



Northumberland
County Council

**HABITATS REGULATIONS
ASSESSMENT REPORT
OCTOBER 2022**

OF

**LOWICK NEIGHBOURHOOD PLAN:
REGULATION 15 (SUBMISSION) VERSION
AUGUST 2022**

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Habitats Regulations Assessment Report, October 2022 of Lowick Neighbourhood Plan: Regulation 15 (Submission) Version August 2022		
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1. Introduction

Purpose of the Habitats Regulations Assessment Report

- 1.1 Lowick 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 (as amended), 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, Special Protection Areas and also include Ramsar Sites. The HRA process is an iterative process and 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. The screening opinion provided in this Report has been reviewed prior to the submission of the Plan to the County Council to ensure that any revisions to policies arising following the pre-submission consultation stage did not result in any variation to the opinion.

Format of the Habitats Regulations Assessment Report

- 1.4 This HRA Report establishes the scope of and the process for completing the HRA of the Lowick Neighbourhood Plan: Regulation 15 (Submission) Version August 2022 and undertakes an assessment of the Plan. The HRA Report includes the following:
 1. HRA requirements and process.
 2. Stage 1A: Identifies the European sites.
 3. Stage 1B: Identifies the Trend Analysis.
 4. Stage 1C: Analysis of proposals and policies in the Lowick Neighbourhood Development Plan - Identification of Likely Significant Effects
 5. Stage 1D: Consideration of other plans and projects
 6. Stage 2: Appropriate Assessment
 7. Conclusion
 8. BibliographyAppendices

Habitats Regulations Assessment Consultation

- 1.5 It is a requirement of the Habitats Regulations to consult the appropriate nature conservation statutory body (Natural England). Consultation has taken place and Natural England confirm their agreement with the County Council, in their letter dated 7th October 2022 that the Lowick Neighbourhood Development Plan (Regulation 15 (Submission) Version August 2022) may have likely significant effects on European Sites, but the stated mitigation measures will ensure there are no likely adverse impact on site integrity of the Lindisfarne SPA and Ramsar Site, the Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC. Natural England's response is included at Appendix 1.
- 1.6 This HRA report will be submitted to the County Council alongside the Plan and other supporting documents and subject to a period of publicity prior to the independent examination of the Plan.

2. Habitats Regulations Assessment Requirements and Process

- 2.1 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 Directive 92/43/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 (as amended) 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 Regulation 105(1) of the Conservation of Habitats and Species Regulations 2017 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.”

Regulation 106 of the Regulations states;

“106.—(1) A qualifying body (i.e. Parish Council, or body designated as a Neighbourhood Forum) which submits a proposal for a Neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.”

2.5 The purpose of an HRA 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 adopt the plan only after having ascertained that it will not adversely affect the integrity of a European site.

2.6 The European Commission’s own guidance on the application of the test of likely significant effect accepts that policies in a plan that are no more than general policy statements or which express the general political will of an authority cannot be likely to have a significant effect on a site.¹

2.7 This issue has also been addressed in the High Court case of Feeney, in which the judge stated that:

“A Local Plan is a high level strategic document and the detail falls to be worked out at a later stage. Each appropriate assessment must be commensurate to the relative precision of the plans at any particular stage and no more. There does have to be an appropriate assessment at the Local

¹ European Commission, 2000, *Managing Natura 2000 Sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC* section 4.3.2 at http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf

Plan stage, but such an assessment cannot do more than the level of detail of the strategy at that stage permits”²

- 2.8 Therefore, there is a balance to be struck between being sufficiently rigorous in the assessment of potential effects, and undertaking a lot of unnecessary work or even causing a plan to fail the appropriate assessment test of ‘adverse effect on site integrity’ on the basis of risks that are more hypothetical than real, or risks that are too poorly defined at the Local Plan stage to be meaningfully assessed at this stage. Therefore some potential effects may be noted at this stage as requiring more detailed assessment during the development management process.
- 2.9 The Feeney case has also provided helpful guidance concerning the role of protective policies for European sites or protective wording within policies. It is clear that a general protective policy in itself cannot be regarded as adequate mitigation for any significant effects, because planning applications must be determined in accordance with the Development Plan. Therefore relying too heavily on a general protective policy can just create internal conflicts with other policies within the Plan.
- 2.10 However, an element of a policy that safeguards European sites or a policy qualifying a particular proposal so as to avoid likely significant effect has been found to be permissible³, as has adopting something in principle that will not actually happen if the protective condition or qualification is not being satisfied⁴. However, it is essential that such safeguards are sufficiently specific that they are not just general safeguards apply to a range of European sites and a range of effects.

Assessment Methodology to meet the requirements of the Habitats Directive

- 2.11 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 Lowick Neighbourhood Development Plan is likely to have a significant effect on any European sites. The Lowick Neighbourhood Development Plan 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 Lowick Neighbourhood Development 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.

² Sean Feeney v Oxford City Council and the Secretary of State CLG para 92 of the 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>

³ Feeney; paragraphs 88, 90 and 92

⁴ Feeney; paragraph 96

- 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

- 2.12 Determination of whether any proposals or policies in the Local 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.

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

Stage Three – Alternative Solutions

- 2.13 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

- 2.14 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.
- 2.15 The European Court of Justice provided a ruling to the Irish Courts in case C323/17⁵ (People over Wind) on 12th April 2018 in response to a request for a ruling to answer the following question:
‘Whether, or in what circumstances, mitigation measures can be considered when carrying out screening for appropriate assessment under Article 6(3) of the Habitats Directive?’

The ruling was:

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 concerned, of a plan or project, it is not appropriate, at

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<http://curia.europa.eu/juris/document/document.jsf?jsessionid=0B015136ECA453B45E5BC9B13397F53A?text=&docId=200970&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=5349699>

the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.'

- 2.16 This ruling overturned existing practice in the UK, which was to consider the benefits of any proposed mitigation at the screening stage, when determining whether a proposal is likely to have a significant effect on any European sites. Full consideration has been given to this ruling in the preparation of this Habitats Regulations Assessment. Reliance has not been given to mitigation measures at the screening stage, and all policies likely to have a significant effect in the absence of mitigation have been taken forward to appropriate assessment. Consequently it is considered that this HRA is consistent with the ECJ ruling in Case C 323/17.

