



Northumberland
County Council

**HABITATS REGULATIONS
ASSESSMENT REPORT
JUNE 2019**

OF

**WOOLER NEIGHBOURHOOD PLAN
SUBMISSION PLAN**

August 2019

Contents

1.	Introduction	3
2.	Habitats Regulations Assessment Requirements and Process	4
	Assessment Methodology to meet the requirements of the Habitats Directive	8
3.	Stage 1A: Identification of European sites	10
	Stage 1A Site Analysis	11
4.	Stage 1B: Analysis of Trends	13
5.	Stage 1C Analysis of the Wooler Neighbourhood Plan Submission Plan and identification of Likely Significant Effects.....	21
6.	Stage 1 D Identification of other plans and projects relevant to the assessment, to identify any likely in-combination effects.	34
7.	Stage 2: Appropriate Assessment.....	36
8.	Conclusion.....	41
	Appendix A Natural England Response:	42
	Bibliography	43

Habitats Regulations Assessment Report June 2019 of Wooler Neighbourhood Plan Submission Plan, August 2019		
Version & Date	Assessing Officer	Supervising Officer
27/06/19 Consultation version to NE	Ann Deary Francis, Ecologist	David Feige, Principal Ecologist and AONB Officer
01/07/19 Incorporating NE comments	Ann Deary Francis, Ecologist	David Feige, Principal Ecologist and AONB Officer

1. Introduction

Purpose of the Habitats Regulations Assessment Report

- 1.1 Wooler 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, Northumberland County Council is required to assess its policies and plans through the Habitats Regulations Assessment (HRA) process. The purpose of a HRA is to assess possible effects of the plan or policy 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 (including Marine Special Protection Areas) and also include Ramsar Sites. The integration of the HRA process as part of the preparation of the Neighbourhood Plan 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 will be reviewed once the Plan is submitted to the County Council to ensure that any revisions to policies arising following the pre-submission consultation stage do not result in any variation to this opinion.

Format of the Habitats Regulations Assessment Report

- 1.4 This HRA Report concerns the Wooler Neighbourhood Plan Submission Plan August 2019. The HRA Report includes the following:
 1. Scope of the HRA and work undertaken to date.
 2. HRA requirements and process.
 3. Stage 1A: Identifies the European sites.
 4. Stage 1B: Identifies the Trend Analysis.
 5. Stage 1C: Analysis of proposals and policies in the Wooler Neighbourhood Plan- Identification of Likely Significant Effects
 6. Stage 1D: Consideration of other plans and projects
 7. Stage 2: Appropriate Assessment
 7. Conclusion
 8. Bibliography

Habitats Regulation Assessment Consultation

- 1.5 It is a requirement of the Habitats Regulations to consult the appropriate nature conservation statutory body (Natural England). Consultation on previous drafts required some policy wording amendments to include mitigation for potential impacts on European Sites.
- 1.6 Consultation has taken place and Natural England confirm their agreement with the Habitats Regulations Assessment undertaken by the County Council, in their letter dated 1st July 2019. This is included at Appendix A.
- 1.6 This HRA report will be issued to Wooler Parish Council to assist in supporting the submission of their Plan to the County Council and to assist the independent examination of the Plan in due course.

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 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 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 When preparing a suite of development plan documents, it is important that the HRA is undertaken in a way that is proportionate to the level of the document.

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 (for Local Plans) 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 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 Plan stage to be meaningfully assessed at this stage. Therefore some potential effects may be noted at this stage as requiring more detailed assessment at another stage of plan-making.

- 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

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

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

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.

- 2.11 In the case of Neighbourhood Plans, in many cases the plan will identify the acceptability criteria for developments in a plan area, relating to location, design or the composition of types of development; with the exact detail of the resulting developments agreed via the development management process (where they are determined in accordance with the Neighbourhood Plan, the Local Plan and the National Planning Policy Framework). In most cases, the neighbourhood plan will not identify additional housing or land allocations to the Local Plan, but will set acceptability criteria. Therefore, in many cases it would be appropriate to rely on a more detailed Habitats Regulations Assessment, with more detailed mitigation measures, at a later stage or lower level of plan making. This is particularly relevant within Impact Risk Zones for European sites where certain developments are likely, alone or in combination, to have a likely significant effect on the site without mitigation.

