HABITATS REGULATIONS ASSESSMENT REPORT

OF

ALNWICK AND DENWICK NEIGHBOURHOOD PLAN 2014-31 SUBMISSION DOCUMENT

Contents

1. Introduction

Purpose of the Habitats Regulations Assessment

1.1 Alnwick Town Council and Denwick Parish Council are leading the preparation of a Neighbourhood Development Plan (NDP) 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 This report details the findings of the Habitats Regulations Assessment (HRA) process of the Alnwick and Denwick Neighbourhood Development Plan. As the competent authority under the Conservation of Habitats and Species Regulations 2010 as amended, Northumberland County Council is required to assess all development plan documents through the HRA process. The integration of the HRA process is fundamental to the plan making process as policies in the plan can potentially affect Natura 2000 sites.

2. Habitats Regulations Assessment Requirements and Process

2.1 As a member of the European Union, the UK is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive9 2/43/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation (Natural Habitats &c) Regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SACs), designated under the Habitats Directive, and Special Protection Areas (SPAs), designated under the Birds Directive. Collectively, these are termed European sites, and the overall network of European sites is termed Natura 2000.

2.2 The UK is also a signatory to the Convention on wetlands of international importance especially as waterfowl habitat, which was signed in Ramsar, Iran in 1971. Areas designated under this Convention are called Ramsar sites. Although Ramsar sites are not European sites as a matter of law, the Government has chosen as a matter of policy to protect and manage them by applying the same procedures to them. Consequently, Ramsar sites are treated as European sites in practice.

2.3 Articles 6(3) and 6(4) of the Habitats Directive states the following concerning European sites:

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

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted."

2.4 For some time, it was the view of the UK Government that land-use plans did not require appropriate assessment. However in October 2005, the European Court of Justice ruled that land-use plans should be subject to appropriate assessment under the Habitats Directive. The implications of the ECJ ruling were communicated to Local and Minerals Planning Authorities in a letter from ODPM in March 2006, and in 2007 the Habitats Regulations were amended accordingly. On 1 April 2010 The Conservation of Habitats and Species Regulations 2010 replaced The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in England and Wales. Regulation 102(1) of the 2010 Regulations states that

"*Where a land use plan -*
(a) is likely to have a significant effect on a European site in Great Britain or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of the site,

the plan-making authority for that plan shall, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives."

2.5 The purpose of habitats regulations assessment is to demonstrate that a land-use plan (or other plan or project) will not have any adverse effects on the integrity of any European sites. The assessment determines whether the plan would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan modified to avoid any adverse effects. The Planning Authority can give effect to the plan only after having ascertained that it will not adversely affect the integrity of a European site.

Assessment Methodology to meet the requirements of the Habitats Directive

2.6 The following assessment methodology is proposed to meet the requirements of the Habitats Directive:

Stage One – Screening
An initial analysis to determine whether the ADNP is likely to have a significant effect on any European sites. The ADNP will require appropriate assessment unless it is certain that it will not have a significant effect on any European sites.

- 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 ADNP 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.

Stage Two – Appropriate Assessment
Determination of whether any proposals or policies in the ADNP identified at 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.

If mitigation is not possible and adverse effects on site integrity remain, the process must proceed to Stage Three

Stage Three – Alternative Solutions
The identification of alternative solutions to the relevant proposals or policies so as to avoid adverse effects on the integrity of European sites. The plan must then be modified in light of these findings.

Stage Four – Imperative Reasons of Overriding Public Interest and Compensatory Measures
If a plan or project has adverse effects on the integrity of a European site which cannot be avoided or mitigated for and there are no alternative solutions, consideration must be given to whether there are imperative reasons of overriding public interest for proceeding with the plan or project. This stage involves central Government and must be notified to the European Commission. If there are imperative reasons of overriding public interest, compensatory measures must be identified to maintain and enhance the overall coherence of the Natura 2000 network. This will only be in exceptional circumstances and must be supported by strong justification.