3. Stage 1A: Identification of European sites

- 3.1 The following European sites are wholly or partly within 10km of the plan boundary or are considered to have the potential to be affected by the Plan, and so are within the scope of the Habitats Regulations Assessment:

Special Areas of Conservation (SACs)

Berwickshire and North Northumberland Coast SAC	3.8km east of the plan boundary
Ford Moss SAC	At the western boundary
North Northumberland Dunes SAC	3.8km east of the plan boundary
River Tweed SAC	3.8km east of the plan boundary

Special Protection Areas (SPAs)

Holburn Lake and Moss SPA	Within the plan boundary
Lindisfarne SPA	3.8km east of the plan boundary
Northumberland Marine SPA	3.8km east of the plan boundary

Ramsar Sites

Holburn Lake and Moss SPA	Within the plan boundary
Lindisfarne SPA	3.8km east of the plan boundary
Northumberland Marine SPA	3.8km east of the plan boundary

Site Analysis

- 3.2 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.

Site	Qualifying Features	Conservation Objectives	Key Environmental Conditions to Support Site Integrity
Berwickshire and North Northumberland Coast SAC	Large shallow inlets and bays Intertidal mudflats and sandflats Reefs Submerged or partially submerged sea caves Grey seal	Subject to natural change, to maintain in (or restore to) favourable condition the – Extent, distribution, diversity and species richness of reef communities. Diversity of sea cave communities and their characteristic zonation. The extent of eelgrass and mussel communities and the diversity of infaunal communities in the intertidal mud and sandflats Grey seal habitats, especially the extent and suitability of breeding habitat on the Farne Islands	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 used for breeding and hauling out.
Ford Moss SAC	Active raised bog *	To maintain in (or restore to) favourable condition the active raised bog	High water table, infrequent scrub or bracken, low atmospheric or aquatic nutrient inputs.

Site	Qualifying Features	Conservation Objectives	Key Environmental Conditions to Support Site Integrity
North Northumberland Dunes SAC	Fixed dunes with herbaceous vegetation * Dunes with creeping willow Embryonic shifting dunes Humid dune slacks Shifting dunes with marram Petalwort	Subject to natural change, to maintain in (or restore to) favourable condition the listed habitats. To maintain in (or restore to) favourable condition, the habitats for the population of petalwort.	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 successional 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
River Tweed SAC	Floating formations of water crowfoot Atlantic salmon Brook lamprey River lamprey Sea lamprey Otter	To maintain in (or restore to) favourable condition the river as a habitat for the qualifying interest features	Water crowfoot – near-natural baseflows and flushing flows, high water quality, low suspended solids, clean gravels, low phosphorus, characteristic river form maintained Atlantic salmon - near-natural baseflows and flushing flows, high water quality, low suspended solids, clean gravels, bankside trees with submerged roots maintained, characteristic river form maintained, no obstructions to migration, no stocking of salmonids. Lampreys - near-natural baseflows and flushing flows, high water quality, low suspended solids, clean gravels, extensive riparian vegetation, characteristic river form, no artificial barriers to migration Otter - near-natural baseflows and flushing flows, high water quality, low suspended solids, undisturbed areas with dense riparian vegetation and vegetated islands, good fish populations.

Site	Qualifying Features	Conservation Objectives	Key Environmental Conditions to Support Site Integrity
Holburn Lake and Moss SPA	Wintering greylag goose roost	To maintain in (or restore to) favourable condition the raised mire and dry heathland used by greylag goose	Human disturbance absent or at very low levels, no significant reduction in view lines in roosting area.
Lindisfarne SPA	Populations of Annex 1 species of European importance: Little tern Roseate tern Whooper swan Golden plover Regularly occurring migratory species of European importance: Purple sandpiper Turnstone Greylag goose Light-bellied brent goose Wigeon Ringed plover Bar-tailed godwit Redshank Wintering wildfowl assemblage of European importance	To maintain in (or restore to) favourable condition the intertidal mudflats and sandflats, saltmarsh, eelgrass beds and sand dunes for the populations of Annex 1 species; To maintain in (or restore to) favourable condition rocky shores with boulder and cobble beaches, intertidal mudflats and sandflats, saltmarsh and eelgrass beds for the regularly occurring migratory species; To maintain in (or restore to) favourable condition the intertidal sandflats and mudflats, saltmarsh, eelgrass beds and rocky shores for the wintering wildfowl.	All features – no significant increase in human disturbance Annex 1 species – extent and quality of feeding habitat - eelgrass beds and saltmarsh (for whooper swan), mudflats and sandflats (for golden plover), no increase in obstructions to viewlines (whooper swan and golden plover); maintenance of sparsely vegetated dunes for nesting (little tern). Migratory species – extent and quality of rocky shore feeding and roosting habitat (purple sandpiper and turnstone), no increase in obstructions to existing viewlines (all geese and waders), extent and quality of eelgrass beds (light bellied brent goose and wigeon), extent and quality of sandflats and mudflats (roosting for many species, feeding especially for ringed plover, bar tailed godwit and redshank),

Site	Qualifying Features	Conservation Objectives	Key Environmental Conditions to Support Site Integrity
Northumberland Marine SPA	Internationally important breeding populations of Annex 1 species: Sandwich tern, Roseate tern, Common tern, Arctic tern, Little tern, Common guillemot, Atlantic puffin. An internationally important seabird assemblage of over 20,000 birds	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; <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site 	Not yet available.
Holburn Lake and Moss Ramsar Site	Lowland raised bog Winter roost for internationally important numbers of greylag goose Inland roost for mallard, wigeon and teal during unfavourable weather.	To maintain in (or restore to) favourable condition the raised bog To maintain in (or restore to) favourable condition the habitats for the roosting wildfowl populations	High water table, infrequent scrub or bracken, low atmospheric or aquatic nutrient inputs (raised bog). Human disturbance absent or at very low levels, no significant reduction in view lines in roosting area (roosting wildfowl).

Site	Qualifying Features	Conservation Objectives	Key Environmental Conditions to Support Site Integrity
Lindisfarne Ramsar Site	<p>Extensive intertidal flats, saltmarsh and major sand dune system with well developed dune slacks.</p> <p>Wintering waterfowl assemblage of international importance.</p> <p>Internationally important migratory/wintering populations of</p> <p>Light-bellied brent goose</p> <p>Wigeon</p> <p>Ringed plover</p> <p>Redshank</p> <p>Greylag goose</p> <p>Bar-tailed godwit</p> <p>Rare plants:</p> <p>Petalwort Lindisfarne helleborine (endemic on Lindisfarne)</p>	<p>To maintain in (or restore to) favourable condition intertidal mudflats and sandflats, saltmarsh and eelgrass beds for the regularly occurring migratory and wintering species.</p> <p>Subject to natural change, to maintain in (or restore to) favourable condition the sand dune system.</p> <p>To maintain in (or restore to) favourable condition, the habitats for the populations of petalwort and dune helleborine.</p>	<p>No significant increase in human disturbance, no increase in obstructions to existing viewlines (all species), extent and quality of eelgrass beds (light bellied brent goose and wigeon), extent and quality of sandflats and mudflats (roosting for many species, feeding especially for ringed plover, bar tailed godwit and redshank).</p> <p>Fixed dunes – appropriate grazing levels to maintain species and structural diversity, no increase in area occupied by invasive species eg pirri-pirri bur.</p> <p>Dunes with creeping willow – maintain active successional processes.</p> <p>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</p> <p>Humid dune slacks – maintenance of hydrological regime</p> <p>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.</p> <p>Petalwort – maintenance of very short vegetation in dune slacks</p>

