
From: Ann Deary Francis, Ecologist

To: Lowick Parish Council, Neighbourhood Planning Team Date: 4th April 2022

cc: David Feige, Principal Ecologist and AONB Officer Extension: 01670 622649

Habitats Regulations Assessment Screening Advice, Lowick Neighbourhood Plan 2019-2036, Pre-submission Version (February 2022)

Thank you for the request to provide Habitats Regulations Assessment (HRA) Screening Advice for the Lowick Neighbourhood Plan 2019-2036 (Pre-submission Version, February 2022). Please note this is an updating screening to include recent advice from Natural England regarding nutrient neutrality in the Lindisfarne catchment.

- 1.1 The Parish Council are leading the preparation of a neighbourhood development plan (the Plan) to provide locally specific planning policies intended to address issues identified as being important to the local community, particularly where those issues are perceived as not being adequately addressed through existing planning policies.
- 1.2 As the 'competent authority' under the Conservation of Habitats and Species Regulations 2017 (the Regulations) Northumberland County Council is required to assess development plans through the HRA process. The purpose of a HRA is to assess possible effects of development plans on the nature conservation interests of sites designated under the Habitats and Wild Birds Directives. These sites consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and also include Ramsar Sites. The integration of the HRA process as part of the preparation of development plans is fundamental to the plan making process as policies in the plan can potentially affect designated sites.
- 1.3 HRA is an iterative process and the remaining stages will be completed alongside and will inform preparation of the Plan. **This is a screening opinion to ensure that any changes required can be made to the plan to facilitate the next stages of screening under the Regulations and consultation with Natural England.**
- 1.4 **How do we do this?**

The HRA report will detail the reasons for the site(s) being designated (the interest features), Natural England's current assessment of the site condition and conservation objectives (including supplementary guidance where provided)¹ and consider the impacts on the site(s) of the Plan alone and in combination with other plans and projects.

Cumulative effects are multiple effects on the same habitat or site that arise from the development proposed together with those from all developments that have been built and are operational.

¹ <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>

In combination effects are those effects that may arise from the development proposed in combination with other plans and projects proposed/consented but not yet built and operational.

- 1.5 The Council has adopted the following assessment methodology to meet the requirements of the Habitats Directive:

Stage One – Screening

This comprises an initial analysis to determine whether the Neighbourhood Plan is likely to have a significant effect on any European sites. The Neighbourhood Plan will require appropriate assessment unless it is certain that it will not have a significant effect on any European sites.

Where there is a credible risk of an effect and in the absence of objective evidence demonstrating that there will not be it has to be concluded that there is a likely significant effect.

- Stage 1A: Identification of European sites relevant to the assessment, and analysis of them in terms of reasons for designation, factors affecting their integrity and trends affecting them.
- Stage 1B: Identification of underlying trends that could affect the integrity of sites.
- Stage 1C: Analysis of the Neighbourhood Plan objectives, proposals and proposed policies in terms of their possible adverse effects on the integrity of European sites, examination of options and alternatives to avoid or reduce these effects.
- Stage 1D: Identification of other plans and projects relevant to the assessment, to identify any likely in-combination effects. Article 6(3) of the Habitats Directive requires that plans and projects likely to have a significant effect on a European site alone *or in combination with other plans or projects* shall be subject to appropriate assessment.

The ruling of the Court of Justice of the European Union in case C-323/17 *People over Wind* in given in April 2018 has had a profound effect on the approach to screening. Prior to this ruling it was established practice to take account of mitigation measures included in a plan or project when determining if that plan or project was likely to have a significant effect. However, paragraph 40 of the ruling states that:

Article 6(3)... must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerning, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site'

Accordingly, the benefit of measures intended to avoid or reduce the harmful effects of a plan or project must be disregarded when determining whether it is likely to have a significant effect on a European site.

Stage Two – Appropriate Assessment

Determination of whether any proposals or policies in the Neighbourhood Plan identified at the screening stage as having a likely significant effect would have an adverse effect on the integrity of any European sites, in view of the conservation objectives for those sites and the nature of the likely significant effect that has been identified. Modifications to those proposals or policies are identified to avoid any adverse effects on site integrity.