2.7 With regard to the assessment of the ADNP, the Council is currently at the screening stage and the outcome is that it is not anticipated that there will be any significant effects of the Plan on European Sites.

3. Identification of European sites and Site Analysis

3.1 The following European sites are within 5km of the NDP area at its nearest point, and have vectors such as rivers and prevailing winds that move from the NDP area to the European sites, and also are likely to attract visitors from the NDP area, with a consequent potential increase in disturbance. Accordingly they have been scoped into this HRA:

Northumbria Coast SPA and Ramsar Site
Berwickshire and North Northumberland Coast SAC
North Northumberland Dunes SAC

3.2 The next nearest European sites are the River Tweed SAC (approx. 7.5km to the east of the NDP area at nearest point) and Newham Fen SAC (approx. 11km north of the NDP area at nearest point). However, the River Tweed SAC is a different river catchment and against the prevailing wind from the NDP area, and so vectors to carry impacts such as pollutants are limited, and the SAC is unlikely to attract significant numbers of visitors from the NDP area. Similarly, Newham Fen lacks vectors to carry adverse effects and is unlikely to experience increased disturbance from visitors originating from the NDP area. Consequently these European sites have been screened out.

3.3 Given the limited scope of the Alnwick and Denwick Neighbourhood Development Plan, all other European sites can be screened out as they are more distant and lack significant vectors or links that could lead to adverse effects.

Site Analysis

3.4 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)

Site	**Qualifying Features**	**Conservation Objectives**	**Key Environmental Conditions to Support Site Integrity**
Northumbria Coast SPA	*Calidris maritima*; Purple sandpiper (Non-breeding) A169 *Arenaria interpres*; Ruddy turnstone (Non-breeding) A195 *Sterna albifrons*; Little tern (Breeding)	With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features'), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; ➢ 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 population of each of the qualifying features, and, ➢ The distribution of the qualifying features within the site.	All features – no significant increase in human disturbance or that caused by off-lead dogs. Maintenance of sparsely vegetated dunes for nesting (little tern). Extent and quality of rocky shore feeding and roosting habitat (purple sandpiper and turnstone)

Site	Qualifying Features	Conservation Objectives	Key Environmental Conditions to Support Site Integrity
Berwickshire and North Northumberland Coast SAC	Mudflats and sandflats not covered by seawater at low tide Large shallow inlets and bays Reefs Submerged or partially submerged sea caves Grey seal	With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features'), and subject to natural change; 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; ➢ 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.	Reefs – no significant change in water clarity (eg due to increases in suspended material), temperature or salinity, or in the distribution of rocky shore communities. Sea caves – no significant change in water clarity (eg due to increases in suspended material), temperature or salinity, or in the distribution of sea cave biotypes. Intertidal mud or sandflats – no reduction in extent, no significant change in sediment character (particle size composition, organic content) ensuring no increase in the extent of algal mats or significant changes in the distribution and abundance of eelgrass beds, mussel beds or distribution of infaunal biotopes. Grey seal habitats – human disturbance low enough to avoid reduction in numbers or displacement from key areas; no reduction in extent of rocky and coarse sediment shores
North Northumberland Dunes SAC	Embryonic shifting dunes Shifting dunes along the shoreline	With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features'), and subject to natural change;	Fixed dunes – appropriate grazing levels to maintain species and structural diversity, no increase in area occupied by invasive species eg Dunes with creeping willow – maintain active sucessional

Site	Qualifying Features	Conservation Objectives	Key Environmental Conditions to Support Site Integrity
	with *Ammophila arenaria* Fixed dunes with herbaceous vegetation * Dunes with *Salix repens* ssp. *argentea* Humid dune slacks Petalwort (*Petalophyllum ralfsii*) *	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; ➢ 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.	processes. Embryonic shifting dunes – sufficient area between high water mark and stable dunes to allow development of embryonic dunes, presence of beach plain at low tide to supply blown sand Humid dune slacks – maintenance of hydrological regime Shifting dunes with marram -sufficient area between high water mark and stable dunes to allow development of embryonic dunes, presence of beach plain at low tide to supply blown sand, no increase in linear extent or area constrained by introduced structures or landforms, no increase in area where vegetation establishment is prevented by human activity. Petalwort – maintenance of very short vegetation in dune slacks

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

4. Analysis of Trends

4.1 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.

