



# Report to Inform a Habitats Regulations Assessment

Copeland Borough Council  
Publication Draft Local Plan Main Modifications

Date: January 2024

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# **1 Introduction**

## **1.1 Background**

David Archer Associates was commissioned by Copeland Borough Council to compile a report to inform a Habitats Regulations Assessment (HRA) of the Publication Draft Local Plan (2021-2038), Addendum Document and any subsequent Main Modifications identified through the Examination process.

In May 2023 a report to inform a HRA of the Publication Draft Local Plan (January 2022) for Copeland Borough was finalised. It was able to conclude that the policies and supporting text and land allocations within the Plan would not lead to Likely Significant Effects (LSE) on National Site Network (NSN) and Ramsar sites through any pathways of impact. This conclusion was reached for the Plan alone, and in combination with other plans and projects.

Examination Hearings took place from 31<sup>st</sup> January to 9<sup>th</sup> March 2023 and the Council has subsequently prepared a schedule of Main Modifications based on the Inspector's recommendations of changes required to ensure the Local Plan is sound.

## **1.2 Objectives**

This document sets out the review of the Main Modifications to determine whether there are any implications with regard to the report to inform a HRA. Section 2 considers updates to policies, supporting text, allocations and any other relevant changes to the Plan and whether there is potential for any changes to the conclusions of the report to inform a HRA from May 2023. The findings are concluded in Section 3.

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## 2 Main Modifications – Impacts of Changes on the Report to Inform a HRA of the Publication Draft Local Plan (May 2023)

### 2.1 HRA of Main Modifications

The Main Modifications have been reviewed and the majority assessed as having no impact on the existing conclusions of the HRA of the Local Plan (see **Appendix 1**). Those discussed below could not be immediately dismissed and have been assessed in order to determine whether the changes could lead to LSE on NSN or Ramsar sites either alone or in combination with other plans and projects.

#### MM7 and MM8

The report to inform a HRA of the Publication Draft Local Plan was able to screen out policy DS1PU (Presumption in Favour of Sustainable Development) due to the following assessment:

*“No LSE as the policy indicates that applications will only be approved without delay “unless material considerations indicate otherwise.” Material considerations relating to the presumption in favour of sustainable development are laid out in the National Planning Policy Framework (NPPF, 2019) that indicates 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”*

Policy DS1PU has now been removed as it repeats NPPF policy.

In the report to inform a HRA, policy DS1PU was referenced as a protective policy that allowed other policies within the Plan to be screened out through consideration of the Plan as a whole. The screening of several policies was able to conclude that:

*“As an overarching protection, policy DS1PU (Presumption in Favour of Sustainable Development) will need to be compliant with the NPPF. Therefore for individual applications, a protective umbrella of requiring the plan or project to ensure no LSE on NSN and Ramsar sites will be in place.*

*Policy N1PU provides explicit protection to biodiversity, including NSN and Ramsar sites, in line with the ethos of policy DS1PU. The Local Plan also states that the plan must be read as a whole and therefore it is the case that all other policies must be considered as cross-referencing DS1PU and N1PU.*

*The Plan as a whole therefore contains policies that will prevent adverse effects on NSN and Ramsar sites at the policy level.”*

Whilst policy DS1PU has now been removed, revised text within paragraph 5.2.3 of the Plan states that [bold for emphasis] *“the Council will take a positive approach to sustainable development by approving applications without delay where they accord with the Development Plan (and where relevant, any neighbourhood plan), unless material considerations indicate otherwise. **Full consideration will also be given to the relevant policies within the NPPF.”***

Therefore through this statement and through the existence of the NPPF, the protective wording within the Plan ensures that the conclusions reached within the report to inform a HRA remain valid. Furthermore, policy N1PU remains in place as a primary policy to ensure protection of NSN and Ramsar sites.

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### MM32

No significant HRA implications arise from the amended policy RE3PU (Conversion of Rural Buildings to Commercial or Community Use). However, the text now includes that such development will be supported where *“conversion would not have a significant negative impact on the natural environment and appropriate **ecological** surveys are carried out where necessary.”* The inclusion of ecological surveys specifically strengthens the policy in the event that any proposed development were to require project-level HRA.