4. Stage 1B: Analysis of Trends

4. Stage 1B: 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
- Water quality and hydrology
- Tourism and recreation
- Large scale development
- Climate change
- Non-native invasive species

Air Quality

4.3 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

4.4 Sources of oxidised nitrogen mainly comprise nitrate (NO₂), nitrogen oxides (NO₃) and nitric acid (HNO₃) and are together referred to as NO_x. They are mainly produced by combustion of fossil fuels from power stations, vehicle exhausts and industrial and domestic combustion. Reduced nitrogen comprises gaseous ammonia (NH₃) and fine particulate ammonium (NH₄⁺) and arises mainly from agricultural sources comprising animal waste and artificial fertilizers.

4.5 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.

Acid Deposition

4.6 The main sources of acid deposition are SO₂ from power stations and industrial combustion processes burning large quantities of fossil fuels, NO_x also from combustion and the transformation of ammonia from agriculture to acidifying nitrogen compounds. The contribution of SO₂ 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.

- 4.7 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.
- 4.8 Although technological advances have reduced NO_x emissions from vehicle engines, this benefit is offset by increasing traffic levels, and NO_x levels are identified as a problem for sensitive sites adjacent to major transport routes.
- 4.9 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 Bridges⁶ 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_x 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.

⁶ <http://www.dft.gov.uk/ha/standards/dmr/vol11/section3/ha20707.pdf>

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

4.10 The following tables are based on data from the UK Air Pollution Information System (APIS)⁷. The 'Site Relevant Critical Loads' tool in APIS provides critical loads for nitrogen and acidity in all SACs and SPAs in the UK for which critical load data is available. It also provides deposition data for each site and apportionment information for major sources. A Critical Load is defined as a quantifiable estimate of exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur according to present knowledge.

Nitrogen

Site	Most sensitive interest feature	Critical Load (kg N/ha/yr) ⁹	Deposition (kg N/ha/yr) ¹⁰			Source Attribution
			Max	Min	Mean	
Ford Moss SAC	Active raised bogs	5-10	14.1	14.1	14.1	Livestock 31% Fertilizer 10% Road vehicles 7%
North Northumberland Dunes SAC	Fixed dunes with herbaceous vegetation (acid type)	8-10	15	8.1	10.5	Livestock 29% Fertilizer 10% Road vehicles 6%

Acid Deposition

Site	Most sensitive interest feature	Critical Load ¹¹ (Nitrogen Sulphur keq H+/ha/yr)	Current Deposition (Nitrogen Sulphur keq H+/ha/yr) ¹²			Source Attribution
			Max	Min	Mean	
Ford Moss SAC	Active raised bogs	Min 0.321 0.185 Max 0.321 0.186	1.01 0.19	1.01 0.19	1.01 0.19	Livestock 23% Fertilizer 8% Road vehicles 5% Industrial and residential combustion 5%
North Northumberland Dunes SAC	Fixed dunes with herbaceous vegetation (acid type)	Min 0.223 0.410 Max 0.438 4.700	1.07 0.21	0.57 0.14	0.75 0.17	Livestock 21% Fertilizer 8% Road vehicles 5% Industrial and residential combustion 6%

- NB
1. Marine and intertidal features were not considered to be at risk due to the buffering effects of seawater.
 2. Information was not available for freshwater sites, but the risk presented from atmospheric nitrogen was considered to be de *minimus* compared to inputs from surface and groundwater runoff.

⁷ www.apis.ac.uk/srd accessed 07-09/11/18

- 4.11 The table shows that the most significant exceedences of critical loads of acid deposition occur in bog and dune communities, and are especially severe in the North Northumberland Dunes and Ford Moss SACs. Exceedences of critical loads of nitrogen occur more widely across heathland, mire and grassland communities.

Water Quality

- 4.12 Maintaining high water quality is central to the wellbeing of a number of European sites in Northumberland; most obviously the Roman Wall Loughs SAC, the River Eden SAC and the River Tweed SAC. However, other sites such as Newham Fen SAC and Ford Moss SAC could be adversely affected by raised nutrient inputs from agricultural fertilizer and manure or sewage, reaching these sites via aquatic pathways. 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.

Nutrient Neutrality

- 4.13 In March 2022 new Government advice was issued on development in catchments which are impacted by high nutrient levels affecting water quality, where the catchments discharge into or include European Sites. In Northumberland the sites include the Roman Wall Loughs SAC, the River Eden SAC (impacts from phosphates) and the Lindisfarne SPA/Ramsar Site (nitrogen).
- 4.14 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 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.

Hydrology

- 4.15 The supply of water in Northumberland is divided into two water resource zones, Kielder WRZ and Berwick and Fowberry WRZ. The Kielder WRZ serves most of the population of Northumberland and is supplied via river systems and reservoirs. For the most part, there are no water availability issues within this WRZ, primarily due to the very substantial supplies at Kielder Reservoir; however, both the rivers Coquet and Font have been identified as experiencing water availability issues. The Berwick and Fowberry WRZ is supplied primarily from an underlying aquifer, and supply shortages have been experienced during periods of high demand. Water abstraction for agriculture occurs from the Tweed catchment rivers, potential impacts on the SAC are being managed through abstraction licence reviews.

Tourism and Recreation

- 4.16 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 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. Disturbance of breeding birds caused by increasing levels of recreational access can also be an issue away from the coast, especially 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.
- 4.17 European sites at particular risk of disturbance impacts include the Northumbria Coast SPA and Ramsar Site, Lindisfarne SPA and Ramsar Site and the North Northumberland Dunes SAC. European sites vulnerable to disturbance from increasing visitor numbers include the North Pennines SPA. The Tyne and Allen River Gravels SAC is vulnerable to damage from the Pennine Way and from riverside caravan and camping sites.

- 4.18 Improvements in treatment of sewage arising from coastal settlements in order to meet Urban Waste Water Treatment Directive obligations will help to ensure that increasing visitor numbers do not contribute to the eutrophication of intertidal and subtidal habitats.