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

- Air quality
- Tourism and recreation
- Climate change

Air Quality

4.3 The most significant pollutants in the UK are as follows:

Sulphur Dioxide SO2

4.4 The main sources of SO2 are power stations and industrial combustion processes burning large quantities of fossil fuels.

4.5 Wet and dry deposition of SO2 acidifies soils and fresh waters, thereby altering the composition of plant communities by causing a decline in species intolerant of more acid conditions. 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.

Nitrogen Oxides NOx (nitrate (NO2), nitrogen oxides (NO3) and nitric acid (HNO3)

4.6 NOx are mainly produced by combustion, with about a quarter of UK emissions from power stations, half form vehicle exhausts and the rest from industrial and domestic combustion.

4.7 Deposition of NOx can lead to acidification of soils and freshwater. As with SO2, the degree of harm depends on the level of deposition and on the buffering capacity of these environments. NOx can also lead to the eutrophication of soils and waters, leading to the competitive exclusion of sensitive species as more vigorous ones take advantage of the increased nutrient levels.

Ammonia (NH3)

4.8 Ammonia is released during the decomposition of animal wastes, and adverse effects are caused by eutrophication, mainly within or near intensive livestock rearing environments in the lowlands.

4.9 Levels have been greatly increased by the development of intensive livestock rearing systems during the twentieth century. However recent agricultural policy reforms and the introduction of agri-environment schemes are likely to facilitate a reverse in this trend.

Low Level Ozone O3

4.10 A secondary pollutant generated by photochemical reactions from NOx and volatile organic compounds.

4.11 Concentrations of O3 exceeding 40 ppb are toxic to humans and wildlife, altering the species composition f semi-natural habitats.

Underlying Trends in Air Pollution

4.12 The National Expert Group on Transboundary Air Pollution report of 2001 *Transboundary Air Pollution: acidification, Eutrophication and Ground-Level Ozone in the UK* reported the following findings:

1. Total SO2 emissions have decreased substantially in recent decades due to a decline in heavy industry, a decreasing contribution of coal burning in electricity generation, selection of lower sulphur coals for this purpose and cleaner burning of fossil fuels in power stations. Direct effects on vegetation have been virtually eliminated
2. Critical loads for acidification were exceeded in 71% of UK ecosystems in 1997, but this is forecast to drop to 47% by 2010, by which time NOx will have replaced SO2 as the major contributor.
3. Critical loads for eutrophication were exceeded in 25% o sensitive grasslands and 55% of heathland in 1995-97. This is expected to drop to 20% and 40% respectively, due to decreasing NH3 and NH4 emissions.
4. Overall, current deposition of nitrogen is probably changing the composition of vegetation in many nutrient-poor (acidic) habitats, and these changes may not be readily reversible.

4.13 Although technological advances have reduced NOx emissions from vehicle engines, increasing traffic levels are likely to cause NOx levels to start to increase again, and NOx levels are identified as a problem for sensitive sites adjacent to major transport routes.

4.14 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, increasing levels of tourism, population growth (albeit at a very modest level). The Design Manual for Roads and Bridges 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 NOx emissions generated within 200m of a European site need to be considered in Habitats Regulations Assessments.

