



Allerdale Borough Council

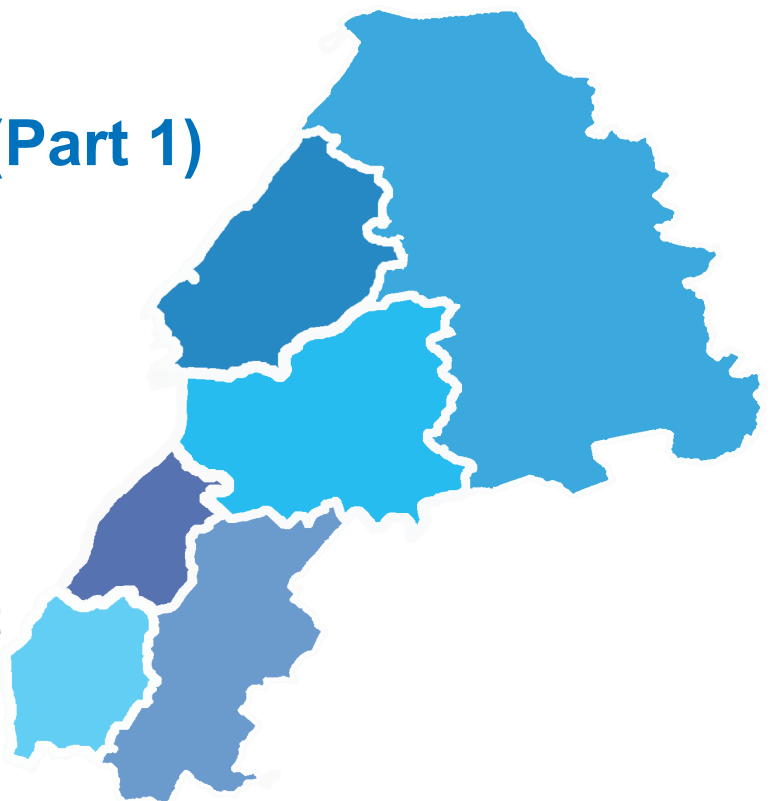


Allerdale Local Plan (Part 1)

Position Statement Main Matter 18:

The treatment of the
Natura 2000 Site and need
for Appropriate Assessment

January 2014



Allerdale Local Plan (Part 1) Examination – Allerdale Borough Council Position Statement January 2014

Matter 18 - The Treatment of the Natura 2000 site, and the need for Appropriate Assessment

Introduction

1. This Statement has been produced by Allerdale Borough Council to outline its response to the matters raised by the Inspector for the Hearings [ED3] into the Submitted Allerdale Local Plan (Part 1) Development Plan Document (DPD) [CD1].
2. These Statements form the main basis for the Council's submission to the Hearings. They relate to the elements of the DPD that have been raised by the Inspector as matters to be discussed. Where appropriate the Statements draw upon and cross-refer to the main sources of information used in the preparation of the DPD such as the outcomes of public consultation, the Sustainability Appraisal, the evidence base and the supporting Topic Papers. Core Document numbers are given where appropriate.

Position of the Council regarding Matter 18

3. There is extensive policy referencing throughout the Plan regarding the need to protect Natura 2000 sites and where necessary when Appropriate Assessment or an Assessment of Likely Significant Effect will be required. The Council considers this to be a robust and sound approach.
4. The potential impact of the Local Plan on Natura 2000 sites has been robustly assessed through the Habitat Regulation Assessment (HRA) and where necessary Appropriate Assessment. This work has been undertaken in consultation with Natural England who has confirmed that it is in agreement with the approach and conclusions and as such the HRA is sound [CD6a]. The HRA concludes that the

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Allerdale Local Plan (Part 1) offers full protection for Natura 2000 sites through adequate precautionary text through out the plan.