1.7 Coastal Mitigation Service

The Northumberland Coast is of national and international importance for its wildlife. This includes a wide range of wading birds and wildfowl (ducks, geese and swans) that pass through on migration each spring or autumn or spend the winter there before returning to arctic breeding grounds; little terns and arctic terns that nest on beaches in the north of the county; and the diverse plant communities found on its sand dunes. Areas of the coast of national importance for their bird populations or plant communities are protected through designation as Sites of Special Scientific Interest (SSSIs), and areas of international importance are also designated as Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). Dune grasslands of international importance are designated as Special Areas of Conservation (SACs).

When considering planning applications for new development, Northumberland County Council is obliged to consider impacts on these specially protected areas.

For internationally important sites the Council is obliged to fulfil the strict requirements set out in the Conservation of Habitats and Species Regulations 2017, ensuring that adequate mitigation is provided for any impacts that a development is likely to have on them, alone or in-combination with other plans or projects.

This legislation is precautionary in nature, and so an impact must be assumed unless it is beyond reasonable scientific doubt that there will not be an impact.

New development can have a range of impacts on these protected areas, but one that is likely to arise from all new housing or tourist accommodation is increased disturbance to the bird species that are their special features, arising from increased recreational activity on the coast. Increased foot passage through the dunes also causes the spread of a non-native invasive species called pirri-pirri bur.

It is the responsibility of the developer to provide the required mitigation for their development. However, this can be especially difficult for developers to achieve for impacts arising from recreational activity on sites outside the developer's control and which people have a right to access and an understandably strong desire to access, such as the coast.

Northumberland County Council has been working with Natural England to review its approach to the assessment and management of impacts arising from new development on specially protected sites on the coast, and has determined that the only realistic way to address the impacts of recreational activity on designated sites on the coast is through a strategic scheme funded by developers and implemented by the Council.

This will enable mitigation to be provided within the designated sites themselves, in a consistent manner along the whole of the Northumberland coast. This approach also provides clarity and certainty for developers, as they will make a known financial contribution to the Mitigation Service rather than trying to provide their own bespoke mitigation for each development, and will save them time and money because they will not have to undertake the ecological surveys and assessments required to devise such mitigation.

The contributions from developers will fund a ranger team who will be out on the coast working with visitors and residents, raising awareness and providing wardening.

More detail on the mitigation service can be found at this link

<https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Planning-and-Building/planning%20policy/Local%20Plan/Northumberland-Coastal-Mitigation-Service-Strategy-Document-December-2018.pdf>

1.8 Nutrient Neutrality and Water Quality in the Lindisfarne SPA/Ramsar

Budle Bay and Fenham Flats are less than 4km from the plan area, with watercourses discharging from the plan area into them. These are among the most sensitive sites in the County, with a number of internationally and nationally important nature conservation sites including; Lindisfarne SPA, Lindisfarne Ramsar, Lindisfarne NNR, Lindisfarne SSSI, Northumberland Marine SPA, Berwickshire & North Northumberland Coast SAC and North Northumberland Dunes SAC.

The condition of European sites is assessed at the Site of Special Scientific Interest (SSSI) level by Natural England. SSSIs are constituents of European sites, so each SPA or SAC has several underlying SSSI designations.

Lindisfarne SSSI is currently assessed by Natural England as being in unfavourable condition. The condition assessment for this unit states that:

Poor water quality flowing into Budle Bay has resulted in the growth of the macroalgae Enteromorpha, which has a direct impact on the SAC mudflat and feeding habitat of SPA birds. Natural England are working with the Environment Agency to investigate sources of pollution and prevention measures. A Diffuse Water Plan is required to investigate pollution sources/pathways and to help achieve Favourable Condition of the site.