European sites currently receiving acid deposition, nitrogen deposition or both above their critical loads

4.15 Based on the UK Air Pollution Information System (APIS) and the Environment Agency study *Impact of atmospheric emissions from JEP coal and oil-fired power stations on sites protected by the Habitats Directive* (February 2006), the following table shows European sites where acid deposition, nitrogen deposition or ozone are above their critical loads. The figures show air pollution levels divided by the critical load that the site can carry, so a figure in excess of 1.0 shows that the critical level is being exceeded.

European Site	**Acid Deposition**	**Nitrogen Deposition**	**Ozone**	**Features most sensitive to N and acid deposition**	**Largest non-agricultural source**
North Northumberland Dunes SAC	0.25	1.01	0.90	Fixed dunes Embryonic shifting dunes	Acid – Large Combustion Plants N – Vehicle exhausts

4.16 The table shows that the only European site for which critical loads are being exceeded is the North Northumberland Dunes SAC, for which nitrogen deposition slightly exceeds the critical load.

Water Quality

4.17 The draft Water Cycle Study undertaken for the Northumberland Core Strategy identifies that Alnwick Water Treatment Works currently has headroom for 300 further housing units, and so will require some upgrading in due course to provide for the proposed 1000 extra units by 2031. However, as this is technically feasible, it is concluded that the proposed level of development can be accommodated without water quality consent issues arising for the River Aln. Increased algal growth is of concern in Budle Bay, where it is adversely affecting the intertidal sand and mudflats which are an interest feature of the Berwickshire and North Northumberland Coast SAC and, by displacing eelgrass beds, adversely affecting Lindisfarne SPA by reducing the quality and quantity of feeding habitat of grazing wildfowl such as light-bellied brent goose, wigeon and whooper swan. While increased nutrient input is likely to be a causal factor in this increasing algal growth, the strongly southward direction of longshore drift along the east coast means that there is no risk of nutrient inputs from the River Aln contributing to this problem.

Hydrology

4.20 Water supply to the NDP area is from the Kielder water resource zone and is supplied via river systems and reservoirs. The draft Water Cycle Study identifies that this resource is in surplus. Furthermore there are no other water availability issues identified for the River Aln. Consequently it can be concluded that there are no hydrological issues associated with the NDP area.

Tourism and Recreation

4.17 Tourism and recreation is concentrated in certain areas of the county, especially the coast. Disturbance can be a significant impact arising from coastal recreation, with potential adverse impacts on nesting and feeding tern species, feeding and roosting migratory and winter waders and wildfowl and on fragile dune communities. Off-lead dogs greatly increase the effect of casual disturbance of birds by walkers, while on-lead dogs only increase it very slightly.

4.18 European sites included in this study which are vulnerable to disturbance from increasing visitor numbers comprise the Northumbria Coast SPA and Ramsar Site, while the North Northumberland Dunes SAC is potentially vulnerable to damage from increased trampling pressure.

Climate Change

4.19 Changes in climate arising from increasing levels of atmospheric CO_2 are very complex and difficult to predict. However, increasingly warm dry summers and mild, stormy winters along with rising sea levels

seem to be the most likely trends. Possible impacts on European sites include the following:

- distribution patterns of many species affected by shifts in their 'climate space' (the geographic area which has the appropriate climate for that species), predominately towards higher latitudes and higher altitudes.
- increasing rates of colonisation by new species, including pests and diseases
- higher summer water temperatures, with consequent decrease in levels of dissolved oxygen and increases in levels of primary productivity and decay processes.
- Increased rates of coastal erosion caused by more severe and more frequent storm events
- Loss of intertidal habitat as it becomes squeezed between rising sea levels and sea defences which are preventing natural realignment in response to that sea level rise.