The Habitats Regulations Assessment Handbook states “*It may be possible and appropriate for the higher level plan to outline some aspects of mitigation measures, which must be provided at the later stage or lower level plan, in order to be able to conclude that there would be no adverse effects on site integrity*”.⁵

“In order to ascertain that there would be no adverse effect on the integrity of a European site, a plan-making body may only rely on mitigation measures in a later stage or lower level of plan making if the following three criteria are all met:

- a) The earlier stage or higher level plan assessment cannot reasonably predict any effect on a European site in a meaningful way; whereas*
- b) The later stage or lower level plan, which will identify more precisely the nature, timing, duration, scale or location of development, and thus its potential effects, will have the necessary flexibility over the exact nature, timing, duration, scale and location of the proposal to enable an adverse effect on site integrity to be avoided; and*
- c) The Habitats Regulations Assessment of the plan at the later stage or lower level is required as a matter of law or Government policy.”*

⁴ Feeney; paragraph 96

⁵ Tyldesley, D. and Chapman, C. (2013) *The Habitats Regulations Assessment Handbook* (February 2019 update) DTA Publications Ltd section F.10.1.5

Assessment Methodology to meet the requirements of the Habitats Directive

- 2.12 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 Wooler Neighbourhood Plan is likely to have a significant effect on any European sites. The Wooler Neighbourhood 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 Wooler Neighbourhood Plan objectives, proposals and proposed policies in terms of their possible adverse effects on the integrity of European sites, examination of options and alternatives to avoid or reduce these effects.
- Stage 1D: Identification of other plans and projects relevant to the assessment, to identify any likely in-combination effects. Article 6(3) of the Habitats Directive requires that plans and projects likely to have a significant effect on a European site alone *or in combination with other plans or projects* shall be subject to appropriate assessment.

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

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

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

Where required:

Stage Two – Appropriate Assessment

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

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.

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

- River Tweed (within the plan area)
- Ford Moss

Special Protection Areas

- Holburn Lake and Moss

Ramsar Sites

- Holburn Lake and Moss

Stage 1A 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
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
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.
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.
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).

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 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 from 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 NO_x and volatile organic compounds.
- 4.11 Concentrations of O₃ exceeding 40 ppb are toxic to humans and wildlife, altering the species composition of 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 NO_x will have replaced SO₂ as the major contributor.
 3. Critical loads for eutrophication were exceeded in 25% of 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 NO_x emissions from vehicle engines, increasing traffic levels are likely to cause NO_x levels to start to increase again, and NO_x 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 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.

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 in a 10km buffer of the plan boundary 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. The most significant exceedances of critical loads of acid deposition occur in heathland and mire communities including Ford Moss SAC, which is 6.6km from the plan boundary. Exceedances of critical loads of nitrogen deposition are less extreme. Ozone levels are mostly close to, but not above the critical load being exceeded.

European Site	Acid Deposition	Nitrogen Deposition	Ozone	Features most sensitive to N and acid deposition	Largest non-agricultural source
Ford Moss SAC	14.2	2.05	0.92	Active raised bogs	Acid – LCP N - Transport

Water Quality

- 4.16 Maintaining high water quality is central to the wellbeing of a number of European sites in Northumberland; including the River Tweed SAC. Parts of rural Northumberland are not served by mains sewerage, resulting in the usage of non-mains systems such as septic tanks and package treatment plants. Their proper functioning is dependent on appropriate maintenance by their owners, which isn't always kept up, potentially resulting in a large number of small sources of pollution that can be hard to trace and manage.
- 4.17 Increased algal growth is of concern in Budle Bay, where it is adversely affecting the intertidal sand and mudflats which are an interest feature

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

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. The reasons for the increased algal growth in this area have not been clearly determined; however, nutrient input from diffuse agricultural pollution in the Tweed catchment is likely to be a significant factor.

Hydrology

- 4.19 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

- 4.20 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.
- 4.21 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.
- 4.22 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

- 4.23 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.
- 4.24 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.
- 4.25 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

- 4.26 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.
- rivers and wetlands increasingly affected by low flows in summer and floods in winter.
- 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 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.

4.27 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.

- 4.28 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

- 4.29 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 the Wooler Neighbourhood Plan Submission Plan and identification of Likely Significant Effects

- 5.1 The objectives, policies and community actions contained within the Wooler Neighbourhood 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 nearest European sites within the plan area or within 10km of the Neighbourhood Plan boundary are:

- River Tweed Special Area of Conservation (SAC) runs through the middle of the plan area at Wooler Water. Various tributaries to this catchment are present within the plan area.
- Ford Moss SAC 6.6km north
- Holburn Lake and Moss Special Protection Area/Ramsar Site 7.2km north east

- 5.3 The River Tweed SAC is comprised of several Sites of Special Scientific Interest. The component SSSIs of the SAC comprise the Till Catchment SSSI and the Lower Tweed and Whiteadder SSSI. The Till Catchment SSSI is the component of the SAC within the Neighbourhood Plan area. The interest features of the SAC comprise watercourses with water-crowfoot communities; Atlantic salmon; otter; sea lamprey; brook lamprey; and river lamprey.

- 5.3.1 The current condition of component SSSI is that 18% of the SSSI is in unfavourable recovering condition, 75% in unfavourable no change and 7% in unfavourable declining. The main reasons for units being in unfavourable – no change condition are agricultural diffuse pollution and morphological changes. The unit that is in favourable – declining is the unit at Wooler, where phosphate inputs from the sewage treatment works have been shown to raise P levels in the river. Furthermore, the Haugh Head ford and associated check weirs are compromising the morphology of this section of river.

