston Road, Newtown Industrial Estate, Willowholme and various locations within or close to Denton Holme.</p>	<p>These sites are located mainly in Carlisle and all lie within 1km of close to either the River Petteril, which flows into the River Eden SAC, the River Caldew, (part of the River Eden SAC), or the River Eden itself, with potential secondary effects to the Solway Firth SAC, Upper Solway Flats and Marshes Ramsar and Upper Solway Flats and Marshes SPA.</p> <p>Within Longtown there are three main Primary Employment Areas, including the livestock auction mart, which lies immediately adjacent to the River Esk, which flows into the Solway Firth SAC, Upper Solway Flats and Marshes Ramsar and SPA.</p> <p>Within Brampton there is one main Primary Employment Area, Townfoot Industrial Estate. This site drains into Brampton Beck which is a tributary of the River Irthing, which is part of the River Eden SAC.</p> <p>Possible effects on local hydrology including water abstraction and pollution.</p> <p>Additional road traffic can lead to increased levels of air pollution, water contamination and levels of disturbance.</p> <p>Potential impacts both during construction and operation phases could include:</p> <p>Air pollution – temporary local air pollution during construction and potential increase in emissions once development is completed if end use is more intensive than original use in terms of traffic movement.</p> <p>Water pollution – potential pollution of local water courses from e.g. fuel residue or increased surface water run-off.</p> <p>Habitats and species damage/disturbance –</p>	<p>Mitigation measures during construction would include temporary facilities to prevent dirty water flowing off site.</p> <p>The identified impacts can be mitigated by ensuring that sustainable methods of surface drainage are used, by requiring developers to include SUDS in new developments to mitigate against localised flooding, promote water conservation and help protect water quality.</p> <p>Contaminated water would be expected to drain to a foul sewer or to a storage tank, and clean rainwater would have to be kept separate.</p> <p>In addition to this developers will be required to achieve pre-development greenfield surface water run-off rates when developing greenfield sites, (there are a limited number of greenfield sites within the Primary Employment Area at Kingmoor Park, and Longtown), and a betterment (i.e. improvement of the current situation) on brownfield sites.</p> <p>Policy 35 – Foul Water Drainage on Development Sites ensures that foul and surface water drainage will be managed through two different systems, and that the quality of groundwater and surface water, and associated water based recreation, fishers and biodiversity will be protected against the risk of pollution.</p> <p>The above measures, where necessary, could be included in a Construction Environmental Management Plan (CEMP).</p> <p>Policy 62 – Biodiversity and Geodiversity provides the highest levels of protection for European sites.</p> <p>The policy states that: – Development which would adversely affect or harm the</p>	<p>Out</p>

	<p>potential for increased noise during construction, increased artificial light both during construction and on completion.</p>	<p>integrity of such sites shall be resisted unless an overwhelming need for the development or vital national interest can be demonstrated. Proposals which may have an impact upon a Natura 2000 site must be accompanied by a Habitats Regulations Assessment (HRA). Any site subject to a HRA will not be subject to the presumption in favour of sustainable development.</p> <p>With these measures in place it is considered that the integrity of the European site River Eden SAC and Solway Firth SAC) would not be adversely affected.</p>	
<p>Policy 3 – Mixed Use Areas: This policy recognises that there are certain areas within Carlisle where no one use predominates, and that such areas are characterised by a mix of uses including housing, retail and business uses. The policy makes provision for change of use of buildings in such areas, but also recognises that new build through redevelopment may be possible.</p>	<p>Mixed Use Areas are located within the City Centre around Botchergate, James Street, Charlotte Street and the Viaduct Estate Road, and a number of these areas have boundaries directly adjacent to the River Caldew. There is one mixed use area within Longtown which is 600m from the River Esk, which flows into the Solway Firth SAC 6km away. These sites are identified on the Local Plan policies map.</p> <p>All of these areas lie within 250 metres of the River Caldew, (part of the River Eden SAC), and some sites are immediately adjacent to it, within the river floodplain.</p> <p>Potential impacts include both during construction and operation phases could include: Air pollution – temporary local air pollution during construction and potential increase in emissions once development is completed if end use is more intensive than original use in terms of traffic movement. Water pollution – potential pollution of local water courses from e.g. fuel residue or increased surface water run-off. Habitats and species damage/disturbance – potential for increased noise during construction, increased artificial light both during construction</p>	<p>The identified impacts can be mitigated by ensuring that sustainable methods of surface drainage are used, by requiring developers to include SUDS in new developments to mitigate against localised flooding, promote water conservation and help protect water quality.</p> <p>In addition to this developers will be required to achieve pre-development greenfield surface water run-off rates when developing greenfield sites, (there are a limited number of greenfield sites within the Primary Employment Area at Kingmoor Park, and Longtown), and a betterment (i.e. improvement of the current situation) on brownfield sites.</p> <p>The above measures, where necessary, could be included in a Construction Environmental Management Plan (CEMP).</p> <p>The provisions of Policy 62 – Biodiversity and Geodiversity will ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this policy.</p> <p>With these measures in place it is considered that the integrity of the European site River Eden SAC and Solway Firth SAC) would not be adversely affected.</p>	<p>Out</p>