Large Scale Development

- 4.19 Development of land is occurring at a comparatively modest pace in Northumberland, with the bulk of housing and industrial development occurring in and adjacent to the settlements of south-east Northumberland, on the periphery of the Tyneside conurbation. New development causes a range of impacts that can affect European sites, including increased or changing patterns of air pollution from changing or increasing vehicle uses, and increases in water demand and in waste arisings. Urban expansion can also cause loss of or increased disturbance to land which is used as high tide and night time roosts by bird species which are key features of the coastal SPAs, and it can increase disturbance within these SPAs, for example through increased recreational use of the intertidal zone and through light pollution. Recreational disturbance such as dog walking can be a particular problem when new residential development occurs close to the Northumbria Coast SPA and Ramsar Site; feeding opportunities for turnstone and purple sandpiper are already restricted by the tides and the limited daylight of winter, so lost feeding time and increased energy use evading perceived predators could be significant. Some high tide and night time roost sites used by these species are known to occur in close proximity to development, but overall knowledge of the location of roost sites is incomplete. There is currently a high degree of uncertainty about the breeding locations of the golden plover that winter on the Northumberland Coast; however, adverse effects on the wintering populations could affect the integrity of the North Pennines Moors SPA or other SPAs that they breed in.
- 4.20 Demand for particular types of building stone, for markets within and outwith Northumberland, can create demand for particular sites to be quarried. In Northumberland, demand for dimensional building stone is generally for sandstone, with a low likelihood of significant effects on European sites.
- 4.21 The highest quality concreting sands and gravels in Northumberland are derived from igneous rocks, and so occur in the north of the county, in valleys of rivers which are within the River Tweed SAC. Potential significant effects include releases of silt or pollutants to the watercourses and hydrological changes arising from water abstraction for processing.

Climate Change

- 4.22 Changes in climate arising from increasing levels of atmospheric CO₂ 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:
- coastal squeeze, as habitats such as saltmarshes and sand dunes are caught in a decreasing amount of space between rising sea levels on their seaward side and human land uses on their landward side. This is likely to affect all coastal European sites, but effects will be felt first and most severely on European sites with intertidal habitats and dunes, which are Berwickshire and North

Northumberland Coast SAC, Tweed Estuary SAC, North Northumberland Dunes SAC, Lindisfarne SPA and Ramsar Site, Northumbria Coast SPA and Ramsar Site. Increased depths of water due to sea level rise may also affect coastal reefs and caves in the Berwickshire and North Northumberland Coast SAC.

- increasing wildfires affecting combustible plant communities such as heaths and bogs, affecting upland sites such as the North Pennines Moors SAC, North Pennines Moors SPA, Harbottle Moors SAC, Simonside Hills SAC, Border Mires Kielder-Butterburn SAC, Moor House – Upper Teesdale SAC, Irthinghead Mires Ramsar Site and Langholm – Newcastleton Hills SPA.
- rivers and wetlands increasingly affected by low flows in summer and floods in winter, for example the River Tweed SAC, River Eden SAC, Tyne and Allen River Gravels SAC, Tyne and Nent SAC.
- 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. This may affect arctic-alpine communities in the North Pennines Moors SAC and Moor House-Upper Teesdale SAC especially severely.
- 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.

4.23 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 hydrological functioning of blanket bogs in absorbing large quantities of water from rainfall and gradually releasing it to watercourses, and the flood storage function of river floodplains. The hydrological function of blanket bogs in the uplands of Northumberland and surrounding areas has been adversely affected by the excavation of drainage ditches, especially during the 1950s – 1970s, and through afforestation. Projects to block ditches and restore afforested bogs are underway in the North Pennines and the Border Uplands, but are of a small scale compared to the areas affected. 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. Coastal realignment (the setting back of coastal defences) has the potential to allow coastal habitats such as saltmarsh to migrate landwards rather than being lost to coastal squeeze; projects are currently underway at Alnmouth and Goswick through the Northumberland Foreshores Project which will demonstrate the potential of this approach, although again these are of very limited scale compared to the problem.

4.24 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 their 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.

Invasive Species

- 4.25 Thousands of non-native species have become established in the UK, having been brought here either intentionally or accidentally by people. A small proportion of non-native plants have become highly invasive, displacing native vegetation and forming dense single-species stands of little value to wildlife. Similarly, a few such animals are displacing native species, either directly or via pests or diseases that they have brought with them. Significant problems within European sites are as follows:
- Pirri-pirri bur is adversely affecting dune grassland within the North Northumberland Dunes SAC.
 - *Spartina* (a saltmarsh grass) is adversely affecting mudflats within the Berwickshire and North Northumberland Coast SAC and Lindisfarne SPA.
 - Japanese knotweed and giant hogweed is displacing native riparian vegetation in the River Tweed SAC, a problem which is being addressed through the Tweed Invasives Project.
 - Crayfish plague, associated with the introduced signal crayfish, is spreading in northern England, and so the integrity of the River Eden SAC is at risk.
 - Pacific oyster *Crassostrea gigas*, a non-native invasive species is currently being farmed within Lindisfarne SPA and Ramsar Site, Northumberland Marine SPA and the Berwickshire and North Northumberland Coast SAC.

5. Stage 1C: Analysis of proposals and policies in the Lowick Neighbourhood Development Plan - Identification of Likely Significant Effects

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

Paragraph 177 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

- 5.2 The following European sites are within a 10km of the boundary of the Plan. Each European Site is underpinned by a number of component Sites of Special Scientific Interest. The sites are shown at Figure 1.

Special Areas of Conservation (SACs)

- Berwickshire and North Northumberland Coast SAC
- Ford Moss SAC
- North Northumberland Dunes SAC
- River Tweed SAC

Special Protection Areas (SPAs)

- Holburn Lake and Moss SPA (within the plan boundary)
- Lindisfarne SPA
- Northumberland Marine SPA