- 5.3.2 As the discharge from the Sewage Treatment Works at Wooler causes phosphorus levels in the river to exceed the levels set out in the SSSI condition table, any further increase in housing would worsen this and therefore cause an adverse effect on the integrity of the River Tweed SAC. The installation of equipment to remove

phosphorus (to a new limit of 2mg/litre) from the STW discharge is scheduled to take place from February or March 2019, with the above limit to be achieved by 31 March 2020⁷. This will enable further connections to the STW to be made without an adverse effect on the integrity of the SAC, but it will need to be identified in the Plan Document that no allocations can proceed to planning application stage until this has been done.

5.3.3 As the River Tweed SAC and its constituent catchment rivers flow into the Tweed Estuary SAC (21km from the plan area boundary) this must also be considered. The interest features of the SAC comprise estuaries, mudflats and sandflats not covered by seawater at low tide, sea lamprey and river lamprey. Natural England has advised that phosphorous levels are less of a concern for estuaries but that the potential impact of increased nitrogen levels should be considered, because nitrogen is usually the limiting factor for algal growth in the marine environment. However, it is difficult to determine an appropriate target for dissolved organic nitrogen (DIN) for any particular estuary as complex issues such as the flushing time and scour rate influence this. Furthermore, agriculture is likely to account for the majority of DIN in the estuary. Overall, given the lack of evidence of eutrophication in the estuary at present and the low housing numbers for the catchment Natural England has advised that any increases in sewage discharge are unlikely to have an adverse effect on the Tweed Estuary SAC.

5.3.4 As a rural plan area, there is potential for new development to impact on water quality in the River Tweed SAC and the Tweed Estuary SAC through foul water disposal not connected to mains drainage. *General Binding Rules for Small Sewage Discharges (SSDs) With Effect From January 2015* (DEFRA) restrict the use of older forms of non-mains foul water treatment. Modern package treatment plants are the preferred option and this will be further reinforced by the planning process.

5.4 The upland sites (Holborn Lake and Moss, Ford Moss) are well beyond the 6km zone of influence for activities that could cause recreational impacts, and there are no other adverse effects arising from development supported by the plan that could cause a significant effect over these distances.

5.5 Coastal designated Sites are 20km from the plan boundary and therefore recreational disturbance effects on coastal sites can be ruled out, with that zone of influence considered to be 10km.

⁷ Email from Mr. R. Smith, Asset Delivery, Northumbrian Water Ltd, dated 01/10/18

Objectives

- 5.6 **Objective 1 - Housing.** *“To encourage the provision of well-designed new housing which respects Wooler’s distinctive landscape and townscape and provides variety and choice for our population, encouraging more young families to stay or to move into the area, and to help those on lower incomes, and older people, to meet their housing needs”.*

This objective does have the potential to impact on water quality in the River Tweed if housing is constructed and occupied prior to the planned upgrade of the Sewage Treatment Works (STW) at Wooler. The works to upgrade the existing Sewage Treatment Works (STW) are due to be completed by the end of March 2020.

The objective is an overarching principle, the delivery of which is further detailed in policies.

Policy 1A: Discharge into the River Tweed states *“Development that requires any discharge through the Wooler Sewage Treatment Plant shall not be brought into use until work to install equipment to remove phosphorous from Wooler Sewage Treatment Works is complete and that equipment is operational.”*

- 5.7 **Objective 2: Local Economy.** *“To enhance Wooler’s economy with increased opportunities for business growth and to maintain a vibrant town centre to attract a variety of businesses.”*

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

- 5.8 **Objective 3: Landscape, Natural Environment, Townscape and Heritage.** *“To cherish our distinctive landscapes, natural environment, townscape and local heritage by ensuring new development is located to encourage improvements in key areas of the town and to ensure that the design of new development reflects the distinctive character of Wooler. Our historic environment will be an inspiration to shape new development and our heritage assets will be protected for future generations”*

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

- 5.9 **Objective 4: Community Life.** *“We will protect existing community facilities and services and support the development of new ones to maintain a vibrant local community and attract visitors to the area.”*

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

- 5.10 **Objective 5: Accessibility.** *“Ensure new development contributes to the accessibility of Wooler for residents and visitors. We want better access links between the town centre, the countryside, housing areas and employment areas. We also want to ensure that parking is managed in a way that does not have a negative impact on the landscape”.*

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

Policies

5.11 Policy 1: SUPPORTING SUSTAINABLE DEVELOPMENT

The plan will support new development where it is in accordance with the plan policies, and identifies several sites within the plan boundary which are allocated for development (residential or for employment or mixed uses).