	<p>and on completion.</p> <p>Potential impacts could arise through the construction and operation phases of any new development, through increased water abstraction, pollution, dust from construction, noise disturbance to river environment, increased traffic.</p>		
<p>Policy 6 – Retail Proposals outside the Primary Shopping Area:</p> <p>This is a criteria based policy which makes provision for retail proposals outside allocated sites only in certain controlled circumstances.</p>	<p>The location of any potential developments arising from this policy are unknown, although they are likely to be within Carlisle but outside the City Centre. Any likely effects on European sites are unable to be recorded.</p>	N/A	Out
<p>Policy 8 – Morton District Centre:</p> <p>This policy makes provision for a foodstore with a capacity of 8175sq m, on a specifically allocated site at Morton.</p> <p>The site already has the benefit of planning permission.</p>	<p>Fairy Beck which is a tributary of the River Eden SAC, lies 200m to the south of the site.</p>	<p>The allocation has planning permission for a foodstore with a capacity of 8 175 sq m. As part of the application, Natural England (NE) was consulted as Fairy Beck lies 200 m to the south of the site.</p> <p>NE (as a consultee on the application) confirmed that in its opinion the proposal would be unlikely to have a significant effect on the interest features of the SAC provided that there was a planning condition imposed that required a 'Construction Environmental Management Plan' (CEMP). The CEMP must include bio-security measures to prevent the introduction of disease and invasive species into the nearby watercourses, and comprehensive measures to protect the water quality of the River Eden catchment.</p> <p>In addition, NE has advised that the mitigation measures (in the planning application EIA) for the reduction of operational impacts on the water environment are also incorporated in the surface water drainage strategy. It is of particular importance to ensure that no pollutants, contaminants or sediments enter water course and impact on the water quality of the River Eden.</p>	Out

<p>Policy 11 – Arts, Culture, Tourism and Leisure Development:</p> <p>This is a criteria based policy which makes provision for a range of leisure developments from small areas on the edges of villages for open space to new facilities within the City such as theatres or art galleries. The policy is not site specific.</p>	<p>As the location of any proposals arising out of this policy are unknown, likely impacts on European sites can not be assessed.</p> <p>Policy has the potential to result in:</p> <ul style="list-style-type: none"> • atmospheric pollution through increased traffic, which could reduce air quality; • increased levels of disturbance - recreational activity, noise and light pollution; • increased levels of abstraction; surface water run-off and sewerage discharge, which could reduce water quality and levels; and • land take, which could lead to the loss and fragmentation of habitats. 	<p>The provisions of Policy 62 – Biodiversity and Geodiversity will ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this policy.</p>	<p>Out</p>
<p>Policy 14 – Agricultural Buildings:</p> <p>Carlisle has a large rural area where farming is the predominant industry. This policy makes provision for new farm buildings and other structures such as slurry lagoons or silage clamps.</p>	<p>This policy has the potential to result in:</p> <ul style="list-style-type: none"> • increased land take which could lead to the loss and fragmentation of habitats; • farm waste leaking into habitats, rivers and streams which could reduce habitat quality, and water quality and levels; • increased numbers of livestock impacting on habitats; • increased use of agri-chemicals including fertilisers. <p>Nitrogen deposition leads to over-enrichment and acidification of sensitive soils, habitats and fresh waters comes from agricultural ammonia. Defra statistics show that nitrogen losses from agricultural land are estimated to account for over half of nitrogen entering surface waters. Pollution of water courses by nitrogen arises from the application of organic manures and inorganic fertilizers to pasture and arable land.</p> <p>Given the distribution of European sites within the rural areas of the district, this policy has the potential to lead to development which may have a likely significant effect on a European site.</p>	<p>The Water resources (control of pollution) (silage, slurry and agricultural fuel oil) (England) regulations 2010 and as amended 2013 (SSAFO) aim to prevent water pollution from stores for silage, slurry and agricultural fuel oil.</p> <p>They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20 year life expectancy.</p> <p>The Environment Agency (EA) must be notified in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before any construction begins.</p> <p>The EA carry out checks on water quality of rivers and streams, and are able to prosecute where necessary.</p> <p>The following wording should be added to the policy to mitigate against likely significant effects:</p> <p>“Any proposal that may lead to likely significant effects on</p>	<p>Out</p>

