# Leconfield Industrial Estate – Main Works

784-B065555

LUF-TTE-XX-XX-T-Z-7859

# REPORT TO INFORM HABITATS REGULATIONS ASSESSMENT - STAGE 1 AND STAGE 2

**Morgan Sindall Construction**

**January 2026**

**Document prepared on behalf of Tetra Tech Limited.**

TETRA TECH

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# DOCUMENT CONTROL

| | |
|---|---|
| **Document:** | REPORT TO INFORM HABITATS REGULATIONS ASSESSMENT - STAGE 1 AND STAGE 2 |
| **Project**: | Leconfield Industrial Estate – Main Works |
| **Client:** | Morgan Sindall Construction |
| **Project Number:** | 784-B065555 |
| **File Origin:** | \\lds-dc-vm-101\data\Projects\784-B065555_Leconfield___Morgan_Sindall\60 Project Output\61 Work in Progress\HRA |

| | | | |
|---|---|---|---|
| **Revision:** | 1 | **Status:** | Final |
| **Date:** | February 2025 | | |
| **Prepared by:**<br>Candice Howe CEcol MCIEEM<br>Associate Ecologist | | **Checked by:**<br>Rob Gavan ACIEEM<br>Principal Ecologist | **Approved By:**<br>Felicity Andruszko MCIEEM<br>Technical Director |
| **Description of revision:** First issue | | | |
| **Revision:** | 2 | **Status:** | Final |
| **Date:** | January 2026 | | |
| **Prepared by:**<br>Candice Howe CEcol MCIEEM<br>Associate Ecologist | | **Checked & Approved By:**<br>Phil Preston BSc(Hons) MSc MCIEEM<br>Associate Ecologist | |
| **Description of revision:** Updates following amends to the red line boundary and Drainage Plan | | | |

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# EXECUTIVE SUMMARY

| Contents | Summary |
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| **Site Location** | The 'site' is located in Cleator Moor, Cumbria and is centred at Ordnance Survey National Grid Reference NY 01570 15529. The site is approximately 34.9 hectares in size and lies on the north side of Leconfield Street. |
| **Proposals** | Re-development of the industrial site with two new main buildings and associated hard and soft landscaping. |
| **Scope of this Report** | The purpose of this report is to assess the pathways to likely significant effects (LSE) (Habitat Regulation Assessment, HRA, Stage 1) of the development proposals upon relevant Habitat Sites and to provide avoidance and mitigation strategies detailed with the Stage 2 Appropriate Assessment. |
| **Stage 1: Screening Results** | The results from the Stage 1 Screening Assessment found the following impacts pathways to have risk of (adverse) significant effect on River Ehen SAC and associated Qualifying Features due to proposed development:<br>• Pollution via surface water drainage (Construction and Operation)<br>• Pollution via groundwater seepage (Construction only)<br>• Spread of invasive species (Construction and Operation) |
| **Stage 2: Appropriate Assessment** | The risks can be mitigated through:<br>• Pollution prevention measures detailed within CEMP; and<br>• Eradication and control of INNS through the INNS Management Plan. |
| **Conclusion** | The competent authority can therefore be certain that when mitigation is applied this project will not result in adverse effect upon the integrity of relevant Habitat Sites when this project is considered alone or in combination with other plans and projects. |

# 1.0 INTRODUCTION

## 1.1 BACKGROUND

Tetra Tech was commissioned by Morgan Sindall Construction in January 2025 to prepare a report to inform a Habitats Regulations Assessment (HRA) of Leconfield Industrial Estate, Main Works site, hereafter referred to as "the site".

A HRA was written in 2021 (Tetra Tech, 2021) for the wider Leconfield Industrial Estate site. This report to inform a HRA has been prepared by Tetra Tech Associate Ecologist Candice Howe CEcol MCIEEM and the conditions pertinent to it are provided in Appendix A.

This document provides information which can be used by the competent authority to complete their Habitats Regulations Assessment in relation to this project.

## 1.2 SITE DESCRIPTION

The 'site' is located in Cleator Moor and is centred at Ordnance Survey National Grid Reference NY 0169 1545 – see Figure 1 for site location plan. The red line boundary change in November 2025 was requested by the Local Planning Authority (LPA) to incorporate Biodiversity Net Gain Assessment offsetting areas in the wider Leconfield Industrial Estate.

The site is an industrial estate largely comprising hardstanding and modified grassland. Historically, the site formed part of an iron and steel works, and the eastern section of the site qualifies as Open Mosaic on Previously Developed Land (OMoPDL), comprising a mosaic of ruderal / ephemeral vegetation, rush pasture, calcareous grassland, mixed and scattered scrub, with areas of bare earth. Along wet ditches to the south and north are bands of both wet woodland and broadleaved woodland. The surrounding land is a mixture of built-up areas and agricultural fields. Cleator Moor town centre is located approx. 300m southeast of the site.

The River Ehen SAC is located 1.2 km south from the site boundary. The Leconfield Main Works site is approximately 90m south of the Nor Beck which runs in a western direction, joining Bowthorn Beck and is culverted under the wider Leconfield Industrial Estate in a southern direction.