This policy does have the potential to impact on water quality in the River Tweed only if developments are constructed and occupied prior to the planned upgrade of the Sewage Treatment Works (STW) at Wooler.

Any additional loading on the Sewage Treatment Works before upgrading works have been completed would be likely to increase phosphate levels in the river and therefore have an adverse effect on the integrity of the River Tweed SAC. In order to comply with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 development that would increase the loading on the STW cannot be permitted until this work has been completed and the permitted levels in the revised discharge consent are being met.

An additional policy has been added, which is a general policy applied to all the policies in the plan. Policy 1A: Discharge into the River Tweed states “Development that requires any discharge through the Wooler Sewage Treatment Plant shall not be brought into use until work to install equipment to remove phosphorous from Wooler Sewage Treatment Works is complete and that equipment is operational.”

Therefore mitigation is proposed for all policies within the plan which support development that may impact on European Sites.

5.12 Policy 2: MAJOR DEVELOPMENT IN NORTHUMBERLAND NATIONAL PARK

The objective concerns the design and suitability of proposals and is not considered to have a likely significant effect on European Sites.

5.13 Policy 3: LOCALLY DISTINCTIVE AND HIGH-QUALITY DESIGN

This policy is a general criteria for testing the acceptability or sustainability of proposals regarding their design. The requirement for biodiversity gain would allow plans for development to include good buffers to sensitive watercourses, which would further protect water quality in the River Tweed catchment.

There is no likely negative significant effect on European Sites.

5.14 Policy 4: SITES ALLOCATED FOR DEVELOPMENT

Policy 4.1: Land at the Former First School Site off Burnhouse Road (Site 1)

Policy 4.2: Land South of the Martins (Site 2)

Policy 4.3: Land on South Road known as Redpath's/Ferguson's Yard (Site 3)

Policy 4.4: Land at Burnhouse Road (Site 4)

Policy 4.5: Land East of the Auction Mart (Site 5)

Policy 4.6: School Farm Field, Weetwood Road (Site 6)

The plan will support new development where it is in accordance with the plan policies, and identifies several sites within the plan boundary which are allocated for development (residential or for employment or mixed uses).

These policies do have the potential to impact on water quality in the River Tweed only if developments are constructed and occupied prior to the planned upgrade of the Sewage Treatment Works (STW) at Wooler.

Any additional loading on the Sewage Treatment Works before upgrading works have been completed would be likely to increase phosphate levels in the river and therefore have an adverse effect on the integrity of the River Tweed SAC. In order to comply with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 development that would increase the loading on the STW cannot be permitted until this work has been completed and the permitted levels in the revised discharge consent are being met.

An additional policy has been added, which is a general policy applied to all the policies in the plan. Policy 1A: Discharge into the River Tweed states "Development that requires any discharge through the Wooler Sewage Treatment Plant shall not be brought into use until work to install equipment to remove phosphorous from Wooler Sewage Treatment Works is complete and that equipment is operational."

Therefore mitigation is proposed for all policies within the plan which support development that may impact on European Sites.

5.15 Policy 5: HOUSING DEVELOPMENT IN THE PLAN AREA.

The plan will support new development where it is in accordance with the plan policies.

This policy does have the potential to impact on water quality in the River Tweed only if developments are constructed and occupied prior to the planned upgrade of the Sewage Treatment Works (STW) at Wooler.

Any additional loading on the Sewage Treatment Works before upgrading works have been completed would be likely to increase phosphate levels in the river and therefore have an adverse effect on the integrity of the River Tweed SAC. In order to comply with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 development that would increase the

loading on the STW cannot be permitted until this work has been completed and the permitted levels in the revised discharge consent are being met.

An additional policy has been added, which is a general policy applied to all the policies in the plan. Policy 1A: Discharge into the River Tweed states “Development that requires any discharge through the Wooler Sewage Treatment Plant shall not be brought into use until work to install equipment to remove phosphorous from Wooler Sewage Treatment Works is complete and that equipment is operational.”

Therefore mitigation is proposed for all policies within the plan which support development that may impact on European Sites.

5.16 Policy 6: NEW HOUSING DEVELOPMENT – DESIGN PRINCIPLES

This policy is a general criterion for testing the acceptability or sustainability of proposals regarding their design. The requirement for biodiversity protection and SUDs would allow plans for development to include good buffers to sensitive watercourses, which would further protect water quality in the River Tweed catchment.

There is no likely negative significant effect on European Sites.

5.17 Policy 7: COMMUNITY-LED AND AFFORDABLE HOUSING

The plan will support new development where it is in accordance with the plan policies.

This policy does have the potential to impact on water quality in the River Tweed only if developments are constructed and occupied prior to the planned upgrade of the Sewage Treatment Works (STW) at Wooler.