		<p>a European site will only be permitted where no adverse effects on the integrity of the site can be shown”.</p> <p>Additional paragraph inserted into the text as follows:</p> <p>4.90 Agriculture can impact air and water quality through the spreading of slurries and manures, and housed livestock. The main emissions from agriculture that are of concern include ammonia as high levels can cause localised nutrient enrichment, harming native plant species that require nutrient-poor conditions. About two-thirds of the nitrogen deposition that leads to over-enrichment and acidification of sensitive soils, habitats, and fresh waters comes from agricultural ammonia. In addition, agricultural methane results from the digestive processes of livestock, with the remainder coming from animal waste, and agricultural nitrous oxide emissions arise from the use of inorganic nitrogen fertilisers and the storage of manures.</p> <p>These measures together with the provisions of Policy 62 – Biodiversity and Geodiversity will ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this policy.</p>	
<p>Policy 15 – Equestrian Development:</p> <p>This policy makes provision for development relating to the development of stables, horse riding arenas and riding centres in the rural areas of the district.</p>	<p>Carlisle district contains a large rural area. Horse riding and keeping is a popular leisure and business activity.</p> <p>This policy has the potential to result in:</p> <ul style="list-style-type: none"> • increased land take which could lead to the loss and fragmentation of habitats; • equestrian waste leaking into habitats, rivers and streams which could reduce habitat quality, and water quality and levels. <p>Given the distribution of European sites within the rural areas of the district, this policy has the potential to lead to development which may have</p>	<p>The Environment Agency issue permits for the disposal of horse manure and other types of waste. Such waste is regulated through the Environmental Permitting (England and Wales) Regulations 2010.</p> <p>The storage or spreading of horse waste near to water can be harmful to both the environment and human health. This operation has to comply with Nitrate Vulnerable Zones (NVZ) and groundwater legislation if land falls under their remit when spreading either manure or slurry.</p> <p>These measures together with the provisions of Policy 62 – Biodiversity and Geodiversity will ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this</p>	<p>Out</p>

	a likely significant effect on a European site.	policy.	
<p>Policy 16 – Housing Strategy and Delivery:</p> <p>This first part of this policy has been screened out in Table 1 above.</p> <p>The second part of the policy allocates 22 sites within Carlisle and 22 sites within the rural area for housing development.</p> <p>Of these, the following sites could have potential impacts on a European site due to proximity to sites or potential pathways for potential impacts:</p> <p>Carl 8 – land north of Burgh Road; Carl 13 – former Printworks, Newtown Industrial Estate; Dals 1 – land between Station Road and Townhead Road; Weth 1 – Wetheral South; Weth 2 – land west of Steele’s Bank; Warw 1 – Warwick Bridge/Little Corby north; Lins 1 – Linstock north; Rick 1 – land at Tower Farm.</p>	<p>The River Eden SAC enters the District on its southern boundary and crosses the city from east to west before it enters the Upper Solway Flats and Marshes SAC/SPA Ramsar site. As such there are a number of tributaries which are either part of the SAC or drain into the SAC which are also within or on the edge of the district.</p> <p>Development enabled by this policy has the potential to result in:</p> <ul style="list-style-type: none"> - Atmospheric pollution through increased traffic, which could reduce air quality. Traffic emissions contribute to atmospheric nitrogen deposition levels. Therefore whilst housing development on greenfield sites has the potential to reduce agricultural nitrogen deposition levels, there is likely to be an increase in traffic. This can lead to the eutrophication and/or acidification of sensitive ecosystems. <p>The accepted distance below which air pollution from traffic is likely to be an issue for a European site is 200m. Whilst there are no proposed housing allocations accessed from roads which lie within this distance, there are two existing bridges which cross the River Eden SAC, (Eden Bridge just north of the City Centre, and the western bypass crossing at Knockupworth). Housing increases generally across the city will have the potential to increase traffic on these routes.</p> <p>The River Eden SAC is vulnerable to nutrient run-off. Water-crowfoot communities as well as the species are sensitive to water quality, particularly eutrophication. This is being addressed by a</p>	<p>The sites identified in this table are all within close proximity to the River Eden SAC (or tributaries of the SAC). The relevant conservation objectives are set out earlier in this document, and include maintaining the quality of the river system and favourable habitat conditions for a range of species including otters.</p> <p>Atmospheric pollution mitigation - Local Plan Policy 31 aims to develop more sustainable transport measures across the district. To reduce reliance on the private car, new development is expected to provide safe and convenient access to cyclists and pedestrians, together with convenient access to public transport. In addition, developers will be encouraged to include sustainable vehicle technology such as electric vehicle charging points within a development. This policy is fully NPPF compliant in that it seeks to promote proposals which would result in reductions in greenhouse gas emissions and congestion.</p> <p>Mitigation is expected to be required to ensure no adverse impact on the integrity of the SAC. The mitigation measures will include the normal requirements of planning permissions enabled under this policy, specifically conditions requiring the following:</p> <ul style="list-style-type: none"> • sufficient pollution prevention measures will need to be included in the detailed surface water drainage plans, and employed on site both during the construction period, and on completion of the development, in order to not impact on the interest features of the European site; • runoff rates from the sites remain at greenfield rates; • that potentially contaminated runoff is intercepted via SUDs ponds so that only clean runoff enters tributaries or the River Eden; <p>In particular, for sites Carl 8 and Carl 13:</p>	Out

