

Preliminary 'checking' of the Local Plan 2017-2037 Policy Options paper to inform the Habitats Regulations Assessment work that will be required in respect of the Local Plan

AN ADDENDUM TO: Preliminary 'checking' of the Local Plan
(2017-2037) Issues Paper to inform the Habitats Regulations
Assessment work that will be required in respect of the Local
Plan

STATUS: DRAFT FOR COMMENT

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1 Relevant background and introduction

1.1 Relevant background

- 1.1.1 Northumberland National Park Authority (NNPA) is preparing a new Local Plan for the Northumberland National Park. The process is currently ongoing and the final Plan will have a key influence in where development goes, what it looks like and how it is used. Once adopted, the Local Plan will be the foundation upon which planning decisions within the National Park are made.
- 1.1.2 The first step in the plan making process was the drafting of an Issues Paper. As its name suggests this document identified key issues. The Issues Paper is closely linked to the Northumberland National Park Management Plan and it highlights which of the strategic aims and objectives are most relevant to delivering the spatial aspects of the Management Plan through the land-use planning system. This Issues paper was subject to a preliminary checking for the purposes of informing the Habitats Regulations Assessment (HRA) work which will be undertaken in respect of the Local Plan prior to its adoption.

1.2 Scope of this assessment

- 1.2.1 This document forms an addendum to the February 2017 '*Preliminary checking of the Local Plan (2017-2037) Issues Paper to inform the Habitats Regulations Assessment work that will be required in respect of the local plan*'¹ (hereafter referred to as the Feb 2017 report). This document is not a stand-alone report, it follows on from that earlier work and should be read in conjunction with it, as an addendum. Much of the introductory and explanatory sections of the earlier Feb 2017 report are relevant to this addendum but to avoid duplication of assessment effort they are not repeated here. Readers are referred back to this earlier report for relevant background and contextual information.
- 1.2.2 This report is a preliminary informal 'checking' exercise, having regard to the requirements of the Habitats Regulations, to inform the ongoing development of the Local Plan. **It is not a full assessment under Regulation 102, as such an assessment is not required as a matter of law until the Plan is more formally developed and a meaningful assessment can be undertaken.**

1.3 The Defra guidance on competent authority co-ordination

- 1.3.1 As set out in the Feb 2017 report, regulation 65 of the Habitats Regulations is an important, but frequently overlooked, provision. In the context of this 'checking' exercise, it is appropriate for NNPA to 'adopt' the reasoning, conclusion or assessment of relevant earlier (or 'previous') HRA findings if they can.
- 1.3.2 The currently adopted Core Strategy was itself subject to HRA in 2008². In addition, NNPA produced a Management Plan in December 2015 and this document was also subject to assessment under the Habitats Regulations in 2015. Where appropriate therefore, this assessment 'adopts' some of the underlying reasoning from the earlier HRA of the Core Strategy and Northumberland National Park Management Plan where

¹ DTA Ecology draft report to NNPA, 15th February 2017

² Local development Framework Core Strategy and Development Policies Final Appropriate Assessment May 2008.

- No material information has emerged which would render the reasoning ‘out of date’, and
- The analysis underpinning the reasoning is sufficiently rigorous and robust

2 Preliminary ‘checking’ of the Policy Options (DRAFT) Document

2.1 The HRA approach

2.1.1 As set out in the Feb 2017 report, the HRA for the Local Plan will follow the guidance set out in *The Habitats Regulations Assessment Handbook*³ (hereafter referred to as ‘The HRA Handbook’).

2.1.2 The methodological approach set out within the Handbook is appropriate once a full draft plan is available for assessment. It is nevertheless helpful to undertake a ‘check’ of the emerging strategy and objectives at this stage (to inform the ongoing development of the plan but, in the absence of spatially relevant detail as to how the plan might deliver its objectives the extent to which a meaningful assessment can be undertaken is limited. **As with the Feb 2017 ‘checking’ the approach taken to this ‘checking’ exercise therefore reflects the first four green boxes in figure 1.2 in the Feb 2017 report.** The four boxes are as follows:

- Box 1: Decide if the plan is exempt, or can be excluded or eliminated from assessment
- Box 2: Scanning and site selection
- Box 3: Gathering information on European sites
- Box 4: Checking the plans emerging strategy and objectives.

2.1.3 For the purpose of this addendum, the work in respect of Boxes 1-3 has already been undertaken as part of the Feb 2017 report and are unchanged for the purpose of this addendum. There is no need to duplicate or repeat these steps and readers are referred back to the earlier report for relevant information.

2.2 Box 4: Checking the plans emerging strategy and objectives

2.2.1 Box 4 refers to a ‘check’ to be undertaken of the emerging strategy and objectives with reference to guidance contained in section F.5 of the HRA Handbook.