### MM78

At the Publication Draft Local Plan stage, policy H16PU (Essential Dwellings for Rural Workers) contained the text that development will only be permitted where [bold for emphasis] *“other planning requirements, e.g. in relation to access, impact on landscape **and biodiversity**, are satisfied”*.

This text has now been removed. This omission was also previously true of similar policies H11PU, H12PU, H13PU, H14PU, H17PU and H18PU. As a result these policies were initially screened in as requiring more detailed scrutiny. Without the text now removed, policy H16PU would also have been screened in initially. However, further screening, considering the Plan as a whole found that sufficient protection was included within the Plan wording to be able to screen out these policies and thus this would also apply to H16PU. Therefore no changes to the previous conclusions of the report to inform a HRA will result from this change.

### MM95

Policy N4PU (Marine Planning) previously referenced the North West Marine Plan<sup>1</sup>, with such mention now withdrawn. The revised policy does however still reference the objectives contained within the Marine Plan, including living within sustainable limits. Within the Marine Plan it is stated that this objective includes that *“biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted.”* The Marine Plan objectives are supported by linked policies, which the report to inform a HRA of the Publication Draft Copeland Local Plan found provided over-arching protection through being referenced in the Local Plan. The Marine Plan objectives are clearly underpinned by policy and as the Local Plan states that proposals should “contribute positively” to the marine planning objectives, then the expectation that biodiversity will be fully accounted for (including NSN and Ramsar sites) remains in place.

Therefore policy N4PU may still be screened out as not leading to any LSE on NSN and Ramsar sites either alone or in combination with other plans and projects.

### MM112

Policy CO2PU (Priorities for Improving Transport Networks Within Copeland) now includes support and safeguarding of land including *“Improvements to the local **and strategic cycle and walking network, including pedestrian links across the Duddon Estuary, to encourage active travel.”***

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[https://assets.publishing.service.gov.uk/media/60f6f5a1d3bf7f56824cc628/FINAL\\_North\\_West\\_Marine\\_Plan\\_\\_1\\_.pdf](https://assets.publishing.service.gov.uk/media/60f6f5a1d3bf7f56824cc628/FINAL_North_West_Marine_Plan__1_.pdf)

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The initial screening of this policy within the report to inform a HRA of the Publication Draft Local Plan concluded that:

*“The improvements to cycle and walking networks have potential to affect sensitive NSN and Ramsar sites within the Borough through increased recreational pressure – dependent on location. NSN and Ramsar sites within Copeland, including Morecambe Bay SAC and Ramsar, Morecambe Bay and Duddon Estuary SPA and Duddon Estuary Ramsar, are vulnerable to increased recreational pressure, and therefore the location of new development is important in avoiding increased pressure on these sites.”*

Further screening, considering the Plan as a whole found that policy CO2PU could be screened out as policy N1PU (Conserving and Enhancing Biodiversity and Geodiversity) contains sufficient protection within the Plan as a whole to ensure that support for plans and projects would need to take into account the requirement of the Habitats Regulations as necessary. As policy N1PU remains in place with immaterial modifications, this conclusion is maintained.

#### MM143

Allocation HWH6 has now been removed from the Plan. Previously, within the report to inform a HRA, this allocation was assessed at the stage of Appropriate Assessment to require project specific HRA taking into account the potential for reduced water quality and loss of supporting habitat or disturbance to birds using supporting habitats of NSN and Ramsar sites. Therefore the removal of this allocation removes the need for this allocation to require HRA.

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### **3 Conclusion**

The above assessment has concluded that the overall conclusions of the report to inform a HRA of the Publication Draft Copeland Local Plan (produced in May 2023) remain valid. This means that the Local Plan, incorporating Main Modifications, is not expected to result in adverse effects on integrity of any NSN or Ramsar site, either alone or in-combination with other plans or projects.