	<p>number of measures including a conservation strategy with actions to address river quality issues, and a partnership approach to funding habitat improvements.</p> <p>The 2012 Air Quality Action Plan (AQAP) for Carlisle states that nitrogen dioxide levels are monitored across the district, and there is one continuous analyser on Eden Bridge which monitors NO2 concentrations every hour. As a result of NO2 exceedences there are 6 air quality management areas across the city. The AQAP sets out measures that the Council intends to take, along with its partners, in order to achieve a reduction in nitrogen dioxide concentrations. These measures include:</p> <ul style="list-style-type: none"> • improvements to the road network and traffic management; • reducing overall emissions from road vehicles • implementation of land use and development control policies • reducing emissions from non-transport related sources • raising awareness of air quality issues • encouraging walking, cycling and the use of public transport . <p>- Increased levels of disturbance - recreational activity, noise and light pollution. The majority of European sites referred to in this HRA are located considerable distances from main population centres where additional housing is proposed. These sites are not currently under particular pressure from recreational use, or even accessible to the public. However, the River Eden SAC crosses the City from east to west and is incorporated into the two main public parks, Rickerby Park and Bitts Park. Rickerby Park is a</p>	<ul style="list-style-type: none"> • development proposals for these sites at the planning applications stage should maintain and enhance otter habitat, and the need to include a wildlife buffer along the northern boundaries of these sites should be assessed; • development proposals for these sites at the planning applications stage would need to include habitat surveys for otters. <p><u>Recreational disturbance mitigation</u> – the overall scale of housing proposed in Policy H16 has been reduced from 665/yr to 565/yr over the Plan period. Therefore the overall target for the Plan period will be 1500 fewer homes, therefore reducing the overall potential recreational pressure.</p> <p>Sites Carl 8 and Carl 13 are nearest to the public footpaths which border the River Eden, and these sites combined make provision for approximately 100 houses.</p>	
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	<p>natural park grazed by cattle and sheep. There is both pedestrian and vehicular access. Activities include walking, fishing, informal swimming and the Hadrian's Wall National Trail passes through the park. Bitts Park is a formal park accessible on foot. Whilst most of the activities such as play areas, tennis, bowling, putting green etc take place well away from the river, there is a riverside walk, and the Hadrian's Wall National Trail passes through the park.</p> <p>The Solway Firth SAC/SPA, and the Upper Solway Flats and Marshes SPA/Ramsar lie approximately 8km from the edge of Carlisle. The northern part of this designation (Rockcliffe Marsh) has no public access. The southern part, (Burgh Marsh), is open access land, and is grazed by cattle and sheep. However, deep water channels which dissect the marsh, lack of parking or any other facilities, and the mud flats at the shoreline mean that this location is not especially attractive to walkers, as it can be both difficult and dangerous terrain.</p> <ul style="list-style-type: none"> • increased levels of abstraction; surface water run-off and sewerage discharge, which could reduce water quality and levels; and • land take, which could lead to the loss and fragmentation of habitats. 	<p>It is considered that the proposed mitigation measures will minimise the risk of a likely significant effect on the river's interest features. It is proposed that these mitigation measures are incorporated into the Local Plan within Policy 16, as part of the detailed text which is appended to each site.</p> <p>In addition it is considered that the following wording should be inserted in Policy 16:</p> <p><i>'No development would be considered where the potential effect(s) on any Natura 2000 site(s) cannot be avoided or successfully mitigated by measures specified in a planning condition. In cases where the scope for adverse impacts cannot be completely avoided, such sites would only be considered where these effects can be successfully mitigated using techniques with a demonstrable record of success'.</i></p> <p>It is considered that these measures together with the provisions of Policy 62 – Biodiversity and Geodiversity will ensure the highest level of protection for any European Sites potentially affected by development proposals arising from this policy.</p>	
<p>Policy 17 – Housing Development (Not on Allocated Sites):</p> <p>this policy makes provision for windfall housing development, i.e. on sites that are not specifically allocated in 19 above. The scale of such housing is likely to be</p>	<p>As the location of any proposals arising out of this policy are unknown, likely impacts on European sites can not be assessed. Development enabled by this policy has the potential to result in:</p> <ul style="list-style-type: none"> • atmospheric pollution through increased traffic, which could reduce air quality; • increased levels of disturbance - recreational 	<p>Previous planning applications for housing have been successfully conditioned so that the proposal have not been likely to have a significant effect on the interest features for which nearby designated sites have been classified.</p> <p>It is considered that these measures together with the provisions of Policy 64 – Biodiversity and Geodiversity will</p>	<p>Out</p>