2.2.2 F.5 of the HRA Handbook states:

‘Different options or alternatives for delivering a plan’s overall strategy, goals and objectives may have differing effects on European sites. These should be checked, even if this is only possible in a very broad analysis of the effects, so that option selection is adequately informed and conflicts with European site conservation objectives are avoided at the earliest stages of plan preparation. Even if options are too broadly defined to enable the potential effects on European sites to be properly understood, a broad analysis of the potential implications for different options may at least alert the plan-making body to the potential for there to be problems later in the formulation of the plan’s proposals.’

³ Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, May 2015 edition UK: [DTA Publications Ltd.](#)

- 2.2.3 F.5 goes on to confirm that the output of this ‘checking’ step might be a short paper to inform the plan making process ‘by giving a broad indication of the likely implications of the strategy and objectives of the plan for European sites and a broad brush comparison of the different implications for different options or alternatives’. The Feb 2017 report is such a short paper, to which this report forms an addendum.
- 2.2.4 Chapter 2 of the Policy Options document sets out a vision, strategic aims, strategic priorities and spatial objectives. The vision, aims and priorities are unchanged from the earlier Issues Paper and do not need to be subject to further duplicated assessment as part of this ‘checking’ exercise.
- 2.2.5 The list of spatial objectives which are found on page 11 were not subject to checking as part of the earlier Feb 2017 report, and they have now been checked. As with the aims and priorities, **the spatial objectives are screened out of the need for any further assessment. They set out general statements of intent and, without further spatially relevant details then cannot, of themselves, have any impact upon a European site.**
- 2.2.6 Chapter 3 sets out Potential Policy Options. The emerging policy options are grouped under broad policy themes which, for reasons of consistency, reflect those identified in the Feb 2017 Issues Paper. Each of these policy themes have already been checked, in a broad brush manner (rather than a formal screening *per se*) as part of the Feb 2017 report. Any current Core Strategy policies or Management Plan aims or objectives referred in chapter 3 have already been subject to assessment under HRA and there is no need to duplicate assessment effort by further consideration.
- 2.2.7 Chapter 3 goes on however to identify 21 issues **the focus of this addendum will be on ‘checking’ these issues. The findings of this checking are presented in appendix 1 and are summarised below.**
- 2.2.8 At the current level of detail provided, none of the policy options identified under the 21 issues have been identified as presenting a risk to European sites. In all cases the policy options can be regarded either as ‘statements of policy / general aspirations’ or ‘general criteria for testing the acceptability of proposals’. This is appropriate to a document which is strategic in nature and does not provide for spatially specific development provisions beyond those already set out in the current core strategy.
- 2.2.9 Whilst the Policy Options draft document does not therefore raise any immediate concerns for the future HRA of the Local Plan, appendix 1 does identify some further comments which should inform the ongoing development of the Local Plan. These comments can be related to issue 13 and the intention to derive a *criteria based policy* to ensure that the conservation management and enhancement of the National Park landscape can be supported by sector issue and/or sector specific policies.
- 2.2.10 It is recommended that the development of these criteria is informed by the further comments in response of issues 11 and 21 as explained below.

Issue	Potential links to criteria based policy
Issue 11: Sustainable land management	The options paper provides for the development of new agricultural buildings. In certain locations intensive agricultural activities can be significant sources of ammonia which can undermine the conservation objectives of designated SACs. It is therefore advised that the criteria based policy derived under issue 13 should recognise and address these risks to minimise the likelihood of proposals coming forward in unsuitable locations.

Issue	Potential inks to criteria based policy
Issue 21: Sustainable waste management	The storage/processing and disposal of organic waste can likewise present risks to qualifying features of European sites from ammonia emissions. It is therefore advised that the criteria based policy derived under issue 13 should recognise and address these risks to minimise the likelihood of proposals coming forward in unsuitable locations.

2.3 The need for assessment in-combination with other plans and projects

2.3.1 The extent to which the Issues Document can act ‘in-combination with other plans and projects’ in its own right is limited. It is the Local Plan itself which provides the framework for change and, as such, the Local Plan will be subject to assessment ‘in combination with other plans and projects’ as part of the later formal HRA. No assessment ‘in combination’ is required at this early stage.

3 Conclusions

3.1 Overall conclusion

3.1.1 The Policy Options Draft Document has been subject to ‘checking’ to inform the development of the emerging Local Plan and identify and issues which might be relevant to minimise the risk of unforeseen impacts being identified under the Habitats Regulations. Following a very broad analysis of the Policy Options Document, on the basis of the current level of detail provided there are no immediate concerns. This is not surprising given:

- The statutory purpose of the National Park and its Local Development Framework
- The statutory obligations of the National Park Authority
- The low level of development expected and provided for in the National Park; and
- The exceptionally high development management standards applied by the National Park Authority

3.1.2 Having said this, appendix 1 does flag some helpful issues *to keep in mind* during the ongoing development of the Local Plan. In particular **it is recommended that in developing the Local Plan the risks from sustainable land and waste management proposals which increase emissions of ammonia are recognised** and that, where appropriate, suitable links are made with the criteria based policy to be developed under issue 13 to minimise the likelihood of proposals coming forward in unsuitable locations.