Background

5. Allerdale has a rich natural environment, recognised on an international, national and regional scale. The far north and the Solway Firth are also internationally designated as Special Conservation Areas and Special Protection Areas to be afforded the highest levels of protection. There is also an extensive spread of Sites of Special Scientific Interest across the Plan Area, which are nationally protected.
6. The area provides a range of important habitats for a number of key protected species. Coastal areas are recognised as being home to Natterjack Toads and the Small Blue Butterfly. Great Crested Newts, Otters and Red Squirrels are also found throughout the Plan Area. The area in and around Dean Moor is recognised as a Hen Harrier Protection Zone and the marshes of northern Allerdale provide important habitat for wild geese and swans (Cumbria County Council Biodiversity Data Network).
7. When taking into account Natura 2000 sites both within the plan area and with in a 15 kilometres of the Borough boundary a total of 17 sites were assessed as part of the Habitats Regulation Assessment.

Local Plan Policy

8. The protection of Natura 2000 sites is embedded throughout the Local Plan starting with strategic objective SO6a. Policy S35 provides the overarching policy framework for the treatment of biodiversity including Natura 2000 sites. National and International sites are afforded the highest priority. The principles set out in

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this policy will be applied to all development proposals. In addition to the overarching policy there are numerous policy references in the Plan to ensure Natura 2000 sites are safeguarded. These include:

- Site allocations (paragraph 79 and 83),
 - Development Principles (Policy S5)
 - Area Based Policies (S6)
 - Gypsy and Traveller Sites (S11)
 - Rural economy and reuse of buildings (S14, paragraph 295, DM 5 and DM6),
 - Landscape (paragraph 305)
 - Expansion of existing employment sites and telecommunication development (DM4 and DM13)
9. Notwithstanding the specific referencing to biodiversity in the above policies it should be emphasised that the Local Plan should be read as a whole.
10. The Habitat Regulation Assessment identified a number of policy areas that required Appropriate Assessment. Outlined below is the mitigation measures taken to address the issues raised.

Policy S3 Spatial Strategy and Growth

11. This policy was taken forward to Appropriate Assessment in relation to Silloth, Workington and Cockermouth regarding water quality and port development. Supporting text has been inserted to overcome these issues (see S13 below and Main Matter 10 with respect to Water Quality and Supply)

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Policy S6 Area based

12. Amendments to the supporting text in all the area based policies have been made to support infrastructure delivery to include wastewater treatment and water supply (as set out in matter 10). Also additional text is proposed to ensure development relating to Silloth port does not have an adverse effect on Natura 2000 sites **MM41 [CD4]**.

S9 Rural Exception Sites

13. This was included in the Appropriate Assessment on the basis of sewage treatment capacity. This has been dealt with by supporting policy text relating to the availability of infrastructure to support development (see matter 10)

S13 Energy Coast Innovation Zone

14. This policy promotes the Port of Workington and as such supporting text has now been included in paragraph 169 which refers to the need to carry out an Assessment of Likely Significant Effect on any development with the potential to impact directly or indirectly on Natura 2000 sites

S17 Tourism Coastal and Countryside Recreation

15. This policy was subject to Appropriate Assessment on the basis of in combination effects. Paragraph 195, including proposed modification **MM56 [CD4]**, provides supporting text to ensure in combination effects are considered for other proposals along the Solway Firth. In particular that an Appropriate Assessment and an

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Assessment of Likely Significant Effect will be required if there is going to be a likely significant effect on a Natura 2000 site

S19 Renewable Energy and Low carbon Technologies

16. This policy has extensive referencing to Natura 2000 sites both in policy and the supporting text. Further modifications are proposed **MM62 [DC4]** to the policy relating to Natura 2000 sites to add clarification.

S34 Development in the Solway Coast Area of Outstanding Natural Beauty

17. As with policy S17 this policy was subject to Appropriate Assessment due to in combination effects. Paragraph 310 addresses the issue and a further modification is proposed **MM85 [CD4]** to provide further clarity.

S37 Shoreline Management and Coastal Development

18. The issue with this policy related to coastal squeeze and in combination effects of multiple proposals. Paragraph 329 highlights the need to carry out an Assessment of Likely Significant Effect where appropriate.

Conclusion

19. The Habitat Regulation Assessment concludes that the Local Plan along with the proposed modifications provides a robust basis for future development with ‘ no likely significant effect’ on qualifying features of Natura 2000 sites and hence no ‘ adverse effect on the integrity’ of any Natura 2000 site.