significantly smaller than that of the allocated sites above.	<p>activity, noise and light pollution;</p> <ul style="list-style-type: none"> increased levels of abstraction; surface water run-off and sewerage discharge, which could reduce water quality and levels; and land take, which could lead to the loss and fragmentation of habitats. 	ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this policy.	
<p>Policy 20 – Rural Exception Sites:</p> <p>this policy makes provision for affordable housing on small sites where open market housing would not be acceptable, subject to certain qualifying criteria.</p>	<p>As the location of any proposals arising out of this policy are unknown, likely impacts on European sites can not be assessed.</p> <p>Any development under this policy is likely to be small in scale</p> <ul style="list-style-type: none"> increased levels of abstraction; surface water run-off and sewerage discharge, which could reduce water quality and levels; and land take, which could lead to the loss and fragmentation of habitats. 	<p>Previous planning applications for housing have been successfully conditioned so that the proposal have not been likely to have a significant effect on the interest features for which nearby designated sites have been classified</p> <p>It is considered that these measures together with the provisions of Policy 62 – Biodiversity and Geodiversity will ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this policy.</p>	Out
<p>Policy 23 – Conversion of Heritage Assets to Housing. Housing as Enabling Development:</p> <p>Part two of this policy makes provision for new housing development. Such development is likely to be small in scale.</p>	<p>As the location of any proposals arising out of this policy are unknown, likely impacts on European sites can not be assessed.</p> <p>Any development under this policy is likely to be small in scale</p> <ul style="list-style-type: none"> increased levels of abstraction; surface water run-off and sewerage discharge, which could reduce water quality and levels; and land take, which could lead to the loss and fragmentation of habitats. 	<p>Previous planning applications for housing have been successfully conditioned so that the proposal have not been likely to have a significant effect on the interest features for which nearby designated sites have been classified</p> <p>It is considered that these measures together with the provisions of Policy 64 – Biodiversity and Geodiversity will ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this policy.</p>	Out
<p>Policy 28 – Traveller and Travelling Showpeople Provision:</p> <p>This policy makes provision for additional traveller pitches subject</p>	<p>A county wide travellers' accommodation needs assessment has recently been undertaken. This highlights the need for an additional four pitches within Carlisle District over the next 18 years.</p> <p>The potential effects of development on European</p>	<p>Sites will be located to minimise the potential for any likely significant effects on a European site.</p> <p>It is considered that these measures together with the</p>	Out

<p>to certain qualifying criteria.</p>	<p>sites would be more appropriately addressed at the project level, once the location of these sites has been verified.</p>	<p>provisions of Policy 62 – Biodiversity and Geodiversity will ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this policy.</p>	
<p>Policy 37 – Renewable Energy</p> <p>This policy reflects the Council’s commitment to enabling renewable energy proposals to come forward. Such proposals have to satisfy a number of criteria.</p>	<p>As the location of any proposals arising out of this policy are unknown, likely impacts on European sites can not be assessed.</p>	<p>Any proposals must satisfy 9 criteria, of which criteria 6 states:</p> <p><i>“there would be no unacceptable levels of harm to features designated as of local, national or international importance”.</i></p> <p>It is considered that this criteria together with the provisions of Policy 62 – Biodiversity and Geodiversity will ensure the highest level of protections for any European Sites potentially affected by development proposals arising from this policy.</p>	<p>Out</p>

<p>Policy 38 – Wind Energy:</p> <p>This policy allows the development of wind turbines, subject to such proposals satisfying 8 criteria.</p>	<p>As the location of any proposals arising out of this policy are unknown, likely impacts on European sites can not be assessed.</p> <p>However, large parts of the District are covered by safeguarding zones relating to civil or military aviation and/or other defence assets such as RAF Spadeadam, the Eskdalemuir Seismic Recording Station, and the VLF transmitter at Skelton.</p>	<p>Any proposals for wind turbines will be assessed against a range of criteria in the policy, of which criteria 3 states:</p> <p><i>“effects on nature conservation features, habitats, biodiversity and geodiversity, including sites, habitats and species”.</i></p> <p>Para 7.22 of the policy states:</p> <p><i>“Development in or likely to have an unacceptable impact on nationally and internationally designated sites will be restricted even if the above criteria are met. However, projects may be allowed in these areas if it can be demonstrated that the wider environmental, social and economic benefits outweigh any adverse effects”.</i></p>	<p>Out.</p>
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6.0 Consideration of likely significant effects in combination

- 6.1 The requirement in the Directive is to undertake an appropriate assessment of a plan if it would be likely to have a significant effect on a European site *“either individually or in combination with other plans or projects”*. The Directive recognises that in some cases the effects of a plan on its own would be either unlikely or insignificant. Nevertheless the Directive also recognises that there may be a number of plans or projects, each of which would be unlikely to have a significant effect alone, but which, if their individual effects were to be added together, the effects in combination would be likely to be significant. The ‘in-combination’ test is therefore about assessing cumulative effects.
- 6.2 The following table shows an assessment of other plans and policies which might, in combination with the Carlisle District Local Plan (preferred options), result in a likely significant effect on a European site:

