

Habitats Regulations Assessment

Dalston Neighbourhood Plan

Introduction

A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA must determine whether significant effects on a European site can be ruled out on the basis of objective information.

HRA has its origins in European law under the Habitats Directive. This has been transposed into UK law through the Conservation of Habitats and Species Regulations 2010. European sites are those sites which are considered to be internationally important for nature conservation and wildlife. They include Special Areas of Conservation (SAC) which have important habitat features, Special Protection Areas (SPAs) which relate to bird populations and Ramsar sites which are internationally important wetlands. These are often referred to as Natura 2000 sites.

The Neighbourhood Planning (General) Regulations 2012 state that submitted plans need to be accompanied by a statement which explains how the proposed plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the plan is compatible with EU obligations, which include the requirement to undertake an HRA.

Does Dalston Neighbourhood Plan area have any of these sites?

Within the neighbourhood plan area which covers the extent of Dalston Parish, there is one Natura 2000 site, (namely the River Eden SAC), which includes the River Caldew which flows south to north through the area including through Dalston village. This site drains into the Solway Coast Ramsar, SAC and SPA.

Appendix 1 sets out the qualifying interests and conservation objectives of these sites.

Screening

A key part of the HRA is the screening process. This determines whether an 'appropriate assessment' is required. It is important to note 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 Natura 2000 site, either alone or in combination with other plans or projects.

In screening the Neighbourhood Plan, it is important to be aware of the nature of the plan. The plan does not make any allocations of land for development. Instead it contains a series of development control and design policies in the following areas:

- Strategic Policy 1 – Development principles;
- Housing;
- Local jobs and Economy;
- Protecting our Environment.

The first step in the HRA process is the identification of Natura 2000 sites that are within, or have close proximity or identified pathways to the designated plan area. As stated above, the River Eden SAC, (which is far ranging and includes the Rivers Caldew, Gelt, Irthing and Kingwater) lies partly within the NP area. This SAC provides a pathway to the Upper Solway Flats and Marshes Ramsar and SPA, and the Solway Firth SAC.

The second step in the process is to assess the extent to which the proposed policies could have a likely significant effect on the Natura 2000 sites. Much of the information used for this screening report has been developed through the HRA for the Carlisle District Local Plan, which concluded that the Local Plan as a whole was not likely to have a significant effect on a Natura 2000 site, and as such an appropriate assessment was not required. This conclusion was endorsed by Natural England, who was consulted on the evolving HRA at every stage of the plan making process. In addition, the Inspector's report into the Local Plan concluded: "Taking into account the advice from relevant consultees, in particular Natural England and the Environment Agency, I consider that the plan has been subject to a legally compliant and adequate HRA".

The following table sets out an assessment of any likely significant effect of each of the Neighbourhood Plan policies.

Table 1 – policies screened out as not likely to have a significant effect on a European site.

Aspects of the Neighbourhood Plan (NP) which would <u>not</u> be likely to have a significant effect on a European Site, and reasoning why.	Identified parts of the Neighbourhood Plan
<p>General policy statements: The policies listed are general policy statements which apply within the designated plan area, and could not have any conceivable effect on a European site.</p>	<p>Vision for Dalston Parish; Strategic objectives; Policy DNP-SP 1– development principles.</p>
<p>Policies in the NP which protect the natural environment including biodiversity, or conserve or enhance the natural, built or historic environment.</p>	<p>Policy DNP-E 1 – aims to afford the highest levels of protection to the Parish’s landscape, wildlife habitats, rural character, green spaces, built heritage, archaeological sites and ecosystems.</p> <p>Policy DNP-E 2 – seeks to protect locally listed assets.</p> <p>Policy DNP-E4 – aims to preserve historic boundary walls.</p> <p>Policy DNP-E 5 – seeks to provide the highest levels of protection to local green spaces.</p>
<p>Policies in the NP 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 DNP-H 3 – this policy sets out criteria which must be met by prospective occupiers of affordable housing.</p> <p>Policy DNP-H 4 – this policy aims to ensure that new development is of a high quality design which preserves or enhances local distinctiveness.</p> <p>Policy DNP-JE 5 – this policy seeks to ensure that new business development does not lead to an unsustainable increase in the level of traffic.</p> <p>Policy DNP-JE 6 – this policy requires new business development to include the facility to promote new broadband services.</p>