Any additional loading on the Sewage Treatment Works before upgrading works have been completed would be likely to increase phosphate levels in the river and therefore have an adverse effect on the integrity of the River Tweed SAC. In order to comply with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 development that would increase the loading on the STW cannot be permitted until this work has been completed and the permitted levels in the revised discharge consent are being met.

An additional policy has been added, which is a general policy applied to all the policies in the plan. Policy 1A: Discharge into the River Tweed states “Development that requires any discharge through the Wooler Sewage Treatment Plant shall not be brought into use until work to install equipment to remove phosphorous from Wooler Sewage Treatment Works is complete and that equipment is operational.”

Therefore mitigation is proposed for all policies within the plan which support development that may impact on European Sites.

5.18 Policy 8: HOUSING FOR OLDER PEOPLE

The plan will support new development where it is in accordance with the plan policies.

Any additional loading on the Sewage Treatment Works before that work has been completed would exacerbate the ecological impacts of excessive phosphate levels in the river and therefore have an adverse effect on the integrity of the River Tweed SAC. In order to comply with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 development that would increase the loading on the STW cannot be permitted until this work has been completed and the permitted levels in the revised discharge consent are being met.

An additional policy has been added, which is a general policy applied to all the policies in the plan. Policy 1A: Discharge into the River Tweed states “Development that requires any discharge through the Wooler Sewage Treatment Plant shall not be brought into use until work to install equipment to remove phosphorous from Wooler Sewage Treatment Works is complete and that equipment is operational.”

Therefore mitigation is proposed for all policies within the plan which support development that may impact on European Sites.

5.19 **Policy 9: HOUSING DEVELOPMENTS IN OUTLYING SETTLEMENTS**

The policy concerns the design and suitability of proposals and is not considered to have a likely significant effect on European Sites.

There is potential for new rural development to impact on water quality in the River Tweed SAC and the Tweed Estuary SAC through foul water disposal not connected to mains drainage. *General Binding Rules for Small Sewage Discharges (SSDs) With Effect from January 2015* (DEFRA) restrict the use of older forms of non-mains foul water treatment. Modern package treatment plants are the preferred option and this will be further reinforced by the planning process and Environment Agency permitting. The Parish Council may wish to include this as a principle in the Neighbourhood Plan. A significant effect on the River Tweed SAC is not likely and therefore there is no likely significant effect on European Sites.

5.20 **Policy 10: HOUSING DEVELOPMENT IN THE OPEN COUNTRYSIDE**

The policy concerns the design and suitability of proposals and is not considered to have a likely significant effect on European Sites.

There is potential for new rural development to impact on water quality in the River Tweed SAC and the Tweed Estuary SAC through foul water disposal not connected to mains drainage. *General Binding Rules for Small Sewage Discharges (SSDs) With Effect from January 2015* (DEFRA) restrict the use of older forms of non-mains foul water treatment. Modern package treatment plants are the preferred option and this will be further reinforced by the planning process and Environment Agency permitting. The Parish Council may wish to include this as a principle in the Neighbourhood Plan. A significant effect on the River Tweed SAC is not likely and therefore there is no likely significant effect on European Sites.

5.21 **Policy 11. EXISTING EMPLOYMENT SITES**

This policy is a general criterion for testing the acceptability or sustainability of proposals, and any changes to the local population are likely to be minor. There is no likely significant effect on European Sites.

5.22 **Policy 12: BUSINESS DEVELOPMENT**

This policy is a general criterion for testing the acceptability or sustainability of proposals, and any changes to the local population are likely to be minor. There is no likely significant effect on European Sites.

5.23 Policy 13: RETAIL DEVELOPMENT AND UPPER FLOOR USES IN WOOLER

This policy is a general criterion for testing the acceptability or sustainability of proposals, and any changes to the local population are likely to be minor. There is no likely significant effect on European Sites.

5.24 Policy 14: TOURISM FACILITIES

This policy is a general criterion for testing the acceptability or sustainability of proposals, and any changes to the local population are likely to be minor. There is no likely significant effect on European Sites.

5.25 Policy 15: SMALL-SCALE OVERNIGHT TOURIST ACCOMMODATION

This policy is a general criterion for testing the acceptability or sustainability of proposals, and any changes to the local population are likely to be minor. There is no likely significant effect on European Sites.

5.27 Policy 16: BROADBAND PROVISION IN NEW DEVELOPMENT

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

5.28 Policy 17: RENEWABLE ENERGY DEVELOPMENT

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

5.29 Policy 18: SOUTH ROAD, THE PETH AND THE GATEWAYS TO WOOLER

The objective concerns the design and suitability of proposals and is not considered to have a likely significant effect on European Sites.

5.30 Policy 19: LANDSCAPING, HEDGEROWS AND TREES

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

5.31 Policy 20: WOOLER CONSERVATION AREA

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

5.32 Policy 21: DEVELOPMENT ON THE WESTERN & SOUTH-WESTERN EDGES OF WOOLER

The objective concerns the design and suitability of proposals and is not considered to have a likely significant effect on European Sites.