## Appendix 1

**Table A1:** Main Modifications with no HRA Impacts

<b>Reference Number MM (Main Modification)</b>	<b>Relevant Policy</b>
MM1	N/A
MM2	Vision
MM3	Objectives: Copeland's Economy
MM4	Objectives: Copeland's Communities
MM5	Objectives: Copeland's Places
MM6	Objectives: Copeland's Connectivity
MM9	DS2PU (supporting text)
MM10	DS2PU
MM11	DS3PU
MM12	DS4PU (supporting text)
MM13	DS4PU
MM14	DS5PU (supporting text)
MM15	DS5PU
MM16	DS6PU
MM17	DS7PU
MM18	DS8PU
MM19	DS9PU
MM20	DS10PU (supporting text)
MM21	DS10PU
MM22	DS11PU
MM23	E1PU
MM24	E2PU
MM25	E3PU
MM26	E4PU (supporting text)
MM27	E4PU
MM28	E5PU
MM29	E7PU
MM30	RE1PU
MM31	RE2PU
MM33	CC1PU
MM34	CC2PU
MM35	NU1PU (supporting text)
MM36	NU1PU
MM37	NU3PU (supporting text)
MM38	NU3PU (supporting text)
MM39	NU3PU
MM40	NU4PU (supporting text)



<b>Reference Number MM (Main Modification)</b>	<b>Relevant Policy</b>
MM41	NU4PU
MM42	NU4PU (footnote)
MM43	NU5PU (supporting text)
MM44	NU5PU
MM45	R1PU
MM46	R2PU
MM47	R3PU
MM48	R4PU
MM49	R5PU
MM50	R6PU
MM51	R7PU
MM52	R8PU
MM53	R10PU
MM54	T1PU
MM55	T2PU
MM56	T3PU (supporting text)
MM57	T3PU
MM58	H1PU
MM59	H2PU (supporting text)
MM60	H2PU
MM61	H3PU
MM62	H4PU
MM63	H5PU (supporting text)
MM64	H5PU (supporting text)
MM65	H5PU
MM66	H6PU (supporting text)
MM67	H6PU
MM68	H7PU
MM69	H8PU (supporting text)
MM70	H8PU
MM71	H8PU (supporting text)
MM72	H10PU
MM73	H11PU
MM74	H13PU (supporting text)
MM75	H13PU
MM76	H15PU
MM77	H16PU (supporting text)
MM79	H17PU (supporting text)
MM80	H17PU
MM81	H18PU
MM82	H19PU
MM83	H20PU (supporting text)

Reference Number MM (Main Modification)	Relevant Policy
MM84	H21PU
MM85	SC1PU
MM86	SC2PU (supporting text)
MM87	SC2PU
MM88	SC3PU (supporting text)
MM89	SC3PU
MM90	SC4PU
MM91	SC5PU
MM92	N1PU
MM93	N2PU
MM94	N3PU
MM96	N5PU (supporting text)
MM97	N6PU
MM98	N7PU (supporting text)
MM99	N7PU
MM100	N9PU
MM101	N10PU
MM102	N11 (supporting text)
MM103	N11 (new policy)
MM104	N11PU (supporting text)
MM105	N11PU
MM106	N13PU
MM107	BE1PU
MM108	BE2PU
MM109	BE3PU
MM110	BE6PU
MM111	CO1PU
MM113	CO3PU
MM114	CO4PU
MM115	CO5PU
MM116	CO7PU
MM117	Monitoring Table
MM118	N/A
MM119	Appendix A
MM120	Appendix A
MM121	Appendix B
MM122	Appendix B
MM123	Appendix B
MM124	Appendix B
MM125	Appendix B
MM126	Appendix B
MM127	Appendix C

<b>Reference Number MM (Main Modification)</b>	<b>Relevant Policy</b>
MM128	Appendix C
MM129	Appendix C
MM130	Appendix C
MM131	Appendix C
MM132	Appendix C
MM133	Appendix E
MM134	Appendix F
MM135	Appendix F
MM136	Appendix F
MM137	Appendix F
MM138	Appendix F
MM139	Appendix F
MM140	Appendix F
MM141	Appendix F
MM142	Appendix F
MM144	Appendix F
MM145	Appendix F
MM146	Appendix F
MM147	Appendix F
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MM159	Appendix F
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MM164	Appendix F
MM165	Appendix F
MM166	Appendix F
MM167	Appendix F
MM168	Appendix F
MM169	Appendix F
MM170	Appendix F

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Reference Number MM (Main Modification)	Relevant Policy
MM171	Appendix H