



# Copeland Local Plan 2021-2038

## Appendix H: Habitat Regulations Assessment – Requirements for Allocated Sites

Copeland Borough Council  
September 2022



## Introduction

The following table contains extracts from the Habitat Regulations Assessment Report that supports the Copeland Local Plan 2021-2038. It identifies where there is potential for development to have negative effects on National Site Network sites (formerly known as Natura 2000 sites) and RAMSAR sites. It sets out what will be required from developers at planning application stage to further assess impacts and provide necessary mitigation.

*Table 1: For more information, please see the full HRA accompanying the Copeland Local Plan*

Affected Allocations	HRA Recommendation/Requirement
<b><i>Affected Protected Site/Species and potential pathway: River Ehen SAC – Water Quality</i></b>	
<p><b>Housing:</b> HCM1, HCM2, HCM3, HCM4, HEG2, HEG3, HBE1, HBE2,</p> <p><b>Employment:</b> Westlakes Science and Technology Park, Leconfield Areas 1-3, ES7, ES9</p> <p><b>Opportunity Sites:</b></p> <p>East Rd Garage (OEG03/E9)</p> <p>Cleator Mills (OCL01/CL005)</p> <p>Chapel St (OEG01/EEOS1)</p>	<p><i>Development will only be supported where a project-specific HRA is undertaken that will include:</i></p> <p><i>A Construction Environmental Management Plan (CEMP) that addresses risk assessment of potentially damaging construction activities; practical measures (both physical measures and sensitive working practices) to avoid impacts during construction; location and timing of sensitive works to avoid harm; responsible persons and lines of communication. This would need to cover safe storage of vehicles, plant and materials containing potential pollutants (e.g. fuel, oil, chemicals) to avoid pollution through spills and run-off; and protocols for dealing with any accidental spillages including provision of spill kits.</i></p> <p><i>A drainage strategy that must be in place prior to first occupation. This will need to include provision for disposal of waste water and sewerage such that this is directed into approved and contained waste water systems whereby the effluent will not enter the catchment of the River Ehen SAC. The drainage strategy must also include details of how any surface water run-off will be managed, for example, if necessary through the provision of Sustainable Drainage Systems (SuDS) that would detain run-off and direct run-off away from the catchment of the SAC.'</i></p>
<b><i>Affected Protected Site/Species and potential pathway: River Ehen SAC - urbanisation</i></b>	
<p><b>Housing:</b> HCM1, HCM2, HCM3</p>	<p><i>No development shall take place until a project specific Habitats Regulations Assessment has been undertaken to demonstrate that the project can demonstrate no Likely Significant Effect on the River Ehen SAC through</i></p>

Affected Allocations	HRA Recommendation/Requirement
	<p><i>urbanisation. This will include the need for a waste management strategy that addresses the need for facilities to be provided that will minimize the risk of fly tipping, in particular of garden waste, oils, fuels, and chemicals. The development will need to be supported by the provision of appropriate facilities or access to facilities such that it is clear that occupants of the new developments will have sufficiently straightforward ability to dispose of any materials that could lead to LSE on the River Ehen SAC.</i></p>
<p><b><i>Affected Protected Site/Species and potential pathway: SPA species including Harrier Hen – loss of or disturbance to off-site supporting habitats</i></b></p>	
<p><b>Employment: ES3</b></p>	<p><i>No development shall take place until a project-specific Habitat Regulations Assessment is undertaken that includes a project-level assessment of the proposed development area and surrounding habitats, taking into account the proposals for construction and operation that will include</i></p> <ul style="list-style-type: none"> <li><i>• An assessment of the suitability of the habitats to support relevant species</i></li> <li><i>• If then necessary, a desk-based assessment to determine known use of the site and surroundings by these species; and</i></li> <li><i>• Bird surveys undertaken at an appropriate time of year and for an appropriate duration to determine presence or likely absence of such species.</i></li> </ul> <p><i>Where the results of these studies cannot determine lack of Likely Significant Effects, then mitigation would be required such that no LSE on the relevant NSN or Ramsar site (LSE) would remain, for example provision of alternative habitat for use by bird species and which would need to be shown to be utilised prior to determination of any application.</i></p>
<p><b><i>Affected Protected Site/Species and potential pathway: Morecambe Bay SAC, Morecambe Bay and Duddon Estuaries SPA and Duddon Estuary Ramsar – air quality (in combination)</i></b></p>	
<p><b>Employment: ES11, ES12</b></p>	<p><i>No development shall take place until a project specific Habitat Regulations Assessment has been undertaken to demonstrate that the project can demonstrate no Likely Significant Effect on the Morecambe Bay SAC, Morecambe Bay and Duddon Estuary SPA and Duddon Estuary Ramsar through reduced air quality in combination</i></p>

