



**Northumberland**  
County Council

**HABITATS REGULATIONS  
ASSESSMENT REPORT  
MARCH 2024**

**OF**

**HUMSHAUGH  
NEIGHBOURHOOD PLAN  
SUBMISSION DRAFT  
MARCH 2024**

**Habitats Regulations Assessment Report, March 2024  
of  
Humshaugh Neighbourhood Plan  
Submission Draft  
March 2024**

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# **Habitats Regulations Assessment Screening Assessment, Humshaugh Neighbourhood Plan Submission Draft March 2024.**

## **Summary**

**The screening assessment conclusion is:**

**The Neighbourhood Plan supports small numbers of new dwellings or tourism accommodation where certain conditions and criteria are met, as defined in the plan.**

**No policies in the plan have a credible risk of a likely significant effect on European sites, and Appropriate Assessment is not required.**

**There is no requirement for Strategic Environmental Assessment (SEA) because of ecological concerns.**

**A note is provided outside of the requirements of the HRA process at paragraph 6 regarding locally significant sites for biodiversity, including a recommendation on policies to protect water quality in the River North Tyne.**

### **1. Introduction**

#### **Purpose of the Habitats Regulations Screening Assessment Report**

- 1.1 The Parish Council are leading the preparation of a neighbourhood 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 (as amended) (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.
- 1.4 **There is no requirement to consult Natural England where a screening assessment has concluded that significant effects on European Sites are not likely.**
- 1.5 **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)<sup>1</sup> and consider the impacts on the site(s) of the Plan alone and in combination with other plans and projects.

In combination 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, and with other plans and projects proposed/consented but not yet built and operational.

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

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

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.

## **2. Stage 1A: Identification of European Sites.**

### **2.1 European Sites Within the Plan Area.**

There are no European Sites within the Plan boundary.

### **2.2 European Sites within a Reasonable Zone of Influence.**

- Tyne and Allen River Gravels Special Area of Conservation (SAC) 2.5km south
- Roman Wall Loughs SAC 7.7km west
- Border Mires Kielder-Butterburn SAC 9km
- North Pennine Moors Special Protection Area (SPA) and SAC 9km south

Further site details including qualifying features and key environmental conditions to support site integrity are provided at Appendix 1.

### **2.3 Stage 1B: Underlying trends**

Trends are influences on a European site other than other plans and projects, which have influenced it and are likely to continue to influence it. It is important that relevant trends are considered alongside the plan that is subject to Habitats Regulations Assessment and other plans and projects, in order to identify the factors which, in combination, may be affecting a European site.

The following trends have been identified as being relevant to this Habitats Regulations Assessment:

- Air quality
- Water quality and hydrology
- Tourism and recreation
- Climate change
- Non-native invasive species

#### **2.3.1 Air Quality**

The pollutants that have the most important impacts on important plant communities in the UK comprise nitrogen compounds causing eutrophication (excessive nutrient levels), and nitrogen and sulphur compounds causing acidification.

##### Nitrogen Deposition

Sources of oxidised nitrogen mainly comprise nitrate (NO<sub>2</sub>), nitrogen oxides (NO<sub>3</sub>) and nitric acid (HNO<sub>3</sub>) and are together referred to as NO<sub>x</sub>. They are mainly produced by combustion of fossil fuels from power stations, vehicle exhausts and industrial and domestic combustion. Reduced nitrogen comprises gaseous ammonia (NH<sub>3</sub>) and fine particulate ammonium (NH<sub>4</sub><sup>+</sup>) and arises mainly from agricultural sources comprising animal waste and artificial fertilizers.

Nitrogen is a major plant nutrient, but many wild plants cannot assimilate excess nitrogen from deposition. Those that can (mainly larger grass species and large fast-growing forbs such as nettles and docks) rapidly outcompete other species through shading or competition for limiting resources. This leads to the loss of slower growing and more specialist species as more vigorous ones take advantage of the increased nutrient levels, causing profound changes in semi-natural plant communities.