4.20 Measures likely to assist in reducing the impacts of or in adapting to climate change include habitat restoration to improve 'ecosystem services', and land use change to facilitate the movement of communities and species. Examples of ecosystem services include the action of coastal habitats such as saltmarshes and sand dunes in reducing the energy and therefore erosive power of the sea, and the flood storage function of river floodplains. The area of functional floodplain in Northumberland has been greatly reduced over a long time period as flood defences have been put in place for settlements and farmland; however, increasingly severe winter storms will increase the need for it. Similarly areas of saltmarsh have been lost through drainage and conversion to agricultural land, while sand dunes

4.21 The issue of facilitating the movement of communities and species in response to movements in their climate space is complex, as they vary greatly in their ability to make such movements and they requirements that they have in order to do so; accordingly such changes are likely to be chaotic rather than simple, with more adaptable species and less specialist communities faring much better than more demanding and specialist ones. It is unclear whether beneficial land management practices can be initiated on a significant enough scale to assist in this process; however, those activities that are most likely to have a beneficial effect in this respect include restoring existing habitats to good condition to maximise their resilience, and increasing ecological connectivity by increasing the overall extent of semi-natural vegetation in the wider countryside; reinforcing and expanding features that act as links and corridors such as watercourses and their associated riparian habitats; increasing the density of networks of habitats such as wetlands, semi-natural grasslands and native woodlands; and managing farmland in a way that integrates food production and wildlife conservation. This requires that nature conservation is planned and

implemented at a landscape scale, rather than on the traditional site-by-site basis.

5.0 Analysis of Objectives, Policies and Community Actions in the Alnwick and Denwick Neighbourhood Plan Submission Document (May 2015) – Identification of Likely Significant Effects

5.1 The objectives, policies and community actions contained within the Alnwick and Denwick Neighbourhood Plan (ADNP) have been evaluated to identify where there could be a likely significant effect on the interest features of European sites.

The NPPF states that the presumption in favour of sustainable development does not apply to development proposals that require Appropriate Assessment.

As such, were any developments proposed which may have a likely effect on European sites (by virtue of *inter alia* size, resource use, or indirect effects such as increased disturbance) these effects would be assessed as part of a detailed policy or planning process at that stage. At present, there are no policies or proposals within this Neighbourhood Plan which would cause significant effects on European sites, or act as drivers to proposals which may cause significant effects.

Policies

5.3 **Policy SD1 – Planning for Sustainable Development in Alnwick and Denwick**

This objective is a general statement of policy/general aspiration and is therefore not likely to have a significant effect on a European Site.

5.4 **Policy H1 – Quantity of Housing.**

It is unlikely that the controlled release of 1,100 dwellings in the neighbourhood plan area will have a significant effect on European sites, due to the distance and limited connectivity to those sites, the gradual and limited nature of the developments and the ability of infrastructure (especially waste water treatment) to cope with the increase.

Furthermore, the growth proposed to be accommodated is that set out in the Northumberland Core Strategy, which is itself subject to Habitats Regulations Assessment.

The nearest European sites are areas of coast approximately 5km to the east of the parish boundaries.

- Northumbria Coast SPA and Ramsar Site
- Berwickshire and North Northumberland Coast SAC
- North Northumberland Dunes SAC

While the coast is likely to be used for recreation by some of the residents of this new housing, the areas of SPA are more than 5km away, and over 6km by road. 6km is widely recognised to be the distance that the vast majority of dog owners are prepared to travel for a daily dog walk. Furthermore, the bulk of recreational visits will be to beaches rather than rocky shore, and during summer rather than winter, and so will not impact on the SPA. Accordingly, any effects of this policy on the Northumbria Coast SPA will be *de minimus.*

5.5 **Policy H2 – Location of Housing Development.**

See point 5.4 above. The guidelines relating to the location of new housing contained in table HSG2 are welcomed for their general emphasis on improving and protecting biodiversity but as this is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

5.6 **Policy H3 – Ensuring a Choice of Housing.**

This policy is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

5.7 **Policy H4 – Affordable Housing.**

This policy is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

5.8 **Policy H5 – Housing Design.**

This policy is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

5.9 **Policy H6 (H6A and H6B) Existing Stock.**

This policy is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

5.10 **Policy H7 – Housing in the Countryside.**

This policy is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

5.11 **Policy E1 – Location of Economic Development.**

This objective is a general statement of policy/general aspiration and is therefore not likely to have a significant effect on a European Site.