Ramsar Sites

- Holburn Lake and Moss
- Lindisfarne
- Northumbria

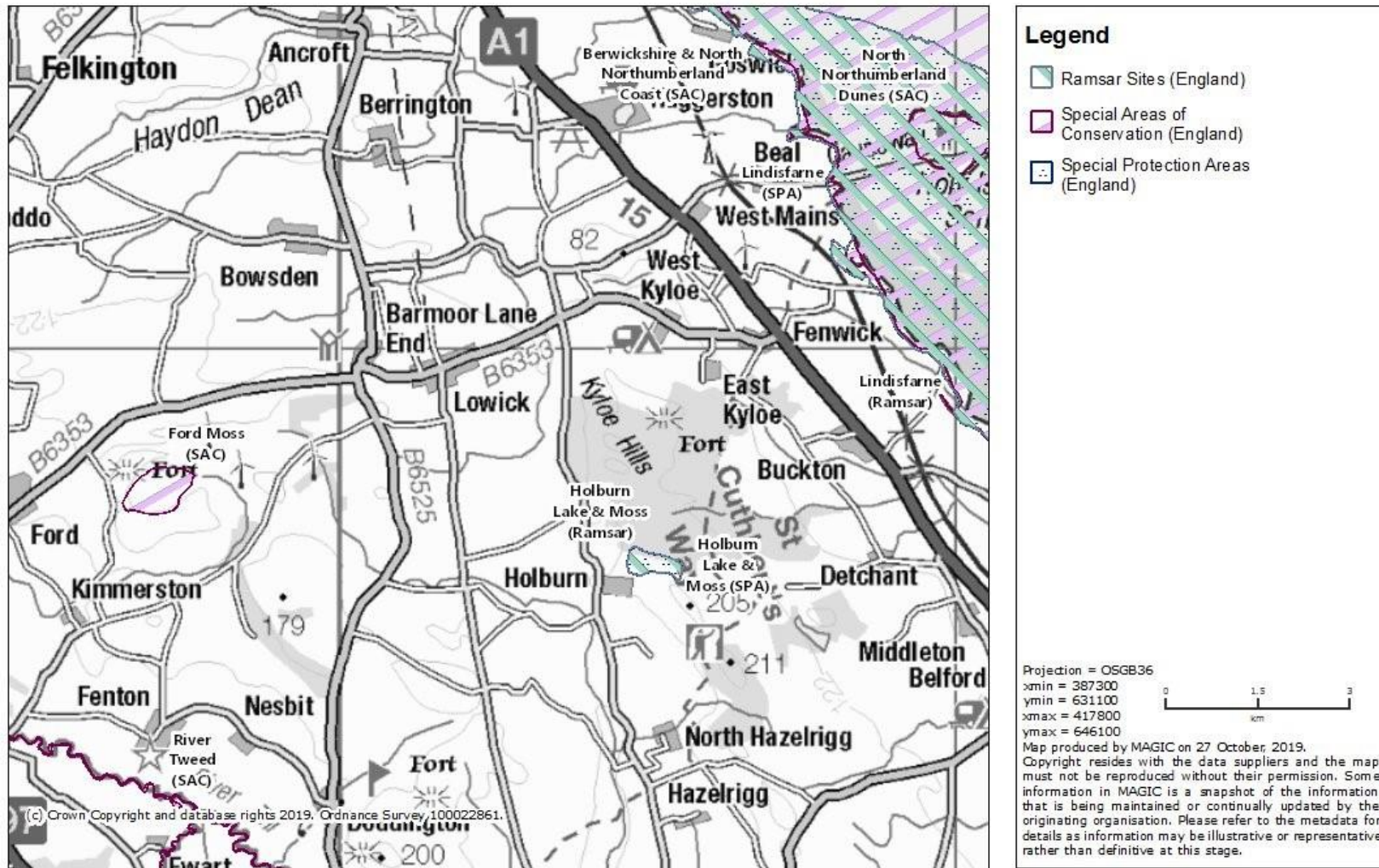


Fig. 1. European Sites within 10km.

5.3 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
Berwickshire and North Northumberland Coast SAC	Large shallow inlets and bays Intertidal mudflats and sandflats Reefs Submerged or partially submerged sea caves Grey seal	<u>Bamburgh Coast and Hills SSSI</u> 5 units in favourable condition, one in unfavourable no change and one in unfavourable recovering. <u>Castle Point to Cullernose Point SSSI</u> all units in favourable condition. <u>Farne Islands SSSI</u> All units in unfavourable recovering condition <u>Howick to Seaton Point SSSI</u> All units in favourable condition. <u>Lindisfarne SSSI</u> 7 units in unfavourable condition. 3 units and a further 6 geological in favourable condition <u>Newton Links SSSI</u> 2 units in favourable condition, one unit in unfavourable recovering condition. <u>Northumberland Shore SSSI</u> All units in favourable condition.	Recreational Disturbance Coastal squeeze from development Direct disturbance from coastal activities including fishing and watersports Poor water and air quality leading to increased eutrophication impacting habitats and ecosystems. Invasive species
Ford Moss SAC	Active raised bog *	<u>Ford Moss SSSI</u> All units in unfavourable recovering condition.	Changes in land management including hydrological change leading to loss of active bog habitat Invasive species Water and air quality
River Tweed SAC	Floating formations of water crowfoot Atlantic salmon Brook lamprey River lamprey Sea lamprey Otter	<u>Tweed Catchment Rivers - England: Lower Tweed and Whiteadder SSSI</u> All units in unfavourable condition <u>Tweed Catchment Rivers - England: Till Catchment SSSI</u> All units in unfavourable condition	Impacts on water quality including from agriculture and foul water impacting on the interest features
Holburn Lake and Moss SPA/Ramsar	Wintering greylag goose roost	<u>Holburn Lake and Moss SSSI</u> One unit in unfavourable recovering condition, one unit in favourable condition	Changes in land management including hydrological change leading to loss of roosting habitat Invasive species Water and air quality Recreational and land use disturbance of interest features

Site	Qualifying Features	Current Condition of Component SSSIs within 10km of the Plan boundary	Threats to Site Integrity
North Northumberland Dunes SAC	Fixed dunes with herbaceous vegetation * Dunes with creeping willow Embryonic shifting dunes Humid dune slacks Shifting dunes with marram Petalwort	<u>Bamburgh Coast and Hills</u> 5 units in favourable condition, one in unfavourable no change and one in unfavourable recovering. <u>Newton Links SSSI</u> 2 units in favourable condition, one unit in unfavourable recovering condition. <u>Bamburgh Dunes</u> All units in unfavourable recovering condition <u>Alnmouth Saltmarsh and Dunes</u> 100% favourable condition <u>Lindisfarne</u> 7 units in unfavourable condition. 3 units and a further 6 geological in favourable condition. <u>Warkworth Dunes and Saltmarsh SSSI</u> All units in favourable condition.	Recreational Disturbance Coastal squeeze from development Air quality also contributing to the loss of feeding grounds. Invasive species
Northumberland Marine SPA	Internationally important breeding populations of Annex 1 species: Sandwich tern Roseate tern Common tern Arctic tern Little tern Common guillemot Atlantic puffin An internationally important seabird assemblage of over 20,000 birds	Not yet available	Not yet available but impacts of poor water quality, climate change, overfishing, avian flu and other disease, human disturbance and the loss of nest and roost sites are all threats to the populations of seabirds which are interest features of the site.