Table 4 – Potential in-combination effects with other plans or projects

Plan or project	Summary	HRA completed for Plan?	Potential for in-combination effects
Draft Cumbria Minerals and Waste Local Plan 2013	This plan considers municipal waste management, sand and gravel extraction, coal mining, radioactive waste, wastewater treatment and quarrying etc for the County of Cumbria.	Yes	<p>Identifies Willowholme, Carlisle as a waste treatment facility; Kingmoor Park East as Energy from Waste plant; Hespian Wood, Todhills, as landfill; Cardewmires, Cardewlees as a sand and gravel quarry, and Silvertop Quarry, Hallbankgate, Brampton as a limestone quarry with a proposed area of search for a small extension.</p> <p>There is the potential for new development allocated in the Carlisle District Local Plan to increase the use of these sites.</p> <p>The HRA concludes that both quarries would not adversely affect the integrity of the adjacent European sites.</p> <p>For the other sites the HRA concludes that drainage mitigation measures and containment of wastes, and habitat surveys with maintenance and enhancement measures are needed to avoid contaminated water flowing into the River Eden SAC.</p> <p>No in combination effects with the Local Plan are predicted.</p>
Cumbria Wind Energy SPD	Adopted by the City Council in 2008 to help guide the siting and design of turbines, and to indicate the capacity of each landscape character type within Cumbria for wind energy.	No	<p>None. Local Plan Policy 38 – Wind Energy was drafted having regard to the SPD. Paragraph 7.16 of the Local Plan states that development proposals should take into account the policies in the SPD.</p> <p>No in combination effects with the Local Plan are predicted.</p>
North Pennines AONB Management Plan	Statutory Plan for formulating policy for management of AONB and for carrying out local authority functions in relation to it.	No	The Management Plan aims to ensure that any plans or projects do not have a significant adverse impact on the important features of SACs/SPAs therefore no in combination effects with the local Plan are predicted.
Solway Coast AONB Management Plan	Statutory Plan for formulating policy for management of AONB and for carrying out local authority functions in relation to it.	No	The Plan seeks to address the issues associated with managing the biodiversity interest found throughout the AONB. Therefore no in combination effects with the Local Plan are predicted.

Carlisle Air Quality Management Plan 2012	This action plan fulfils Carlisle City Council's responsibility to act in pursuit of the achievement of air quality objectives in the designated Air Quality Management Areas.	No	The Plan sets out measures to achieve a reduction in nitrogen dioxide (NO2) concentrations, required in order to meet the annual average objectives for this pollutant set by the government. The action plan measures seek to manage and continuously improve air quality at a local level whilst providing the level of access and development needed to maintain a vibrant, attractive and prosperous city. Therefore no in-combination effects with the Local Plan are predicted.
The Hadrian's Wall Management Plan 2008-2014	Provides a framework for the management of the site. Addresses the issues, challenges and opportunities that face the site.	None found	None – plan aims to protect the integrity of the heritage asset and its setting therefore no in combination effects with the Local Plan are predicted.
Dumfries and Galloway Interim Planning Policy – Wind Energy Development 2012;	The Policy identifies a number of areas which could be suitable for wind turbines over 50 meters in height subject to a number of considerations which are outlined and which against proposals will be assessed	Yes	Specific caveats included in Policies WEP2 and WEP3, (which are all supportive of wind energy developments), as follows: Proposals will be considered favourably provided they have no adverse effects either alone or in combination on the integrity of any Natura site. Therefore no in combination effects with the Local Plan are predicted.
Cumbria Local Transport Plan 2011-2026	Statutory planning document that sets out the County Council's vision, strategy and policies for transport. It also describes the approaches and measures that will be taken to implement these policies in each of the Council's Local Committee areas over the course of the Plan	Sustainability Appraisal of the Plan undertaken.	The key priority in the LTP for the city of Carlisle is to encourage development that supports diversification of the city's economy, as a key employment area (including Kingmoor Park and Durranshill), and as an important shopping centre (extending the quality of retail offer). The Local Plan is the vehicle for delivering the spatial aspects of the LTP, and these aspects have therefore been considered as part of the HRA process. Therefore no in combination effects with the Local Plan are predicted.

Allerdale Local Plan (Part 1) 2013	The Allerdale Local Plan contains planning policies for the use and development of land up to 2028. The Plan covers the parts of Allerdale that are outside the Lake District National Park.	Yes	<p>The Solway Firth SAC/SPA and the Upper Solway Flats and Marshes Ramsar crosses the boundary between Allerdale and Carlisle district.</p> <p>The Allerdale Local Plan does not allocate sites for development. The spatial aspects of the strategic and DM policies in the Plan have been assessed as part of the Allerdale Plan HRA process, and no in combination effects with Carlisle Local Plan have been identified.</p>
Eden Draft Housing and Employment Preferred Sites and Policies 2013 – this document will be added to the Core Strategy to form a full Local Plan	These plans allocate sites for housing and employment in Eden outside the Lake District National Park. They also include a number of policies which will be used to determine planning applications for housing and employment development.	Yes	<p>The River Eden SAC flows through Eden District and into Carlisle District, crossing the City. There are a number of villages along the Eden in both districts which either have small housing allocations identified, or where windfall housing would be acceptable. There are therefore implications for water abstraction and pollution. Drainage mitigation measures for allocated sites would prevent contaminated water flowing into the River Eden SAC.</p> <p>In combination effects are unlikely due to the locations of the sites and the scale of the proposals, together with the mitigation measures proposed in the Plan.</p>
Dumfries and Galloway Proposed Local Development Plan	Provides planning guidance on the type and location of development that can take place in the region.	Yes	Policies ED3 The Crichton Quarter and ED4 Chapelcross, individually may have minor residual effects on the Solway Firth SAC, but in combination with other plans and projects may have a likely significant effect. The potential effect arises from run-off from development on these sites, contaminating watercourses that flow into the SAC and adversely affecting populations of river and/or sea lamprey. The boundary of the SAC is over 1km away from the potential development site at The Crichton and over 4km at Chapelcross, both fish species are likely to use watercourses outwith the boundary of the SAC, closer to the development sites. The individual effects are considered minimal in both cases because there is existing legislation in place to limit contamination of watercourses, the area of the SAC is very small in relation to the entire designated site, and no important lamprey watercourses are known at either location. All of these mitigating factors would still apply in the event of development taking place at both sites simultaneously. Therefore the in-combination effects remain only minor residual effects.