Of the relevant sites within the zone of influence of the Neighbourhood Plan the following may be affected by increased nitrogen deposition:

- North Pennine Moors SAC blanket bog habitats
- Border Mires Kielder to Butterburn SAC blanket bog habitats
- Tyne and Allen River Gravels calaminarian grassland
- North Pennine Moors SAC moorland habitat supporting breeding birds

### Acid Deposition

The main sources of acid deposition are SO<sub>2</sub> from power stations and industrial combustion processes burning large quantities of fossil fuels, NO<sub>x</sub> also from combustion and the transformation of ammonia from agriculture to acidifying nitrogen compounds. The contribution of SO<sub>2</sub> has declined hugely since the 1970s as emissions from large combustion plants have been tackled and sulphur levels in fuels have been reduced, and consequently nitrogen emissions are now the main sources of acid deposition.

Acid deposition causes direct and indirect effects. Direct effects comprise damage to sensitive vegetation, while indirect effects are caused mainly by changes to soil chemistry as the pH falls, such as the mobilisation of toxic aluminium ions and leaching of important base cations such as magnesium. These changes alter the composition of plant communities, as species intolerant of more acid conditions decline and are lost. The significance of impacts depends on the levels of deposition and the buffering capacity of the receiving environment; basic environments have a higher buffering capacity while acid soils and waters have a much lower buffering capacity and so are more severely affected.

Although technological advances have reduced NO<sub>x</sub> emissions from vehicle engines, this benefit is offset by increasing traffic levels, and NO<sub>x</sub> levels are identified as a problem for sensitive sites adjacent to major transport routes.

Vehicle use is likely to continue to increase in Northumberland for a number of reasons; rising levels of car ownership, increasing levels of economic activity and increasing levels of tourism. The Design Manual for Roads and Bridges<sup>6</sup> includes an equation describing the characteristic decrease in pollutant concentrations with increasing distance from roads. Based on this and other research, it is considered that NO<sub>x</sub> emissions generated within 200m of a European site which has interest features which are vulnerable to nitrogen deposition need to be considered in Habitats Regulations Assessments.

The most significant exceedences of critical loads of acid deposition occur in heathland and mire communities, and are especially severe in the North Pennines SAC. Exceedences of critical loads of nitrogen occur more widely across heathland, mire and grassland communities.

Of the relevant sites within the zone of influence of the Neighbourhood Plan the following may be affected by increased acid deposition:

- North Pennine Moors SAC Siliceous rocky slopes with chasmophytic vegetation

- Tyne and Allen River Gravels calaminarian grassland
- North Pennine Moors SAC moorland habitat supporting breeding birds

### 2.3.2 Water Quality

Maintaining high water quality is central to the wellbeing of a number of European sites in Northumberland, including the Roman Wall Loughs SAC. Parts of rural Northumberland are not served by mains sewerage, resulting in the usage of non-mains systems such as septic tanks and package treatment plants. Their proper functioning is dependent on appropriate maintenance by their owners, which isn't always kept up, potentially resulting in a large number of small sources of pollution that can be hard to trace and manage.

### 2.3.3 Tourism and Recreation

Tourism is concentrated in certain areas of the county, especially the coast, although the Hadrian's Wall corridor is being increasingly promoted as a tourist destination, as is Northumberland National Park (a separate local planning authority area) and, to a lesser extent, the North Pennines AONB. Disturbance of breeding birds caused by increasing levels of recreational access can be an issue in upland SPAs, where breeding populations of golden plover, merlin and hen harrier all require low levels of disturbance. Dogs, especially off-lead animals, increase the effect of casual disturbance of birds by walkers.

The North Pennines SPA is at risk of disturbance impacts from increasing visitor numbers. The Tyne and Allen River Gravels SAC is vulnerable to damage from walkers and riverside visitors, including those from the Pennine Way and from riverside caravan and camping sites.

## 3. Stage 1C: Screening of Policies.

The policies within the Humshaugh Neighbourhood Plan Submission Draft March 2024 potentially support small numbers of new housing or tourism units where this meets a defined local need, and in accordance with certain design parameters.

<b>Policy number &amp; Title</b>	<b>Brief description</b>	<b>Likely Effect?</b>
Vision and Objectives	Overall objectives	No
Policy 1 Community Energy Initiatives	Support for community led energy generation	No
Policy 2 Local Green Space	Environmental protection Policy	No
Policy 3 protected open Space	Environmental protection Policy	No
Policy 4 Humshaugh Conservation Area	Heritage and Design Policy	No
Policy 5 Humshaugh Design Code	Heritage and Design Policy	No
Policy 6 Small Scale Rural Exemption Sites	Support for small scale development of less than 10 houses where certain criteria are met (affordable housing policy)	No.
Policy 7 Community Facilities	Community policy to protect community assets	No.