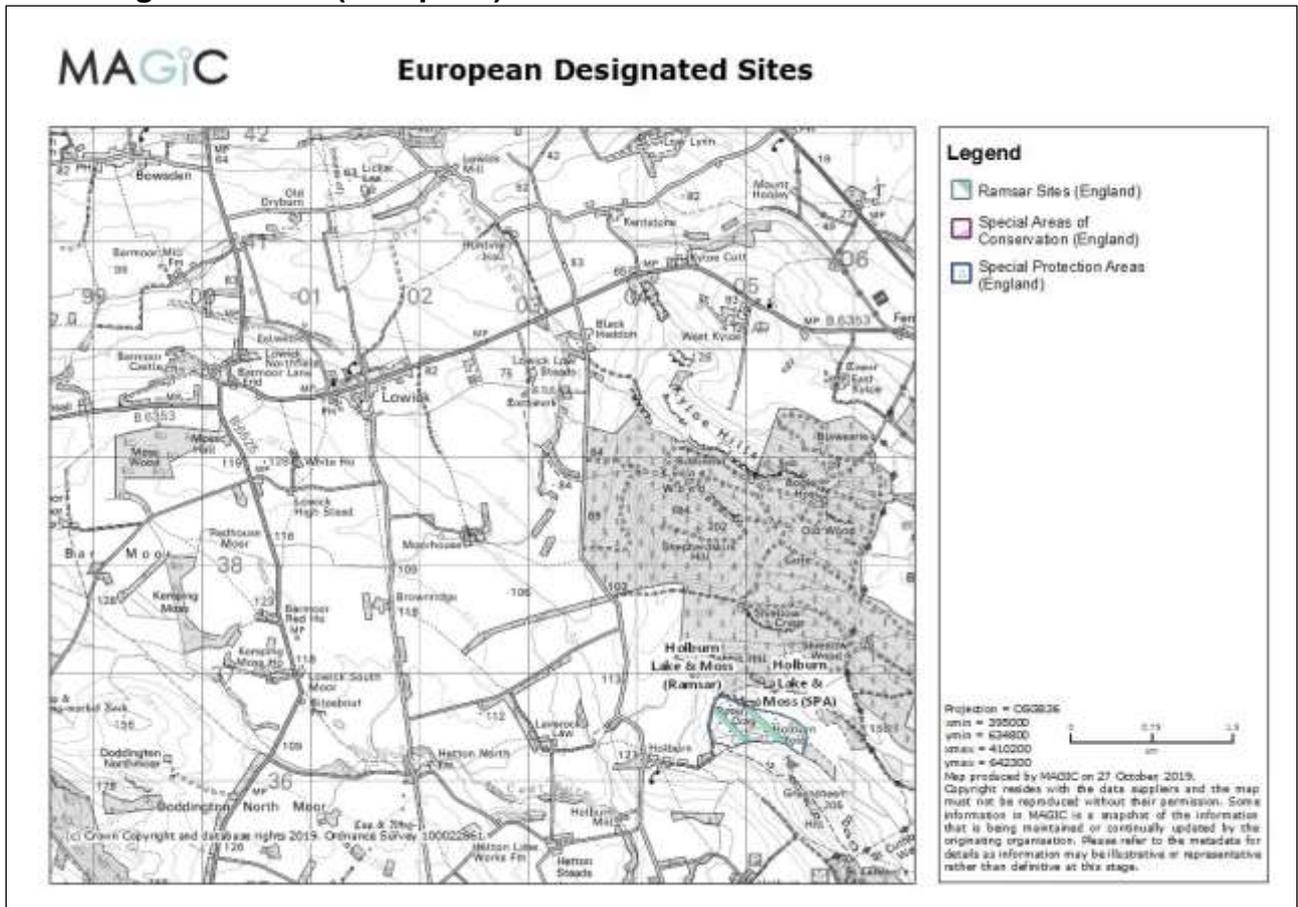
Further input of nitrogen resulting from development could potentially result in contributing to further harm of the interest features of those sites.

As such, Natural England has identified the catchment that feeds into the Lindisfarne Special Protection Area/Ramsar Site as one in which 'nutrient neutrality' is required for all new developments (March 2022). This includes all overnight accommodation including new homes, student accommodation, care homes, tourism attractions and accommodation.

Any new residential development that will increase foul water discharges will need to be accompanied by a nutrient budget. Tools to calculate this have been made available. Northumberland County Council will be developing a strategic mitigation scheme which may include new wetland habitats or work with farmers to reduce the amount of nitrogen entering the SPA. Developers will be able to buy credits from this to offset the additional nitrogen being produced by their developments.