Site	Qualifying Features	Current Condition of Component SSSIs within 10km of the Plan boundary	Threats to Site Integrity
Lindisfarne SPA/Ramsar	Populations of Annex 1 species of European importance: Little tern Roseate tern Whooper swan Golden plover Regularly occurring migratory species of European importance: Purple sandpiper Turnstone Greylag goose Light-bellied brent goose Wigeon Ringed plover Bar-tailed godwit Redshank Wintering wildfowl assemblage of European importance	7 units in unfavourable condition. 3 units and a further 6 geological in favourable condition Several units in unfavourable and declining condition underpinning reason: "Poor water quality flowing into Budle Bay has resulted in the growth of the macroalgae <i>Enteromorpha</i> , which has a direct impact on the SAC mudflat and feeding habitat of SPA birds".	Recreational Disturbance Coastal squeeze from development Direct disturbance from coastal activities including fishing and watersports Poor water quality through increased eutrophication impacting feeding grounds, air quality also contributing to the loss of feeding grounds. Invasive species

5.4 Assessment of the Plan's Objectives:

Objectives – screened out as these are high level objectives enacted via the detailed policies. There cannot, therefore, be any conceivable impact on a European Site.

5.5 Assessment of the Plan Policies:

Likely significant effects are considered to be limited to water quality impacts on the Lindisfarne SPA/Ramsar Site and Berwickshire and North Northumberland Coast SAC and recreational disturbance impacts on the Lindisfarne SPA/Ramsar Site and the North Northumberland Dunes SAC.

The Holburn Lake and Moss SPA/Ramsar is within the plan boundary and human disturbance is included in the conservation advice from Natural England as a threat to the integrity of the site. However, it is considered that the small numbers of new dwellings or units of tourist accommodation likely to be supported by the plan do not pose a significant increase in residential disturbance. The site is not likely to be as attractive to dog walkers as the coast and public footpaths are limited to the western edge of the reserve. Therefore, significant effects on Holburn Lake and Moss SPA/Ramsar Site are not likely.

Ford Moss SAC's interest features are not considered to be vulnerable to small scale increases in housing or accommodation within a 10km buffer and so likely significant effects on those sites are ruled out.

The River Tweed Special Area of Conservation is vulnerable to nutrient enrichment although the threshold for discharges considered by Natural England in their Site of Special Scientific Interest Impact Risk Zone criteria is higher than any likely development to be supported by the plan. The plan includes a single small watercourse which discharges into the Tweed catchment. Therefore, significant impacts on the River Tweed SAC are screened out.

The Northumberland Marine SPA's interest features are a seabird assemblage of international important. Due to the nature of the interest features and the marine habitats on which they depend there can be no conceivable impact of the Neighbourhood Plan policies on this site.

5.5.1 Policies Screened in

Policy L3: Lowick Village Settlement Boundary

Policy L12: Tourism

Policy L15: Conversion Of Buildings

All of these policies are screened in as they support a net increase in housing or other units of accommodation including tourist accommodation and agricultural conversions.

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.

Policies L6 and L7 of the plan propose mitigation for those likely effects. The policies are screened in, and the mitigation proposed is discussed further at section 7 in the Appropriate Assessment.

Lindisfarne SPA/Ramsar and the North Northumberland Dunes SAC.

The likely significant effects are considered to be via recreational disturbance impacting the interest features of the sites.

Lindisfarne SPA/Ramsar and Berwickshire and North Northumberland Coast SAC

The likely significant effects are considered to be increased nutrient loading in the Lindisfarne SPA and Berwickshire and North Northumberland Coast SAC which may impact on the interest features and the underpinning habitats on which they depend by reducing available feeding areas through eutrophication.

5.5.2 Policies Screened Out

Policy L1: Community And Recreational Facilities
Policy L2: Local Green Spaces
Policy L4: Design in New Housing Development
Policy L5: Biodiversity and Development
Policy L8: Accessibility
Policy L9: Creation and Improvement of Footpaths and Cycleways
Policy L10: Broadband And Telecommunications
Policy L11: Local Employment and Rural Enterprise
Policy L13: Non-Designated Heritage Assets
Policy L14: Lowick's Historic Core

These policies focus on design principles, environmental protection and infrastructure. There are no conceivable effects on European Sites from these policies.

5.6 Screening of Policies to Assess Likely Significant Effect.

5.6.1 The policies within the Lowick Neighbourhood Development Plan (Regulation 15 (Submission) Version - August 2022) potentially support small numbers of new housing or tourism units where this meets a defined local need, and in accordance with certain design parameters.

5.6.2 Given the nature and scale of the developments which would be supported, the existing evidence regarding the conservation objectives and status of those sites, and the nature of the European sites within 10km of the plan boundary, it is considered that there is a credible risk of likely significant effects on European Sites within 10km of the plan boundary.

6. Stage 1 D Identification of other plans and projects relevant to the assessment, to identify any likely in-combination effects.

- 6.1 Policies L3: Lowick Village Settlement Boundary, L12: Tourism and L15: Conversion Of Buildings are screened in because of the potential impact of housing growth on the Lindisfarne SPA/Ramsar, Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC and so will be taken forward to Appropriate Assessment. No other European sites are likely to be affected.
- 6.2 Where significant impacts on a European site can only be avoided with mitigation, as a competent authority Northumberland County Council must consider the Implications of Case C 323/17 in the Court of Justice of the European Union (People over Wind). The ECJ provided a ruling to the Irish Courts in the above case on 12th April 2018 in response to a request for a ruling to answer the following question: *'Whether, or in what circumstances, mitigation measures can be considered when carrying out screening for appropriate assessment under Article 6(3) of the Habitats Directive?'*
- 6.3 The ruling was: *'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 concerned, 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.'*
- 6.4 As such, it is not possible to conclude at the screening stage that additional housing sites will not have significant effects on Coastal European Sites and the policies and objectives related to those sites require Appropriate Assessment, at which stage the mitigation measures can be considered. Accordingly, an appropriate assessment is required to determine if the above policies will have an adverse effect on the integrity of the interest features of the Lindisfarne SPA/Ramsar, Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC.
- 6.5 None of the other policies will have any effect on any European sites and therefore cannot contribute to in-combination effects.