Policy 8 Tourism	Potentially supports small scale tourism development including overnight accommodation	No.
Policy 9 Sustainable Transport	Supports sustainable transport including walking cycling and public transport	No
Community Actions	Support for community led actions	No

No European sites are directly impacted and large-scale impacts such as hydrological change or increased pollution are considered unlikely for several reasons.

1. No large-scale development is proposed, only small numbers of new housing or tourism units.
2. As a result of the small-scale nature of the proposed developments significant increases in pollution of air or water are also unlikely as there will be no significant increase in traffic or discharges to water.
3. There are no pathways such as watercourses which lead to the Roman Wall Loughs SAC in the plan boundary.

The residual potential impact being considered is recreational disturbance.

### 3.1 Consideration of Impacts on European Sites Within the Plan Area

#### 3.1.1 Tyne and Allen River Gravels SAC

Maintenance of the Calaminarian grassland plant communities that form the interest features of these sites is dependent on the ongoing deposition of heavy metals such as lead and zinc, which are washed out of historic mine workings upstream of these sites.

The plan policies do not include any activities which may impact on the interest features of the SAC, or environmental mechanisms which may cause indirect effects on those interest features.

#### 3.1.2 Roman Wall Loughs SAC

Interest features of this site are natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* type vegetation, naturally nutrient-rich lakes which are often dominated by pondweed. Sedimentation, nutrient enrichment and invasive species are the main threats to the integrity of the site. Recreational pressure is not identified as being a significant threat to the site.

The plan policies do not include any activities which may impact on the interest features of the SAC, or environmental mechanisms which may cause indirect effects on those interest features.

#### 3.1.3 Border Mires Kielder-Butterburn SAC

Interest features are blanket bogs, petrifying springs with tufa formation, European dry heaths, Northern Atlantic wet heaths, Transition mires and quaking bogs. Land management issues are the main threat to site integrity, and recreational pressure is not considered to be a threat to the site's integrity. The plan policies do not include any



activities which may impact on the interest features of the SAC, or environmental mechanisms which may cause indirect effects on those interest features.

#### **3.1.4 North Pennine Moors SPA and SAC**

Interest features are an assemblage of breeding birds and upland habitats. The Northumberland Local Plan: Publication Draft Plan (Regulation 19) Habitats Regulations Assessment (NCC, 2018) considers additional housing numbers in the context of the Local Plan, and concludes that the available evidence does not support a credible risk of a likely significant effect from recreational disturbance on the North Pennines SPA/SAC due to the small numbers of housing sites allocated, and the absence of evidence of recreational pressure affecting those sites.

The threshold defined by Natural England in their Site of Special Scientific Interest (SSSI) Impact Risk Zone criteria which is likely to impact the underpinning designations of the North Pennine Moors SPA/SAC in this area does not include any form of residential development. SSSI designations underpin the SPA and SAC designations so it can be concluded that where there are no likely impacts on the SSSIs there are also no likely impacts on the SPA or SAC.

#### **4. Stage 1D: Identification of Other Plans and Projects Relevant to the Assessment.**

The policies alone are not considered to have a credible risk of a likely significant effect on the Tyne and Allen River Gravels SAC, Roman Wall Loughs SAC, Border Mires, Kielder-Butterburn SAC or the North Pennines Moors SAC/SPA.

In combination effects are considered to have been assessed via the *Northumberland Local Plan: Publication Draft Plan (Regulation 19) December 2018 Habitats Regulations Assessment* which has screened out any likely significant effect on those sites. Impacts on that SACs (and the North Pennines Moors SAC/SPA in particular) are considered to be related to land use which largely falls outside of the remit of the Local Plan.

In the interim period since the Local Plan HRA was completed there have been developments within the zone of influence of the North Pennines SPA/SAC and planning consents granted. However, these are largely included in the Local Plan considerations, and the underpinning status of the European Site and the factors influencing the site's status have not changed. Therefore, the considerations are still valid.