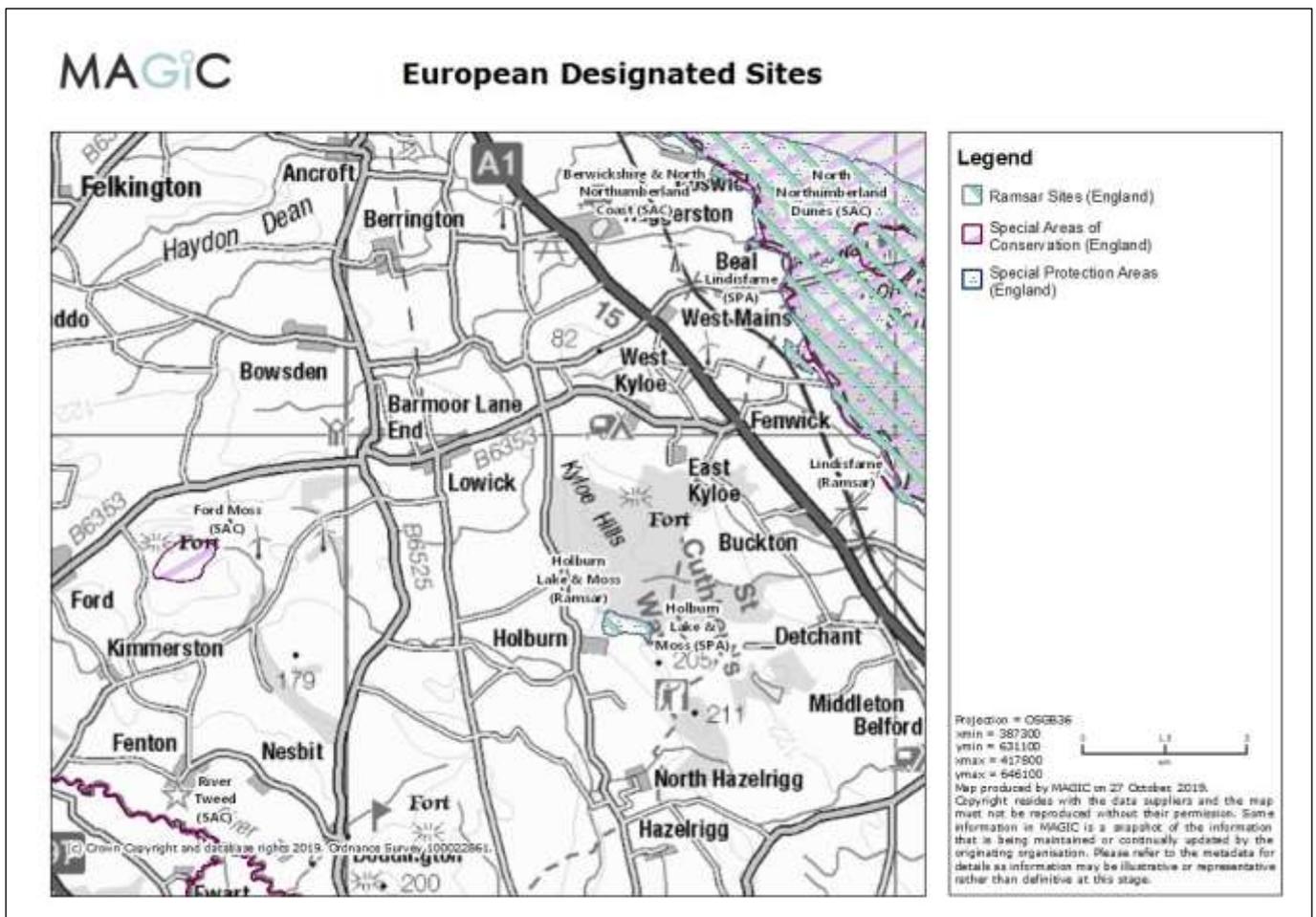
Planning permission will only be granted where this shows that there will be no net increase in nitrogen entering the Lindisfarne SPA.