However, underpinning this aspiration is a clear identification of existing employment sites and where additional supply may be offered (see 5.12 below).

The size (12 additional hectares at existing business parks, see Table EM1) and likely nature of these sites, even in combination with new housing allocated under the ADNP, would be unlikely to have a significant effect on the European sites 6km away on the coast.

Coastal sites can be affected by water quality but there is no plan proposed in the ADNP which would be likely to cause such indirect effects.

Furthermore, the growth proposed to be accommodated is that set out in the Northumberland Core Strategy, which is itself subject to Habitats Regulations Assessment.

The NPPF states that the presumption in favour of sustainable development does not apply to development proposals that require Appropriate Assessment.

As such, were any developments proposed which may have a likely effect on European sites (by virtue of *inter alia* size, resource use, or indirect effects such as increased disturbance) these effects would be assessed as part of a detailed policy or planning process at that stage. At present, there are no policies or proposals within this Neighbourhood Plan which would cause significant effects on European sites, or act as drivers to proposals which may cause significant effects.

5.12 **Policy E2 – Lionheart and Cawledge Business Parks.**

Please see 5.12 above. The scale of development supported by this policy and the distance and poor connectivity to European sites are such that policy or proposal is not likely to have a significant effect alone or in combination.

5.13 **Policy E3 – Reuse or Redevelopment of Industrial Sites.**

This policy is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

5.14 **Policy E4. South Road.**

This policy is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

5.15 **Policy E5 – New Tourism Development.**

This policy is a general criteria for testing the acceptability or sustainability of proposals, there is no likely significant effect on European Sites.

Any increase in visitor numbers to Alnwick through the improvement of the tourism offer will be likely to increase visitor numbers to the coast. While the coast is likely to be visited by tourists, the areas of SPA are more than 5km away, and over 6km by road. Furthermore, the bulk of recreational visits will be to beaches rather than rocky shore, and during summer rather than winter, and so will not impact on the SPA. Accordingly, any effects of this policy on the Northumbria Coast SPA will be *de minimus.*

5.16 **Policy E6 – Support for Certain Developments.**

This objective is a general statement of policy/general aspiration and is therefore not likely to have a significant effect on a European Site.

5.17 **Policies TCR1 to TCR5, Retail & AlnwickTown Centre.**

These policies are general criteria for testing the acceptability or sustainability of proposals, within the existing town centre/out of town retail centres. Therefore there is no likely significant effect on European Sites.

5.18 **Policies CF1 – CF9 Community Facilities.**

These policies are general criteria for testing the acceptability or sustainability of proposals, and are intended to protect existing community assets and open space. Therefore there is no likely significant effect on European Sites.

5.19 **Policies TRA1-TRA9 Transport.**

These policies are general criteria for testing the acceptability or sustainability of proposals OR a statement of aspiration, and are intended to improve quality of life and sustainable transport. Therefore there is no likely significant effect on European Sites.

5.20 **Policies – ENV1 – ENV15.**

These policies are general criteria for testing the acceptability or sustainability of proposals OR a statement of aspiration, and are intended to improve quality of life and biodiversity.

They can be assessed as environmental protection/site safeguarding policies which are intended to protect the wider environment. The community are to be commended for a detailed and comprehensive set of proposals to safeguard biodiversity.

None of these proposals will be likely to affect European Sites.

5.21 **Policies – HD1 - HD11.**

These policies are general criteria for testing the acceptability or sustainability of proposals OR a statement of aspiration, and are intended to safeguard existing heritage assets.

None of these proposals will be likely to affect European Sites.

5.22 **Community Actions.**

These objectives are general statements of policy/general aspiration and are therefore not likely to have a significant effect on a European Site.