#### **5. Required Mitigation.**

None required.

#### **6. Other Ecological Considerations.**

As noted at section 2.40 of the Neighbourhood Plan, the plan area includes locally and nationally designated sites and priority habitats including:

New Scroggs Site of Special Scientific Interest (species rich predominately calcareous/whin grassland with national importance for the rare and endangered plant shining lady's-mantle *Alchemilla micans*) is within the plan boundary.

Areas of species rich grassland and Habitat of Principal Importance deciduous woodland are present.

The River North Tyne Wark to Chollerford Local Wildlife Site (LWS) is present along the eastern plan boundary and includes ancient woodland along the North Tyne valley.

The River North Tyne is exceptionally important as a catchment for salmon and endangered native invertebrate species white clawed crayfish and freshwater pearl mussel.

Within the planning system and in accordance with Local Plan policies WAT1, WAT2 and ENV2 developments likely to impact on water quality in the River North Tyne catchment will be subject to strict conditions regarding construction pollution management and non-mains drainage.

**The Neighbourhood Plan could reflect this emphasis on maintaining water quality especially where new non-mains drainage is proposed.**

## **Appendix 1. Site Analysis (see Stage 1A)**

This stage of the assessment details the reasons that relevant European sites have been designated (the qualifying features), the objectives intended to be achieved by designating and managing the sites, and the environmental conditions that are key to maintaining the integrity of the site. Guidance from the European Commission states that ‘a site can be described as having a high degree of integrity where the inherent potential for meeting site conservation objectives is realised, the capacity for self-repair and self-renewal under dynamic conditions is maintained, and a minimum of external management support is required’ (EC, 2000; para 4.6.3)

An asterisk \* beside a qualifying feature indicates that the feature is listed as a priority habitat on Annex I of the Habitats Directive.

***Table 1. European Site key features and environmental conditions to support site integrity***

<b>Site</b>	<b>Qualifying Features</b>	<b>Conservation Objectives</b>	<b>Key Environmental Conditions to Support Site Integrity</b>
Tyne and Allen River Gravels SAC	Calaminarian grassland	To maintain in (or restore to) favourable condition the calaminarian grassland	Appropriate grazing levels to maintain key species and bare ground, continuation of extreme conditions of toxicity and drought stress.
Border Mires Kielder – Butterburn SAC	Blanket bogs * Petrifying springs with tufa formation* European dry heaths Northern Atlantic wet heaths with Erica tetralix Transition mires and quaking bogs	To maintain the qualifying features in favourable condition (or restore them to favourable condition)	Blanket bog – high water table, low grazing levels, absence of burning, absence or low levels of human activity that cause erosion (e.g. military activities, recreational pressure), no peat extraction, absence of plantation conifers from hydrological unit or self-seeded conifers from peat body, low atmospheric or aquatic nutrient inputs. Petrifying springs – active tufa deposition from very base-rich water, low fertility, no damage to tufa from human or livestock trampling. Dry heath – grazing pressure not limiting dwarf shrub cover, mosaic of small burns and unburnt areas if burnt, low atmospheric or aquatic nutrient inputs. Wet heath – grazing pressure not limiting dwarf shrub cover, mosaic of small burns and unburnt areas if burnt, low atmospheric or aquatic nutrient inputs. Transition mires – high water table, balance between seepage and surface water maintained, enriched water from land drainage or surface run-off excluded, low atmospheric nutrient inputs.
Roman Wall Loughs SAC	Naturally eutrophic lakes with pondweed vegetation	To maintain in (or restore to) favourable conservation status the qualifying features	Water quality maintained within appropriate parameters, sedimentation rates not increased by primary productivity being elevated by anthropogenic eutrophication.