**APPROPRIATE ASSESSMENT
(October 2022)
OF
LOWICK
NEIGHBOURHOOD PLAN
REGULATION 15 (SUBMISSION)
(AUGUST 2022)**

7. Stage 2: Appropriate Assessment

- 7.1 The screening assessment of the Lowick Neighbourhood Plan identified that the following objectives and policies are likely to have a significant effect on the Lindisfarne SPA and Ramsar Site, Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC.
- L3: Lowick Village Settlement Boundary
 - L12: Tourism
 - L15: Conversion Of Buildings
- 7.2 The housing numbers are estimated to be low (above the current baseline of approved or submitted planning applications). 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. Accordingly, an appropriate assessment is required to determine if the above policies will have an adverse effect on the integrity of the interest features of the Lindisfarne SPA and Ramsar Site, Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC.
- 7.3 The potential impact arising from these policies is the cumulative increase in recreational disturbance arising from increased housing numbers within the coastal zone of influence. Disturbance primarily arises from recreational activities such as walking and sea angling, with off-lead dogs being a particular concern because they range more widely than their owners and because the birds, as species that feed and roost on the ground, have to have a strong predator avoidance response to mammals such as fox and wolf, and therefore domestic dogs. Repeated disturbance causes birds to waste foraging time monitoring what they perceive to be potential predators, and to waste energy repeatedly taking flight to avoid them, and this can affect them in a range of ways that ultimately can affect their survival rates.
- 7.4 Recreational disturbance and access onto coastal dune systems can damage dunes directly through trampling and nutrient enrichment, as well as significantly increasing the spread of pirri pirri burr, a non-native invasive species which attaches to clothes and animal fur which can rapidly colonise and dominate dune systems displacing the floral communities which are interest features of the Northumberland Coast SAC.
- 7.5 Additional impacts on the Lindisfarne SPA and Ramsar Site and Berwickshire and North Northumberland Coast SAC are likely through nutrient enrichment. 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 (and therefore the units of the Berwickshire and North Northumberland Coast SAC which overlap that designation) 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 development that will increase foul water discharges will need to be accompanied by a nutrient budget. Tools to calculate this have been made available. Any new development must demonstrate through design or land use changes that no net increase in nitrogen will enter the catchment for the SPA.

7.6 The assessment is summarised in the table below.

PART A: The Proposal	
1. Type of Plan: Neighbourhood Plan	2. Author/Lead: Lowick Parish Council
3. Brief description of proposal: Lowick Neighbourhood Development Plan (Regulation 15 (Submission) Version - August 2022) The policy supports a net increase in residential or other accommodation units within the 10km zone of influence for coastal sites.	
4. European site name(s):	North Northumberland Dunes SAC Lindisfarne SPA and Ramsar Site Berwickshire and North Northumberland Coast SAC
5. List of interest features: <u>Lindisfarne SPA</u> Internationally important migratory and wintering populations of: Bar-tailed godwit Common scoter Dunlin Eider Golden plover Grey plover Greylag goose Light-bellied brent goose Long tailed-duck Red-breasted merganser Redshank Ringed plover Sanderling Shelduck	

Whooper swan

5. List of interest features (continued):

Lindisfarne SPA (continued)

Wigeon

Internationally important breeding populations of:

Little tern

Roseate tern

Lindisfarne Ramsar Site

Extensive intertidal flats, together with a large area of saltmarsh, and major sand dune system with well developed dune slacks.

Wintering waterfowl assemblage of international importance.

Internationally important migratory and wintering populations of:

Light-bellied brent goose

Wigeon

Redshank

Ringed plover

Greylag goose

Bar-tailed godwit

North Northumberland Dunes SAC

Fixed dunes with herbaceous vegetation * (priority habitat)

Dunes with creeping willow

Embryonic shifting dunes

Humid dune slacks

Shifting dunes with marram

Petalwort

Berwickshire and North Northumberland Coast SAC

Large shallow inlets and bays, Intertidal mudflats and sandflats

Reefs

Submerged or partially submerged sea caves

Grey seal

PART B: Identification of effects being considered and relevant features affected			
Significant effect being considered (attribute affected)	Affected qualifying feature(s)	Favourable condition target(s) for relevant feature(s) based on conservation objectives set for SPA/ Ramsar	Contribution of attribute(s) to site integrity (ecological structure and functioning of site)
Increased eutrophication of habitats within the Lindisfarne SPA and Ramsar Site from foul water	Extensive intertidal flats	To maintain in (or restore to) favourable condition the intertidal mudflats and sandflats, saltmarsh, eelgrass beds for the populations of Annex 1 species;	Direct effect on qualifying feature therefore inherent to site integrity. Site condition currently 'unfavourable'.
Increased eutrophication of habitats Berwickshire and North Northumberland Coast SAC from foul water (non-mains drainage)	Large shallow inlets and bays Intertidal mudflats and sandflats	Subject to natural change, to maintain in (or restore to) favourable condition the – extent of eelgrass and mussel communities and the diversity of infaunal communities in the intertidal mud and sandflats	Direct effect on qualifying feature therefore inherent to site integrity. Site condition currently 'unfavourable' in those units which overlap with the Lindisfarne SPA/Ramsar.
Increasing levels of recreational disturbance in Lindisfarne SPA and Ramsar Site	Non-breeding populations of: Bar-tailed godwit Dunlin Eider Golden plover, Grey plover Greylag goose Light-bellied brent goose Long tailed-duck Red-breasted merganser Redshank Ringed plover Sanderling Shelduck Whooper swan Wigeon	Restrict the frequency, duration and/or disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.	Direct effect on qualifying feature therefore inherent to site integrity

PART B: Identification of effects being considered and relevant features affected			
Significant effect being considered (attribute affected)	Affected qualifying feature(s)	Favourable condition target(s) for relevant feature(s) based on conservation objectives set for SPA/ Ramsar	Contribution of attribute(s) to site integrity (ecological structure and functioning of site)
Increasing levels of recreational disturbance in Lindisfarne SPA and Ramsar Site	Non-breeding populations of: Common scoter	Restrict the frequency, duration and/or disturbance affecting roosting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.	Direct effect on qualifying feature therefore inherent to site integrity
Increasing levels of recreational disturbance in Lindisfarne SPA and Ramsar Site	Breeding populations of: Little tern Roseate tern	Restrict the frequency, duration and/or disturbance affecting roosting, nesting, foraging, feeding, moulting and/or loafing birds so that they are not significantly disturbed.	Direct effect on qualifying feature therefore inherent to site integrity
Spread of pirri-pirri bur within North Northumberland Dunes SAC and Lindisfarne Ramsar Site - degradation of qualifying features including one that is a priority habitat type	Fixed dunes with herbaceous vegetation (priority habitat type) Shifting dunes with marram	Subject to natural change, to maintain in (or restore to) favourable condition the listed habitats: Fixed dunes – appropriate grazing levels to maintain species and structural diversity, no increase in area occupied by invasive species	Attributes are qualifying features including one that is a Priority Habitat Type in Annex 1 to the Habitats Directive - therefore inherent to site integrity

PART C: Assessment				
Significant effect being considered (attribute affected)	Adverse Effect of proposal alone on attribute and/or feature and in relation to conservation objective for the feature	Adverse Effect of proposal in combination with other plans or projects, on attribute and /or feature	Can adverse effects be avoided?	Adverse effect on integrity; long term, short term. Yes, no or uncertain?
Lindisfarne SPA and Ramsar Site - Increased eutrophication of habitats	Increased nutrient input into the catchment from foul water. Any input will contribute to adverse impact	Increased nutrients supports algal growth which smothers the underlying eelgrass beds and sandflats reducing the feeding potential for bird species	Yes – all developments must demonstrate nutrient neutrality before planning consent can be granted. This is included in the plan at Policy L7.	No
Berwickshire and North Northumberland Coast SAC -Increased eutrophication of habitats	Increased nutrient input into the catchment from foul water. Any input will contribute to adverse impact	Increased nutrients supports algal growth which smothers the underlying mudflats reducing the feeding potential for bird species	Yes – all developments must demonstrate nutrient neutrality before planning consent can be granted. This is included in the plan at Policy L7.	No