County Durham Plan Preferred Options	The Plan allocates sites for various types of development, sets criteria for determining planning applications, and establishes how community and other corporate plans and strategies will be implemented through local spatial planning, including waste and minerals.	Yes	The North Pennines Moors SAC and SPA, and the North Pennines Dales Meadows SAC both comprise a large number of individually designated sites which cross a number of local planning authority boundaries. Whilst there are no housing allocations in either local plan within at least 10km of these sites, there is the potential for increased visitor pressure from policies encouraging tourism and tourist related facilities. Due to the remoteness of these sites and general lack of public access, no in combination effects are predicted.
Northumberland Local development Plan, (Core Strategy) preferred options.	Will be the overarching spatial plan for County, excluding the Northumberland National Park, guiding future development and land use planning decisions to 2030.	Yes	The Border Mires SAC and Irthinghead Mires Ramsar. Whilst there are no housing allocations in either local plan within at least 10km of the above sites, there is the potential for increased visitor pressure from policies encouraging tourism and tourist related facilities. Due to the remoteness of these sites and general lack of public access, no in combination effects are predicted.
Eden and Esk Catchment Abstraction Management Strategy 2006	Includes whole of Carlisle Local Plan area, together with Eden District and parts of Allerdale.	No	Strategy states the need to assess the effects of existing abstraction licences and any new applications to make sure they are not adversely impacting on internationally important nature conservation sites. Therefore no in combination effects predicted.
Eden Catchment Flood Management Plan	Includes part of Carlisle Local Plan area	No	Plan makes reference to European sites, most significant being the River Eden itself and the Upper Solway Flats & Marshes SAC; these lie at the confluence of the Eden with the Solway Firth. Unknown

7.0 Mitigation

- 7.1 In order to comply with the Habitats Regulations it is important that the Local Plan states clearly that no individual development site should be considered where there is potential for direct and/or indirect or in-combination adverse impacts on qualifying features of Natura 2000 sites. Natural England has previously advised that in order to achieve that compliance there would need to be a stated commitment to meeting the requirements of the Habitats Regulations incorporated within the Local Plan.

7.2 It is therefore recommended that a more definitive statement is required within both Policy 1 Employment and Commercial Growth Land Allocations and Policy 16 Housing Strategy and Delivery to make it clear that the first priority should be to avoid development which could have an adverse effect on Natura 2000 sites, as follows:

'No development would be considered where the potential effect(s) on any Natura 2000 site(s) cannot be avoided or successfully mitigated by measures specified in a planning condition. In cases where the scope for adverse impacts cannot be completely avoided, such sites would only be considered where these effects can be successfully mitigated using techniques with a demonstrable record of success'.