6. Conclusion

6.1 This is a record of the determination as to whether the Alnwick and Denwick Neighbourhood Plan is likely to have a significant effect on any European sites, as required under Regulation 102 of the Conservation of Habitats and Species Regulations 2010 as amended, as of the 23rd June 2015.

6.2 Northumberland County Council considers that the Alnwick and Denwick Neighbourhood Plan is not likely to have a significant effect on any European Sites, for the reasons identified above.

6.3 As there are no effects which are more than *de minimus*, there is no requirement to consider impacts arising in combination with other plans and projects, and accordingly the Habitats Regulations Assessment process can be concluded at this point, without progressing to stage 2 appropriate assessment.

6.4 In accordance with Regulation 102 of the Conservation of Habitats and Species Regulations 2010 as amended, Northumberland County Council concludes that the Alnwick and Denwick Neighbourhood Plan Submission Document will not have an adverse effect on the integrity of any European sites. However, it should be noted that this is an iterative

process, and any significant subsequent changes to the Plan will need to be subject to further Habitats Regulations Assessment.

6.5 Natural England was consulted on this conclusion on 26 June 2015, and has agreed with it by letter dated 29 July 2015 (ref 157901).

Bibliography

Cruickshanks, K., Liley, D., Fearnley, H., Stillman, R., Harvell, P., Hoskin, R. & Underhill –Day, J (2010) *Desk-based Study on Recreational Disturbance to Birds on the Humber Estuary.* Footprint Ecology / Humber Manageemnt Scheme

David Tyldesley and Associates (2013) *Habitats Regulations Assessment of Preferred Strategy to Inform the Swansea Local Development Plan.*

DCLG (2012) *National Planning Policy Framework*

English Nature Habitats Regulations Guidance Notes:

- HRGN 1; The Appropriate Assessment (Regulation 48). May 1997.
- HRGN 3; The Determination of Likely Significant Effect. November 1999.
- HRGN 4; Alone or in Combination. May 2001.

English Nature (2005) *Dogs, Access and Nature Conservation*. Research Report no. 649

European Communities (1992) *Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora*.

European Commission (2000) *Managing Natura 2000 Sites; the Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.*

European Commission (2001) *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites.*

Feeney v Oxford City Council and the Secretary of State CLG judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin http://www.oxford.gov.uk/Library/Documents/Barton%20AAP/Barton%20AAP%20CD%207.20.1%20Appendix%20Feeney%20v%20OCC%202011.pdf

Hampshire County Council (2013) *Planning for Dog Ownership in New Developments: Reducing Conflict – Adding Value*

HMSO (1994) *The Conservation (Natural Habitats, &c.) Regulations 1994,* SI no. 2716.

HMSO (2010) *The Conservation of Habitats and Species Regulations 2010*, SI 490

HMSO (2012) *The Conservation of Habitats and Species (Amendment) Regulations 2012*, SI 1927

Liley, D. & Tyldesley, D. (2013) *Solent Disturbance and Mitigation Project: Phase III, Towards an Avoidance and Mitigation Strategy. Footprint Ecology / David Tyldesley & Associates.*

ODPM (2006) *The Application of Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC to Development Plans in the transitional period between now and when the Amending Regulations come into force.* Letter to Chief Planning Officers of 28/2/06.

ODPM (2005) *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.*

Opinion of Advocate General Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland http://curia.europa.eu/juris/document/document.jsf?docid=58359&doclang=EN

Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants (2006) *Appropriate Assessment of Plans*.

Stillman, R.A., Cox, J., Liley, D., Ravenscroft, N., Sharp, J. & Wells, M. (2009) *Solent Disturbance and Mitigation Project: Phase 1 Report.* Report to the Solent Forum

Tyldesley, D and Chapman, C (2013) *The Habitats Regulations Assessment Handbook* June 2015 edition. DTA Publications Ltd