	<p>Policy DNP-JE 7 – this policy makes provision for development within the centre of Dalston subject to certain criteria relating to shop fronts, amenity of neighbours and operating hours.</p> <p>Policy DNP-E 3 –support proposals that provide maximum energy efficiency, both in construction and maintenance.</p>
Policies in the NP which promote development that could not have any conceivable effect on a European site.	Identified parts of the Neighbourhood Plan
<p>Policies for which effects on any particular European site cannot be identified because the policy is too general.</p> <p>This section screens out policies as it is not known where, when or how the aspect of the NP may be implemented, or where any potential effects may occur.</p> <p>This section includes general topic related policies which list general criteria against which planning applications will be judged.</p>	<p>Policy DNP-JE 1 – general support for sustainable economic growth on existing primary employment sites</p> <p>Policy DNP-JE 3 – contains a presumption against residential development on primary employment sites except in exceptional circumstances.</p> <p>Policy DNP-JE 4 (1) – sets out criteria against which applications for conversions of commercial buildings outside of primary employment areas will be assessed.</p>
Policies requiring further information before being screened out (or where mitigation measures are proposed).	Identified parts of the Neighbourhood Plan
<p>As the location of any proposals arising out of these policies is unknown, likely impacts on European sites cannot be assessed. As the NP does not allocated any sites for development, any development resulting from these policies is likely to be of a minor nature, there is limited potential to result in very small scale levels of the following:</p> <ul style="list-style-type: none"> atmospheric pollution through increased traffic, which could reduce air quality; increased level of disturbance – recreational activity, noise and light pollution; 	<p>Housing Policies 1 and 2.</p> <p>DNP-H 1 makes provision for windfall housing development, i.e. on sites that are not specifically allocated, within Dalston village, on the edge of the village when there is a District wide shortfall, and on rural exception sites for local need.</p> <p>DNP-H 2 makes provision for windfall housing within the rest of the NP area provided that it accords with relevant policies in the Carlisle District Local Plan.</p>

- increased levels of abstraction, surface water run-off and sewerage discharge, which could reduce water quality and levels;
- land take which could lead to the loss and fragmentation of habitats.

The higher level HRA for the Carlisle District Local Plan states the following:

“Previous planning applications for housing have been successfully conditioned so that proposals have not been likely to have a significant effect on the interest features for which any nearby designated sites have been classified.

It is considered that the proposed mitigation measures which are incorporated into a range of policies in the Local Plan will minimise the risk of a likely significant effect on the interest features of the European site.

There are no water supply issues in the District, and only limited issues with waste water treatment capacity. Increases in rural housing can lead to capacity issues in existing waste water treatment works. However, the Council works closely with United Utilities and the Environment Agency to ensure that clean water supply and waste water issues are adequately addressed.

The HRA for the Local Plan assesses Policy EC 12, which makes provision for agricultural buildings, and concludes that significant effects arising from the implementation of the policy are unlikely to occur (refer to Local Plan HRA).

Policy DNP-JE 1 – this policy makes provision for new commercial/industrial development on existing primary employment areas.

Policy DNP-JE 4 (2) – this policy makes provision for new farm buildings subject to certain criteria aimed at minimising impact.

Policy DNP-E 3 – support including sources of various forms of renewable energy in new development. Whilst this policy makes provision for renewable energy, the location of any proposals arising out of this policy are unknown.

Mitigation/Avoidance

Certain activities arising during both the construction and operation phases of development arising out of the implementation of policies in the Neighbourhood Plan may have the potential to impact on European sites, for example through increased traffic, people, run-off, or recreation. However, the Neighbourhood Plan will operate within the context of the adopted Carlisle District Local Plan, which was found sound by the Planning Inspector in her report of July 2016. As such any development proposals will also have to comply with policies in the Local Plan. The Local Plan contains policies which aim to mitigate or avoid the above impacts, as set out below. In addition, there is ongoing work with both Local Nature Partnerships which operate in the area, (the Northern Upland Chain LNP, and the Cumbria LNP), who work to ensure sympathetic management is in place involving positive measures to maintain existing good ecological conditions, or to improve them, using a landscape scale approach to improving ecological networks.