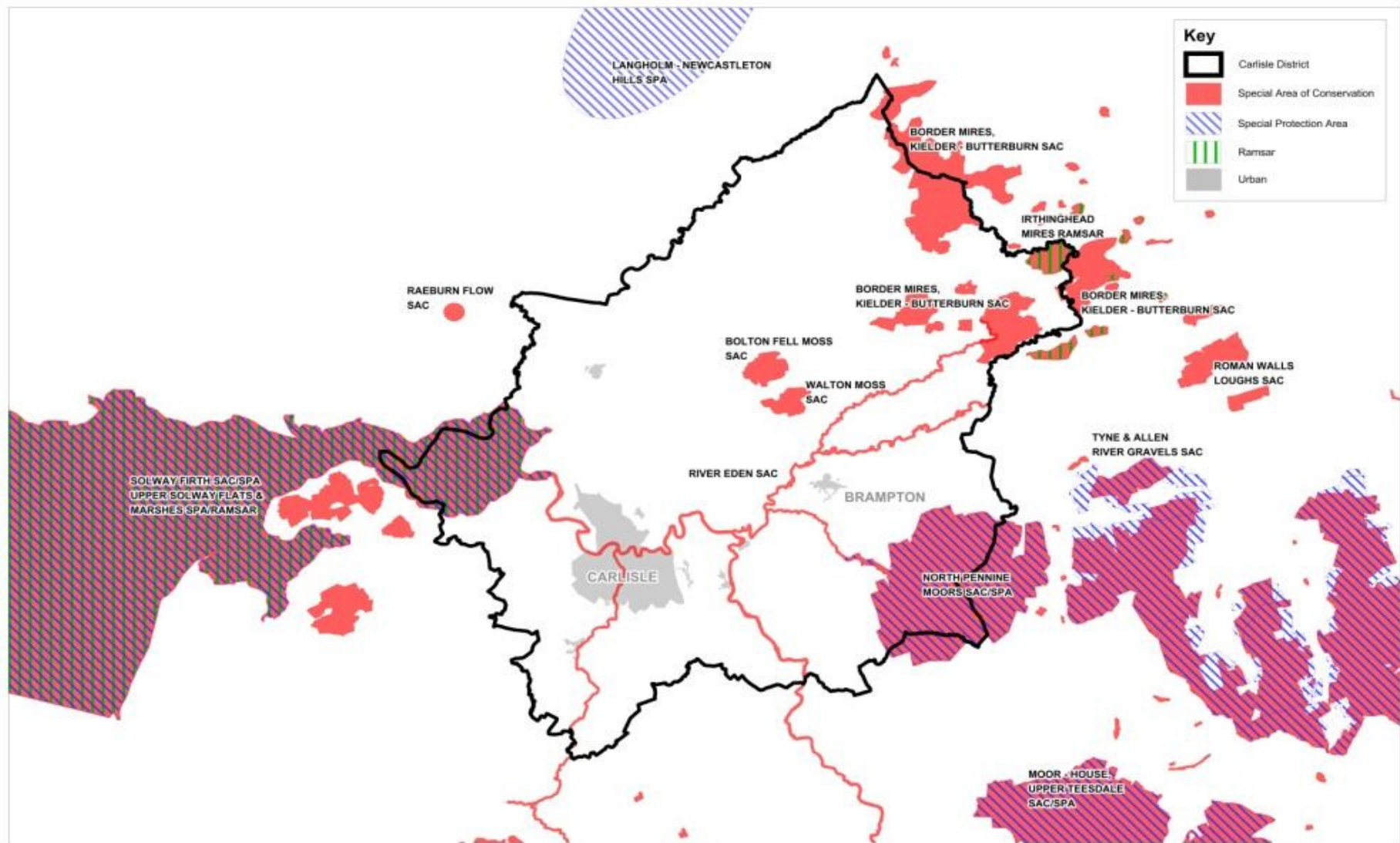
7.3 In view of the number and distribution of Natura 2000 sites located in Carlisle District, and jointly within adjacent districts and within 15 kilometres of the boundary it is conceivable that any of the proposed development options could potentially result in the promotion of development sites with some potential to impact on at least one European site. It is therefore imperative that the Local Plan includes clearly defined text to ensure that it does not have an adverse effect on Natura 2000 sites. It is considered that the following text in Policy 62 Biodiversity and Geodiversity makes provision for this issue:

"Internationally designated sites of biodiversity conservation, including the Natura 2000 designations of Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Sites will be afforded the highest levels of protection. Development which would adversely affect or harm the integrity of such sites shall be resisted unless an overwhelming need for the development or vital national interest can be demonstrated, and no alternative sites are available, subject to mitigation. Proposals which may have an impact upon a Natura 2000 site must be accompanied by a Habitats Regulations Assessment (HRA). Any site subject to a HRA will not be subject to the presumption in favour of sustainable development".

8.0 Conclusion

8.1 This appraisal has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2010, which states that competent authorities must undertake a formal assessment of the implications of land use plans which are capable of affecting the designated interest features of European sites. This must be done before deciding whether to adopt and implement the Plan.

- 8.2 The appraisal has comprised several distinct stages, (the Habitats Regulations Assessment), which collectively have led to the screening of the Plan for any likely significant effects. This screening assessment has been carried out throughout the Plan making process from Preferred Options Stage 1, to Preferred Options Stage 2, and to inform the Publication version of the Plan. As a consequence of consultation on each stage of the Local Plan, a number of policies and the site allocations have, at each stage, been refined or altered. These changes have been captured and screened at each iteration of the HRA, for determining whether there is a likely significant effect on a European site.
- 8.3 It is concluded that no policies within the Carlisle District Local Plan (preferred options stage 2) are likely to have a significant effect on the integrity of any European site, (either individually or in combination with other plans and projects) and no Appropriate Assessment is necessary. This was due to the absence of realistic pathways for potential impacts, and/or the existence of avoidance or mitigation measures to negate such impacts. This conclusion is made for each individual policy, for the whole plan, and for the combination of this plan with any other plan.



MAP SHOWING CARLISLE DISTRICT BOUNDARY & LOCATIONS OF EUROPEAN SITES (SAC/SPA/RAMSAR) THAT ARE WITHIN, PARTLY WITHIN AND OUTSIDE OF THIS BOUNDARY