Affected Allocations	HRA Recommendation/Requirement
	<p><i>with other plans and projects. This will include an analysis of the potential for emissions of airborne pollutants as a result of the function of the development. Where necessary, this will then need to be supported by air quality modelling, taking into account the contribution of the proposed development in combination with other plans and projects.</i></p>
<p><b>Affected Protected Site/Species and potential pathway: Solway Firth – water quality (in combination)</b></p>	
<p><b>Housing:</b> HWH4, HWH5, HWH6,  <b>Employment:</b> ES5  <b>Opportunity Sites:</b>                      Former Mark House (OWH11/WT013)                      Marlborough St (OWH07/WT019)                      Car Park, Quay St East (OWH09/Wt030)                      Quay St West (OWH10/WTC1)                      Bransty Row (OWH12/WTC4)</p>	<p><i>Development will only be supported where a project-specific Habitat Regulations Assessment is undertaken that will include:</i></p> <p><i>A Construction Environmental Management Plan (CEMP) that addresses risk assessment of potentially damaging construction activities; practical measures (both physical measures and sensitive working practices) to avoid impacts during construction; location and timing of sensitive works to avoid harm; responsible persons and lines of communication. This would need to cover safe storage of vehicles, plant and materials containing potential pollutants (e.g. fuel, oil, chemicals) to avoid pollution through spills and run-off; and protocols for dealing with any accidental spillages including provision of spill kits.</i></p> <p><i>A drainage strategy that must be in place prior to first occupation. This will need to include provision for disposal of waste water and sewerage such that this is directed into approved and contained waste water systems whereby the effluent will not enter the catchment of protected sites. The drainage strategy must also include details of how any surface water run-off will be managed, for example, if necessary through the provision of Sustainable Drainage Systems (SuDS) that would detain run-off and direct run-off away from the catchment of the National Site Network Site or RAMSAR.'</i></p>
<p><b>Affected Protected Site/Species and potential pathway: Drigg Coast SAC and Morecambe Bay and Duddon Estuary Ramsar site – water quality (in combination)</b></p>	
<p><b>Housing:</b> HDH2, HDH3</p>	<p><i>As above</i></p>
<p><b>Affected Protected Site/Species and potential pathway: Morecambe Bay SAC, Morecambe Bay and Duddon Estuary SPA and Duddon Estuary Ramsar – water quality (in combination)</b></p>	

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Affected Allocations	HRA Recommendation/Requirement
<b>Employment:</b> ES11, ES12, ES13  <b>Opportunity Sites:</b>  Millom Pier (OMI01/Mi042)	<i>As above</i>

Affected Allocations	HRA Recommendation/Requirement
<p><b>Affected Protected Site/Species and potential pathway: Morecambe Bay and Duddon Estuary SPA, Solway Firth SPA, Duddon Estuary Ramsar and Morecambe Bay Ramsar sites - Loss of or Disturbance to Off-Site Supporting Habitats (In Combination)</b></p>	
<p>Housing: HCM1, HCM2, HCM4, HWH2, HWH3, HWH4, HWH5, HWH6, HMI1, HBI1, HBI2, HLO1, HMR1, HMR2, HDH2</p>	<p><i>Development will only be supported where a project-specific Habitat Regulations Assessment is undertaken that will include a project-level assessment of the proposed development area and surrounding habitats, taking into account the proposals for construction and operation that will include</i></p> <ul style="list-style-type: none"> <li>• <i>An assessment of the suitability of the habitats to support relevant species</i></li> <li>• <i>If then necessary, a desk-based assessment to determine known use of the site and surroundings by these species; and</i></li> <li>• <i>Bird surveys undertaken at an appropriate time of year and for an appropriate duration to determine presence or likely absence of such species.</i></li> </ul> <p><i>Where the results of these studies cannot determine lack of Likely Significant Effect (LSE), then mitigation would be required such that no LSE on the relevant NSN or Ramsar site would remain, for example provision of alternative habitat for use by bird species and which would need to be shown to be utilised prior to determination of any application.</i></p>
<p><b>Affected Protected Site/Species and potential pathway: Morecambe Bay SAC, Morecambe Bay and Duddon Estuaries SPA and Duddon Estuary Ramsar – Coastal Squeeze (in combination)</b></p>	
<p>Opportunity Area: Millom Pier (OMI01/Mi042)bg</p>	<p><i>Development will only be supported where a project-specific Habitat Regulations Assessment is undertaken that will include a project-level assessment of the proposed development area and surrounding habitats, that will include an assessment of the likely loss of habitat through coastal squeeze, taking into account other plans and projects.</i></p> <p><i>Where the results of these studies cannot determine lack of Likely Significant Effect (LSE), then mitigation would be required such that no LSE on the relevant NSN or Ramsar sites would remain, for example contribution to or provision</i></p>

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Affected Allocations	HRA Recommendation/Requirement
	<i>of alternative habitat at a suitable location, and which would need to be shown to be secured prior to determination of any application.</i>