2. Designated Sites (European) Within the Plan Area.



- Holburn Lake and Moss SPA/Ramsar

3. Designated Sites (European) within a Reasonable Zone of Influence.



- Lindisfarne Ramsar/Special Protection Area (SPA)
- Berwickshire and North Northumberland Coast Special Area of Conservation (SAC)
- North Northumberland Dunes Special Area of Conservation
- Northumberland Marine SPA
- Northumbria Coast Ramsar/ Special Protection Area (SPA)
- Holburn Lake and Moss SPA/Ramsar
- River Tweed SAC
- Ford Moss SAC

4. Screening of Policies.

4.1 The sites identified as being subject to a significant effect are:

- a) Those sensitive to pollution and nutrient enrichment
 - Lindisfarne SPA/Ramsar.
- b) Those sensitive to human disturbance
 - Lindisfarne SPA/Ramsar (overwintering birds including light bellied Brent Geese and breeding terns).
 - Berwickshire and North Northumberland Coast SAC (grey seal only).
 - Northumbria Coast SPA/Ramsar (breeding terns, turnstone and purple sandpiper).
 - North Northumberland Dunes SAC (piri piri burr).

4.2 Screened In

Policy L3: Lowick Village Settlement Boundary –
Policy L12: Rural Enterprise And Tourism Development
Policy L16: Conversion Of Buildings

All screened in as support a net increase in housing which may include rural sites without mains sewerage. The housing numbers are likely to be small but measured against the existing threshold (condition of the designated sites and their interest features) and taken cumulatively and in-combination with other plans and projects a significant effect is likely, and mitigation is required to prevent an adverse impact on designated sites.

4.3 Screened Out

Objectives – screened out as these are high level objectives enacted via the detailed policies.

The following policies are either related to the nature of development and design, environmental protection or do not support an increase in residential dwellings. Mitigation Policies are discussed further at Section 5.

Policy L1: Community And Recreational Facilities In Lowick
 Policy L2: Local Green Spaces
 Policy L4: Design in New Housing Development
 Policy L5: Biodiversity And Development
 Policy L6: Coastal Mitigation (Mitigation Policy see section 5)
 Policy L7: Water Quality (Mitigation Policy see section 5)
 Policy L8: Accessibility
 Policy L9: Creation And Improvement Of Footpaths And Cycleways
 Policy L10: Broadband And Telecommunications

Policy L11: Homeworking And Local Employment
Policy L12: Lowick's Historic Core
Policy L13: Non-Designated Heritage Assets In Lowick Neighbourhood Area
Policy L14: Lowick's Historic Core
Policy L15: Sustainable and Innovative Design
Community Projects

5. Mitigation Policies.

Policy L6 Coastal Mitigation

The policy provides adequate mitigation for new units of housing or tourism development by requiring a contribution to the Coastal Mitigation Service (or mitigation of equal effectiveness). This policy will be considered during Appropriate Assessment of the Plan and will assist the conclusion that the Plan is not likely to have an adverse impact on the site integrity of European Sites via increased recreational pressure.

Policy L7

The Policy at L7 has been included as previously agreed. With recent changes to the advice from Natural England regarding Nutrient Neutrality the Parish Council are requested to amend the wording as follows:

“Any new residential development, tourism accommodation or any other type of development that will increase foul water discharges will be accompanied by a nutrient budget and a plan to offset any increases in nitrogen levels entering the Lindisfarne SPA and Ramsar Site. Planning permission will only be granted where this nutrient budget shows that there will be no net increase in nitrogen entering the Lindisfarne SPA.”

6. Other Ecological Considerations.

- Lindisfarne Site of Special Scientific Interest (SSSI) (constituent of Lindisfarne SPA)
- Lindisfarne National Nature Reserve (NNR)
- Northumberland Shore SSSI (constituent of Northumbria Coast SPA)
- Ford Moss SSSI (constituent of Ford Moss SAC)
- Holburn Lake and Moss SSSI (constituent of Holburn Lake and Moss SPA/Ramsar)
- Kyoie Hills Local Wildlife Site
- Barmoorhill Quarry Local Wildlife Site
- Habitats of Principal Importance deciduous woodland, wood pasture and parkland, lowland fen (at Kemping Moss), lowland meadows (at Hunting Hall), good quality semi-improved grassland (at Mill House), upland heathland and lowland raised bog (at Holburn Lake and Moss).

Please note that the Coastal Mitigation Service is also mitigation for recreational impacts on the underlying SSSI designations of the European Sites.

I hope that these comments are of assistance but if you require any further information or assistance regarding this matter please contact me at this office.

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