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Appendix 1: Checking of the 21 'issues' considered in chapter 3

Checking of the broad policy themes and key issues	
Theme/Issue	'Checking' outcome/further comments
Spatial Strategy	
Issue 1: settlements	The current spatial strategy is to be retained in the new Local Plan. This has therefore been subject to assessment as part of the 2008 HRA for the current Core Strategy. There is no need for any further checking at this time. The policy options do however propose a widening of the conversion opportunities which are currently provided for under policy 7 to provide more flexibility in the location of new development. In the absence of any spatially relevant detail there is nothing in this increased flexibility which raises any concern in respect of potential impacts upon a European site. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites.
Issue 2: Major Development	The proposal is to continue with the existing approach which presumes against major new development in the National Park. There is no need for any further checking at this time. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites.
Issue 3: Ageing population	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites.
Community Facilities and Infrastructure	
Issue 4: Lack of adequate mobile phone coverage	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out a statement of policy / general aspirations but do not steer development in a way which might adversely affect European sites.
Issue 5: Renewable energy provision	The Authority want to see a greater take up of small scale renewable and low carbon technologies. The proposal is clear that positive consideration of renewable energy will need to take account of size, scale, design, location of proposals and will need to ensure that any scheme is ' <i>consistent with conserving the natural beauty, wildlife and cultural heritage of the National Park</i> '. At the current level of detail provided there is nothing within this section which raises any specific concern in respect of potential impacts upon a European site. Sensitive located small scale renewable project can be accommodated within the park in principle. The policy options set out general criteria for testing acceptability of proposals but do not steer development in a way which might adversely affect European sites.
Issue 6: The maintenance of existing	At the current level of detail provided there is nothing within this section which raises any concern in respect of

and provision of new infrastructure and community facilities	potential impacts upon a European site. The policy options set out general criteria for testing acceptability of proposals but do not steer development in a way which might adversely affect European sites.
Housing and Employment	
Issues 7&8: Meeting our future housing and employment needs	The provisions for rural exception sites, self-build/custom houses, affordable houses and business development are not spatially specific and, as such, they do not steer development in a way which might meaningfully be subject to assessment as to potential adverse effects to European sites. At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out general criteria for testing acceptability of proposals.
Transport and Access	
Issues 9&10: Transport and access	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites.
Farming and Estates	
Issue 11: Sustainable land management	The policy option proposes a positive approach to farm diversification whilst recognising that activities can outgrow the farm holding or environmental capacity of their site. As such any proposals will be ' <i>subject to criteria protecting the environment of the National Park</i> '. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites. It should be recognised however that ammonia emissions from intensive agricultural activities can have adverse effects on qualifying habitats for which European sites have been designated. It is therefore recommended that any 'criteria' are derived to ensure that effects from any such proposals are not able to undermine the conservation objectives for any European sites. Helpful links could be made with the criteria referred to in issue 13 below and any criteria will need to be subject to close scrutiny to ensure that they provide sufficient protection to qualifying features of European sites from farm diversification/intensification proposals.
Issue 12: Sustainable rural economic growth	The policy option proposes a positive approach to further diversification of rural and land based enterprises whilst recognising that activities will be limited by environmental capacity. At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The Policy options set out general criteria for testing acceptability of proposals.
Natural Environment	
Issue 13: Protecting the Natural Environment	This policy option provides an environmental protection / site safeguarding role and cannot have adverse effects on any European site. The criteria based policy provisions referred to will be highly relevant to any future assessment of the provisions under issue 11 and future farm diversification proposals.
Issue 14: Flood risk	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out general criteria for testing acceptability of

	proposals.
Historic Environment	
Issue 15 & 17: Heritage areas, listed buildings and conservation areas	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The Policy options set out general criteria for testing acceptability of proposals but do not steer development in a way which might adversely affect European sites but do not steer development in a way which might adversely affect European sites.
Issue 16: Design	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out general criteria for testing acceptability of proposals but do not steer development in a way which might adversely affect European sites.
Leisure and Tourism	
Issue 18: Recreation and sports facilities	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites.
Issue 19: Holiday accommodation, visitor facilities and sustainable tourism	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites.
Minerals and Waste	
Issue 20: Ensuring a sustainable supply of minerals	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites.
Issue 21: Sustainable waste management	At the current level of detail provided there is nothing within this section which raises any concern in respect of potential impacts upon a European site. The policy options set out statements of policy / general aspirations but do not steer development in a way which might adversely affect European sites. Having said this the storage/processing and disposal of organic waste can present risks to qualifying features of European sites. In particular the spreading of manure, slurry or anaerobic digestate to land. It is therefore recommended that the criteria to be developed in respect of issue 13 should include consideration of associated risks from organic waste storage/processing and disposal.