It is noted that the policy explicitly refers to the Site of Special Scientific Interest and landscape and this is welcomed.

5.33 Policy 22: LOCAL GREEN SPACES

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

5.34 Policy 23: RECREATIONAL LAND AND FACILITIES IN WOOLER

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

5.35 Policy 24: ASSETS OF COMMUNITY VALUE AND COMMUNITY FACILITIES

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

5.36 Policy 25: NEW COMMUNITY FACILITIES

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

5.37 Policy 26: FOOTPATHS AND CYCLEWAYS

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

5.38 Policy 27: THE WOOLER RAILWAY LINE

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

5.39 Community Actions.

As statements of intent for community action they are by their nature not likely to have a significant effect on European sites.

5.40 Screening of Policies to Assess Likely Significant Effect.

Policies likely to lead to a net increase in population	
Policy 1: Supporting Sustainable Development	
Policy 4: Sites Allocated For Development	
Policy 4.1: Land at the Former First School Site off Burnhouse Road (Site 1)	
Policy 4.2: Land South of the Martins (Site 2)	
Policy 4.3: Land on South Road known as Redpath's/Ferguson's Yard (Site 3)	
Policy 4.4: Land at Burnhouse Road (Site 4)	
Policy 4.5: Land East of the Auction Mart (Site 5)	
Policy 4.6: School Farm Field, Weetwood Road (Site 6)	
Policy 5: Housing Development In The Plan Area.	
Policy 7: Community-Led and Affordable Housing	
Policy 8: Housing for Older People	

5.41 River Tweed SAC.

Interest Feature:	Potential hazard:	Mechanism of effect/impact (including the probability that the interest feature will be affected, and the magnitude, duration and reversibility of the effect)
River Tweed SAC all interest features	Increased nutrient loads in the River Tweed SAC.	Prior to completion of an upgrade to the sewage treatment works any additional connections to those works will add to nutrient levels (particularly for phosphorous) which are above the low levels required to maintain site integrity.

Holborn Lake and Moss SAC	No potential impacts identified from any policies in the plan	N/A
Ford Moss SAC	No potential impacts identified from any policies in the plan	N/A

Is the effect likely to be significant?	
a) Alone? (explain conclusion, e.g. in relation to <i>de minimus</i> criteria)	Ford Moss SAC– No – <i>de minimus</i> Holborn Lake and Moss SPA – No – <i>de minimis</i> River Tweed SAC – yes. Increase levels of phosphate from Sewage treatment discharge directly imp [act on site integrity.
b) In combination with other plans or projects?	River Tweed SAC – yes – any other development within the Tweed catchment may contribute to increased nutrient loads.
Conclusion:	River Tweed SAC: Yes - appropriate assessment required Ford Moss SAC: No - screened out Holborn Lake and Moss SPA: No - screened out

- 6. Stage 1 D Identification of other plans and projects relevant to the assessment, to identify any likely in-combination effects.**
- 6.1 Policies 1, 4 (4.1-4.6), 5, 7 and 8 are screened in because of the potential impact of an increasing population increasing discharge into the River Tweed from the Sewage Treatment Works, and increasing nutrient levels (particularly phosphorous) within the river.
- 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 the European Site 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 River Tweed 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 OF WOOLER NEIGHBOURHOOD PLAN

Submission Plan August 2019

7. Stage 2: Appropriate Assessment

- 7.1 The screening assessment of the Wooler Neighbourhood Plan identified that the following objectives and policies are likely to have a significant effect on the River Tweed SAC

Policy 1: Supporting Sustainable Development

Policy 4: Sites Allocated For Development

Policy 4.1: Land at the Former First School Site off Burnhouse Road (Site 1)

Policy 4.2: Land South of the Martins (Site 2)

Policy 4.3: Land on South Road known as Redpath's/Ferguson's Yard (Site 3)

Policy 4.4: Land at Burnhouse Road (Site 4)

Policy 4.5: Land East of the Auction Mart (Site 5)

Policy 4.6: School Farm Field, Weetwood Road (Site 6)

Policy 5: Housing Development in the Plan Area.