PART C: Assessment				
Significant effect being considered (attribute affected)	Adverse Effect of proposal alone on attribute and/or feature and in relation to conservation objective for the feature	Adverse Effect of proposal in combination with other plans or projects, on attribute and /or feature	Can adverse effects be avoided?	Adverse effect on integrity; long term, short term. Yes, no or uncertain?
Lindisfarne SPA and Ramsar Site - Increasing levels of recreational disturbance - direct effect on migratory and wintering waders and wildfowl (qualifying features)	Recreational disturbance arising from small numbers of housing or accommodation developments is unlikely to have a significant effect on the SPA/Ramsar Site alone	Disturbance arises from a range of recreational activities, such as walking, dog-walking, rockpooling and sea angling. Disturbance reduces foraging time and increases energy expenditure because birds have to spend more time engaging in vigilance and escape activities. Reduced food intake combined with increased energy expenditure decreases fitness, which in turn increases mortality at the wintering grounds or on migration, or results in birds arriving at their breeding grounds in poorer condition, reducing their productivity.	Yes, the plan includes a Policy L6 which requires contributions to the Coastal Mitigation Service.	No

PART C: Assessment				
Significant effect being considered (attribute affected)	Adverse Effect of proposal alone on attribute and/or feature and in relation to conservation objective for the feature	Adverse Effect of proposal in combination with other plans or projects, on attribute and /or feature	Can adverse effects be avoided?	Adverse effect on integrity; long term, short term. Yes, no or uncertain?
Lindisfarne SPA and Ramsar Site - Increasing levels of recreational disturbance - direct effect on breeding roseate tern and little tern (qualifying features)	Recreational disturbance arising from small numbers of housing or accommodation developments is unlikely to have a significant effect on the SPA/Ramsar Site alone	Disturbance arises from a range of recreational activities, especially walking, dog-walking and general beach recreation. Disturbance at or near the nest can cause adults to temporarily leave eggs or young, exposing them to increased predation risk; disruption to provisioning visits by adults, reducing food intake by the young; loss of eggs to trampling damage and nest abandonment. All of these impacts reduce productivity.	Yes, the plan includes a Policy L6 which requires contributions to the Coastal Mitigation Service.	No
North Northumberland Dunes SAC - Degradation of qualifying features	Increased spread of pirri-pirri bur arising from increased foot fall from small numbers of housing or accommodation developments is unlikely to have a significant effect on the SPA/Ramsar Site alone	Increased spread of pirri-pirri bur via people's clothing and boots and on dog fur will degrade the dune grassland plant community through displacement of important species	Yes, the plan includes a Policy L6 which requires contributions to the Coastal Mitigation Service.	No

PART D: County Council's Conclusion

CAN IT BE ASCERTAINED THAT THE PLAN OR PROJECT WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE EUROPEAN SITE(S)?

YES.

This is a plan supporting small scale residential or other accommodation development within the 10km coastal buffer zone where recreational disturbance is likely.

Mitigation is proposed for this in Policy L6, which requires any new development within the coastal impacts buffer to contribute to the Coastal Mitigation Service or provide alternative effective mitigation.

Small scale residential or other accommodation development in this area is subject to Nutrient Neutrality guidance and as such any new units of accommodation must demonstrate that no additional total nitrogen will be added to the Lindisfarne SPA/Ramsar catchment. Mitigation is proposed in the plan at Policy L7 which makes it clear that any development is subject to nutrient neutrality.

Due to the overlap between features and units of the Lindisfarne SPA/Ramsar Site and the Berwickshire and North Northumberland Coast SAC, and the critical relationships between the habitats and features of both sites Policy L7 is also considered to provide mitigation for likely impacts on the SAC.

Therefore, there are no likely adverse impacts on site integrity on the Lindisfarne SPA and Ramsar Site, the Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC.

8. Conclusion.

- 8.1 This is a record of the determination as to whether the Lowick Neighbourhood Development Plan (Regulation 15 (Submission) Version - August 2022) is likely to have a significant effect on any European sites, as required under Regulation 106 of the Conservation of Habitats and Species Regulations 2017 as amended.
- 8.2 Policies L3, L12 and L15 are likely to have a significant effect on the Lindisfarne SPA/Ramsar, Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC, or the reasons identified in Section 5 of this Report. Accordingly an appropriate assessment has been undertaken of this objective and these policies.
- 8.3 In accordance with Regulation 106 of the Conservation of Habitats and Species Regulations 2017 as amended, Northumberland County Council concludes that the Lowick Neighbourhood Plan: Regulation 15 (Submission) Version August 2022 will have an adverse effect on the integrity of European sites without mitigation.
- 8.4 Policy L6 provide mitigation for recreational disturbance impacts on the Lindisfarne SPA/Ramsar and the North Northumberland Dunes SAC.
- 8.5 Policy L7 provides mitigation for nutrient enrichment/water quality impacts on the Lindisfarne SPA/Ramsar and the Berwickshire and North Northumberland Coast SAC.
- 8.6 As such, it can be concluded that the Lowick Neighbourhood Plan: Regulation 15 (Submission) Version August 2022 will not have adverse impacts on the site integrity of the Lindisfarne SPA/Ramsar, Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC.
- 8.7 Natural England confirmed their agreement with this conclusion in their letter dated 7th October 2022, see appendix 1).
- 8.8 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 which will include further consultation with Natural England.

ADF
06/10/2022

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APPENDIX 1 Natural England Response to Consultation

Date: 07 October 2022
Your ref: Lowick Neighbourhood Plan HRA



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BY EMAIL ONLY

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Dear Ann Deary-Francis

HABITATS REGULATIONS ASSESSMENT REPORT OCTOBER 2022 OF LOWICK NEIGHBOURHOOD PLAN: REGULATION 15 (SUBMISSION) VERSION AUGUST 2022

Thank you for your consultation on the above dated 07 October 2022 .

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England has reviewed the Habitats Regulations Assessment that has been conducted for the Lowick Neighbourhood Plan (Regulation 15 submission, August 2022) and agrees its conclusions. The stated mitigation measures will ensure there are no likely adverse impacts on site integrity on the Lindisfarne SPA and Ramsar Site, the Berwickshire and North Northumberland Coast SAC and the North Northumberland Dunes SAC.

For any further consultations on the plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely,

Nick Lightfoot
Northumbria Area Team