In order to comply with the Habitats Regulations it is important to ensure that the implementation of policies in the NP would not lead to direct and/or indirect or in-combination adverse impacts on qualifying features of Natura 2000 sites. Natural England has previously advised in relation to the adopted Local Plan 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. It is considered that Policy GI 3 in the Carlisle District Local Plan in particular meets this requirement.

In this context it is considered that Policy GI 3 is instrumental in protecting European sites, and that its use will mean that development arising as a result of the Local Plan will not be likely to have a significant effect on a European site. This is consistent with the approach taken in the current adopted Local Plan, and endorsed by the Inspector following the Local Plan inquiry. It should follow that provided the Dalston Parish Neighbourhood Plan is in conformity with this Policy, and the adopted Local Plan in general, then it is likely that it should also meet the requirements of HRA. The relevant text of Policy GI 3 is set out below:

"Internationally designated sites identified under the Natura 2000 network (European Sites), which consist of Special Areas of Conservation (SAC), Special Protection Areas (SPA), and Ramsar sites, will be afforded the highest levels of protection, as they are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species.

Development which is likely to have a significant effect on the integrity of such sites, and is not directly connected with or necessary to the management of the site, will be resisted unless an overriding public interest can be demonstrated, and no alternative solutions are available, and necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected. Proposals which may have an impact upon a Natura 2000 site must be accompanied by a Habitats Regulation Assessment (HRA). Where the HRA identifies the need for an Appropriate Assessment, the presumption in favour of sustainable development will not apply.

Conclusions

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.

The Dalston Neighbourhood Plan sits within a planning policy framework which includes the Carlisle District Local Plan, which was adopted on 8 November 2016. Decisions on planning applications will be made within this context. The Local Plan was subject to HRA at every step of its development, from initial preferred options to final modifications. It was concluded that the policies in the Local Plan as a whole would not be likely to have any significant effects on any European sites. This conclusion was endorsed by Natural England and the Environment Agency, who were engaged throughout the process.

Similarly it is concluded that no policies in the Dalston Neighbourhood Plan are likely to have a significant effect on the integrity of any European site, and as such does not need any further assessment under the Habitats Regulations. This is due in large part to the Plan making no allocations for development, the absence of realistic pathways for potential impacts, and/or the avoidance or mitigation measures to negate such impacts, contained either within the Local Plan or the Neighbourhood Plan.

The draft screening report was consulted upon in September 2016. The statutory bodies, including Natural England and the Environment Agency agreed with the findings of the screening assessment, concluding that a full HRA is not required. This continues to be the position of this assessment for the submission version of the Dalston Parish Neighbourhood Plan.

Appendix 1

European Sites

Site	Designation Status and date. Local authority boundaries	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>Callitricho-Batrachion</i> vegetation; Alluvial forests with <i>Alnis 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. 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%)</p> <p>Inland water bodies (standing water, running water) (93.4%)</p> <p>Bogs. Marshes. Water fringed vegetation.</p> <p>Fens (3%)</p> <p>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

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.

Site	Designation Status and date. Local authority boundaries	Qualifying interests	Conservation Objectives	Site summary
Upper Solway Flats and Marshes	Ramsar. 30/11/1992 Carlisle District; Allerdale District; Dumfries and Galloway	<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, Bartailed 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 subspecies 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 Neighbourhood 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; (this is beyond the jurisdiction of the Local Plan) • 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,(although the Local Plan directs the majority of new development to the City of Carlisle), 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>Unlikely to be vulnerable to recreational impacts as remoteness and relative inaccessibility of this site makes this unlikely.</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>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</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 - The structure and function of the habitats of qualifying species - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely - The populations of qualifying species, and, - The distribution of qualifying species within the site. 	<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/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. Changes to water quality. Increasing recreational use. Changes in habitat or agricultural management within or adjacent to site.

Vulnerabilities to change/potential effects of the Neighbourhood 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. Unlikely to be vulnerable to recreational impacts as remoteness and inaccessibility of the site makes this unlikely.

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 regularly supporting at least 20,000 waterfowl.</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 communities; • extent and species diversity of 	<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>

			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. 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 Neighbourhood Plan:</p> <p>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>Unlikely to be vulnerable to recreational impacts as remoteness and inaccessibility of the site makes this unlikely.</p>				