Policy 7: Community-Led and Affordable Housing

Policy 8: Housing for Older People

- 7.2 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 River Tweed SAC.
- 7.3 The same potential impact arises from each of these objectives/policies, which is the increase in nutrient levels within the SAC as a result of increased discharges from the Sewage Treatment Plant. An upgrade of the Sewage Treatment Works is underway with completion expected by March 2020.
- 7.4 Because the same impact is being considered for the policies being assessed, they are considered as a whole rather than individually. The assessment is summarised in the table below:

PART A: The Proposal	
1. Type of Plan: Neighbourhood Plan	2. Author/Lead: Wooler Parish Council
3. Brief description of proposal: Wooler Neighbourhood Plan Submission Plan, August 2019 Policy 1: Supporting Sustainable Development Policy 4: Sites Allocated For Development Policy 4.1: Land at the Former First School Site off Burnhouse Road (Site 1) Policy 4.2: Land South of the Martins (Site 2) Policy 4.3: Land on South Road known as Redpath's/Ferguson's Yard (Site 3) Policy 4.4: Land at Burnhouse Road (Site 4) Policy 4.5: Land East of the Auction Mart (Site 5) Policy 4.6: School Farm Field, Weetwood Road (Site 6) Policy 5: Housing Development In The Plan Area. Policy 7: Community-Led and Affordable Housing Policy 8: Housing for Older People All policies support a net increase in residential units within the 10km zone of influence for coastal sites.	
4. European site name(s):	River Tweed SAC
5. List of interest features: Atlantic salmon Otter Sea lamprey River lamprey Brook lamprey Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	

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 SAC	Contribution of attribute(s) to site integrity (ecological structure and functioning of site)
Increased levels of nutrients from Sewage treatment discharge at Wooler Sewage Treatment Works as a result of increased connections to the STW from new dwellings/businesses	Atlantic salmon Otter Sea lamprey River lamprey Brook lamprey Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	High water quality For water crowfoot- low levels of phosphorous	The community of fish (and therefore otter) require high water quality and low nutrient levels. Increased nutrient levels threaten the biodiversity of the system through increased risk of algal blooms and reduction in water quality.

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?
Increased nutrient levels	<p>Underlying good water quality as the basis for site integrity for interest features:</p> <p>Atlantic salmon Otter Sea lamprey River lamprey Brook lamprey Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p> <p>With poor water quality and increased nutrient levels adversely impacting the Conservation Objectives;</p> <p>-The extent and distribution of qualifying natural habitats and habitats of qualifying species -The structure and function (including typical species) of qualifying natural habitats</p>	Levels of phosphorous are high ⁸ in the system below the STW at Wooler	Yes – avoid new connections to STW (new dwellings/businesses connected) prior to upgrade of STW which is underway. Policy 1A stipulates this.	The system is currently experiencing higher levels of phosphorous than those required to maintain favourable status. STW improvements are underway but increased nutrient loads over a sustained period will adversely impact site integrity, possibly long term and certainly short term.

⁸ Condition of SSSI Units for Site Tweed Catchment Rivers - England: Till Catchment SSSI
<https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S2000288&ReportTitle=Tweed%20Catchment%20Rivers%20-%20England:%20Till%20Catchment%20SSSI>

	<ul style="list-style-type: none"> -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. 			
--	---	--	--	--

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 new development which may connect to the existing Sewage Treatment Works (STW) at Wooler. The current phosphorous levels in the discharge from the STW are higher than those required to maintain favourable conservation status in this unit of the River Tweed SAC.

An additional policy has been added, which is a general policy applied to all the policies in the plan.

Policy 1A: Discharge into the River Tweed states “Development that requires any discharge through the Wooler Sewage Treatment Plant shall not be brought into use until work to install equipment to remove phosphorous from Wooler Sewage Treatment Works is complete and that equipment is operational.”

Therefore mitigation is proposed for all policies within the plan which support development that may impact on European Sites.

8. Conclusion.

- 8.1 This is a record of the determination as to whether the Wooler Neighbourhood Plan Submission Plan, August 2019 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 1, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 5, 7 and 8 are likely to have a significant effect on the River Tweed SAC for 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 Wooler Neighbourhood Plan Submission Plan, August 2019 will have an adverse effect on the integrity of European sites without mitigation.
- 8.4 **An additional policy has been added, which is a general policy applied to all the policies in the plan. Policy 1A: Discharge into the River Tweed states “Development that requires any discharge through the Wooler Sewage Treatment Plant shall not be brought into use until work to install equipment to remove phosphorous from Wooler Sewage Treatment Works is complete and that equipment is operational.”**
- Therefore mitigation is proposed for all policies within the plan which support development that may impact on European Sites.**
- 8.7 Appropriate mitigation is proposed within the plan, with Policy 1A applying to all development within the Plan area, and preventing any new development being brought into use prior to the upgrade works to the Wooler Sewage Treatment Works being completed. Therefore, adverse impacts on the site integrity of the River Tweed SAC are not likely.
- 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
01/07/19

Appendix A Natural England Response:

Date: 01 July 2019
Our ref: 287184
Your ref: Wooler Neighbourhood Plan HRA.



Ms. Sarah Brannigan
Neighbourhood Planning and Infrastructure
Northumberland County Council
County Hall
Morpeth
NE61 2EF

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Ms. Brannigan,

Wooler Neighbourhood Plan, Updated Habitats Regulations Assessments. (HRA)

Thank you for your consultation on the above dated 28 June 2019 which was received by Natural England on the same date.