Site	Qualifying Features	Conservation Objectives	Key Environmental Conditions to Support Site Integrity
North Pennine Moors SPA	Internationally important breeding populations of Annex 1 species: Hen harrier Merlin Peregrine Golden plover	To maintain in (or restore to) favourable condition the upland moorland for the populations of Annex 1 species.	Low levels of human disturbance (heather burning, vehicles, livestock, dogs, people), especially between April and mid-July, and no illegal persecution or egg collection. Abundance of small birds and day-flying moths; areas of tall heather and scattered 0.5 -2ha tree clumps especially on slopes (merlin) Abundance of small mammals and small–medium sized birds; tall heather especially on slopes for nesting and grassland and grass-heath mosaics for feeding (hen harrier) Abundance of small-medium sized birds (peregrine) Abundance of earthworms, leatherjackets, beetles and spiders; maintenance of areas of short grassland, grassland with bracken and burnt heather especially on flatter plateaux, with extensive unobstructed views (golden plover)
North Pennine Moors SAC	Alkaline fens Blanket bogs * Calaminarian grasslands Calcareous rocky slopes with chasmophytes European dry heaths Juniper,Northern atlantic wet heaths Old sessile oak woods,Petrifying springs with tufa formation* Dry grassland and scrub on calcareous substrates Montane acid grasslands Siliceous rocky slopes with chasmophytic vegetation Siliceous scree Marsh saxifrage	To maintain in (or restore to) favourable condition the qualifying features.	Blanket bog – high water table, low grazing levels, absence of burning, absence or low levels of human activity that cause erosion (e.g. military activities, recreational pressure), low atmospheric or aquatic nutrient inputs. Petrifying springs – active tufa deposition from very base-rich water, low fertility, no damage to tufa from human or livestock trampling. Dry heath – grazing pressure not limiting dwarf shrub cover, mosaic of small burns and unburnt areas if burnt, low atmospheric or aquatic nutrient inputs. Wet heath – grazing pressure not limiting dwarf shrub cover, mosaic of small burns and unburnt areas if burnt, low atmospheric or aquatic nutrient inputs. Alkaline fens – maintenance of high piezometric head and low fertility, low levels of disturbance by livestock trampling or vehicles. Chasmophytic vegetation and scree – low levels of trampling by humans or livestock. Calaminarian grassland – very low nutrient inputs, appropriate grazing levels, continuation of extreme conditions of toxicity and drought stress. Old oak woods – browsing/grazing by native/non-native/agricultural ungulates low enough to permit regeneration and avoid undesirable shifts in stand composition or structure, low levels of pollution including eutrophication from adjacent farmland.

**Table 2. Current Condition of Designated Sites and Threats to Site Integrity**

Site	Qualifying Features	Current Condition of Component SSSIs within 10km of the Plan boundary	Threats to Site Integrity
Tyne and Allen River Gravels SAC	Calaminarian Grassland	<u>Wharmley Riverside</u> 100% of the underlying SSSI is in unfavourable declining condition. <u>Beltingham River Shingle</u> 100% unfavourable recovering condition.	The site is declining because of loss of open, calaminarian grassland to coarser vegetation, which is believed to be caused by declining loads of heavy metals in the river as spoil heaps resulting from former mine workings become depleted over time. No problems with recreational disturbance were noted.
Roman Wall Loughs SAC	Naturally eutrophic lakes with pondweed vegetation	<u>Roman Wall Loughs</u> 31.41% favourable. 68.59% unfavourable.	Land management issues are the main threat to site integrity; especially where likely to cause changes in nutrient levels or non-native species introduction. No problems with recreational disturbance are noted, with large areas not accessible to the public.
Border Mires Kielder-Butterburn SAC	Blanket bogs * Petrifying springs with tufa formation* European dry heaths Northern Atlantic wet heaths with Erica tetralix Transition mires and quaking bogs	<u>Muckle Moss SSSI</u> 100% favourable condition. <u>Kielder Mires SSSI</u> 64.24% favourable. 32.84% unfavourable. <u>Lampert Mosses SSSI</u> 33.88% favourable. 66.12% unfavourable.	Land management issues are the main threat to site integrity. No problems with recreational disturbance are noted.
North Pennines Moors SPA and SAC	Breeding bird assemblage, upland habitats	<u>Hexhamshire Moors (SPA and SAC)</u> 11% of the site is in favourable condition and 89% in unfavourable recovering. <u>Whitfield Moor, Plenmeller and Asholme Commons (SPA and SAC)</u> 18% of the site is in favourable condition and 82% in unfavourable recovering.	The main reasons for some compartments not being in favourable condition concern issues with land management. No problems with recreational disturbance were noted, and there was an increase in breeding waders between surveys undertaken in 1994/95 and in 2007.