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 has assessed the submitted Habitats Regulations Assessment and concur with the findings of the document.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0208 2256263. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Michael Miller
Lead Sustainable Development Advisor

Bibliography

Wooler Parish Council, Wooler Neighbourhood Plan Submission Plan, August 2019

Aecom, Strategic Environmental Assessment for the Wooler Neighbourhood Plan, Environmental Report to accompany Regulation 14 Consultation March 2019

Borough of Poole, Bournemouth Borough Council, Christchurch Borough Council, Dorset County Council, East Dorset District Council and Purbeck District Council (2012) *The Dorset Heathlands Planning Framework 2012-2014 Supplementary Planning Document*.

Cadwallender, T. and Cadwallender, M. (2013) *A Study of Specified Migrating and Over-wintering Wading Birds of the Northumberland Coast*. Report for Northumberland County Council.

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 Management Scheme

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

DCLG (2018) *National Planning Policy Framework*

DTA Publications Limited (2018a) Case C 323/17 Court of Justice of the European Union *People over Wind*: A Ruling about Mitigation Measures. A Summary Statement by DTA Publications Ltd

DTA Publications Limited (2018b) Case C 323/17 Court of Justice of the European Union *People over Wind*: A Ruling about Mitigation Measures. An Analysis Supporting the Summary Statement by DTA Publications Ltd

Design Manual for Roads and Bridges (2012) DfT

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 and Scottish Natural Heritage (2000) *Berwickshire and North Northumberland Coast European Marine Site; English Nature's and Scottish Natural Heritage's advice given in compliance with Regulation 33(2) and in*

support of the implementation of the Conservation (Natural Habitats &c.) Regulations 1994.

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

English Nature (2006) *Draft Guidance: The Assessment of Regional Spatial Strategies and Sub-Regional Strategies under the Provisions of the Habitats Regulations*.

Environment Agency (2009) *River Basin Management Plan – Northumbria River Basin District. Annex A: Current State of Waters*

Environment Agency (2014) *A Summary of Information about the Water Environment in the Northumberland Rivers Management Catchment*

Environment Agency (2014) *A Summary of Information about the Water Environment in the Tyne Management Catchment*

Environment Agency (2014) *Water for Life and Livelihoods: A Consultation on the Draft Update to the River Basin Management Plan for the Northumbria River Basin District*

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

Holt, C.A., Austin, G.E., Calbrade, N.A., Mellan, H.J., Hearn, R.D., Stroud, D.A., Wotton, S.R. and Musgrove, A.J. 2015. Waterbirds in the UK 2013/14: The Wetland Bird Survey. BTO/RSPB/JNCC. Thetford.

<http://www.bto.org/volunteer-surveys/webs/publications/webs-annual-report>

Johnson, C., Taylor, K., Houldin, C., Race, H. & Birtles, J. 2009. *Countryside and Rights of Way (CROW) Act 2000 (Part 1): National Open Access Visitor Survey (2006-2008) - Access Management Report*. Natural England Commissioned Report, Number NECR036c.

Liley, D., Hoskin, R., Lake, S., Underhill-Day, J. and Cruickshanks, K. (2013) *South-east Devon European Sites Mitigation Strategy*. Unpublished report for East Devon District Council, Exeter City Council and Teignbridge District Council

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

Natural England (2015) *Atmospheric Nitrogen Theme Plan: Developing a Strategic Approach for England's Natura 2000 Sites*. IPENS TP013

Natural England (2015) *Climate Change Theme Plan: Developing a Strategic Approach to Climate Change Adaptation*. IPENS TP014

Natural England (2015) *Diffuse Water Pollution Theme Plan: Developing a Strategic Approach to Diffuse water Pollution for England's Natura 2000 Sites*. IPENS TP015

Natural England (2015) *Public Access and Disturbance Theme Plan: a Strategic Approach to Identifying and Addressing Significant Effects on the Features of Natura 2000 Sites*. IPENS TP022

North East Local Enterprise Partnership (2014) *More and Better Jobs: A Strategic Economic Plan for the North East*

Northumberland County Council (2018) *Northumberland Local Plan Draft Plan for Regulation 18 Consultation Habitats Regulations Assessment July 2018*

Northumberland County Council (2011) *Northumberland Local Transport Plan 2011-2026*.

Northumberland County Council (2011) *Local Transport Plan 2011-2026 Strategy Document*

Northumberland County Council (2011) *Local Transport Plan 2011-2015 Implementation Plan*

Northumberland County Council (2015) *Northumberland Economic Strategy 2015-2020*

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. and Wells, M.
(2009) *Solent Disturbance and Mitigation Project: Phase I Report*. Report to the Solent Forum

Surrey Heath Borough Council (2012) *Local Development Framework 2011-2028: Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document*

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

WeBS Report Online (<http://app.bto.org/webs-reporting/>)