The Nor beck is culverted for approximately 630m under the wider Leconfield Industrial Estate and the residential area to the south, entering the River Keekle (approximately 880m from the southern boundary of Main Works site) which is a tributary of the River Ehen (see Figure 2). The River Keekle joins River Ehen at Longlands Lake Country Park at OSGR NY 01183 12890. Although, the River Keekle is hydrologically connected with the River Ehen, the component of the River Ehen designated as SAC is located directly upstream from the confluence point. Therefore, there is no direct hydrological connectivity between the site and the section of the River Ehen designated as a SAC

## 1.3 WORK PROPOSALS

Cumberland Council seek to redevelop Leconfield Industrial Estate. This redevelopment is in two phases:

**Phase 1** - Development of a new enterprise campus (the Hub)

**Phase 2** - Levelling Up Fund (LuF) Project which includes the 'Main Works', Unit 1 and Unit 1A boundaries.

The red line boundary was amended in November 2025 to incorporate biodiversity offsetting areas in the wider site, as requested by the LPA and slightly reduced the site area in north east. The changes to the red line boundary do not change the HRA assessment as the application area remains to be the area directly impacted by the proposals (i.e. the footprint of the development) and is the same distance from the designated sites to the south. However since February 2024 assessment, the drainage strategy has changed and these changes are reflected in this report.

The Main Works Plots 9 & 12 site consists of two main buildings classed as general industrial:

- Plot 9 construction of one building 'Building 12' approx. 2041m$^2$ footprint with 4no. internal 'grow on' units, and
- Plot 12 construction of one building 'Building 14' approx. 2555m$^2$ footprint with 20no. 'start up' units.

This is set within a mix of hard and soft landscaping to provide car parking and HGV access to the units as well as incorporating a shared cycle and pedestrian access route running east west at the south of the site that links with the exiting Coast to Coast path just beyond the eastern boundary of the estate. The development proposals are shown on the Landscape Site Plan (Appendix B; Drawing Reference: LUF-ONE-ZZ-XX-D-L-0001-P22_LandscapeSitePlan).

# 2.0 REQUIREMENT FOR HABITAT REGULATION ASSESSMENT

The Conservation of Habitats and Species Regulations (2017) (as amended), hereafter referred to as the Habitat Regulations, requires local (or 'competent') authorities to assess the impacts of projects (and plans) on the National Site Network, formerly European Sites and Natura 2000. The term European Site is defined fully in regulation 8 of the Habitats Regulations and includes:

- Special Areas of Conservation (SACs);
- Candidate SACs (cSACs); and,
- Special Protection Areas (SPAs).

Under planning policy (paragraph 181 NPPF), the following sites are also included within the Habitats Regulation Assessment and afforded protection under planning policy:

- Ramsar sites;
- Proposed Ramsar sites; and
- Compensatory Sites for SACs and SPAs
- Potential SPAs.

For the purpose of the document sites afforded protection by regulation 8 of the Habitats Regulations and via the NPPF are called Habitat Sites.

Assessment of Habitat Sites is implemented via an HRA, which comprises a series of mandatory tests as interpreted by the principles of both European Union and domestic case law. Consequently, this report takes full account of the above, but also refers, as appropriate, to the Habitat Regulations Assessment Handbook (Tyldesley and Chapman, 2025).

Regulation 63(2) makes clear it is for the applicant to provide the necessary information to enable the competent authority to carry out the HRA.

## 2.1 STAGE ONE - SCREENING

The initial stage is the adoption of a screening process to determine if the project can be excluded from the need for HRA simply because it is inconceivable it could result in an effect on a European site. If not the HRA assesses whether the project is likely to have a significant effect on a European site, either alone or in-combination with other plans or projects. If significant effects are found to be absent the project may be accepted without further scrutiny. Collectively these tests are referred to as 'Screening' as described in the Handbook and summarised in Plate 1 below. For the avoidance of doubt, an in-combination assessment is required only where an impact is identified, which is so small that alone, its effects are not significant, but when combined with other minor effects on the same feature from other plans and/or projects, the combined residual effect becomes significant.

As summarised by General Sharpston in the C-323/17 People Over Wind 2018 (*Sweetman*) case, there :

*49. The threshold at the first stage of article 6(3) is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken.*

In this context the term *Likely* simply means that there is a risk or doubt regarding such an effect, which cannot be excluded on the basis of objective information. Likewise, *Significant* means *'any effect that*

*would undermine the conservation objectives for a European site.'* Collectively these interpretations mean the assessment of credible risks in the screening exercise should not be exhaustive, endeavouring to act as a trigger for further scrutiny. This is outlined in the *Bagmoor Wind Case*[1] where the court stated:

'*If the absence of risk … can only be demonstrated after a detailed investigation, or expert opinion, that is an indicator that a risk exists, and the authority must move from preliminary examination to appropriate assessment'.*

## 2.2 STAGE TWO – APPROPRIATE ASSESSMENT

If likely significant effects (LSEs) cannot be ruled out, the greater scrutiny of an Appropriate Assessment is required (see Stage 2 of Plate 1). This employs the precautionary principle and seeks to determine if the competent authority can ascertain that the Proposed Development '*will not adversely affect the integrity of a Habitat [European] site*'. As such the competent authority must be able to prove the absence of harm, before consent may be granted. If it is concluded that adverse effects will occur, mitigation measures will be required to either avoid the impact in the first place, or to reduce the ecological effect to such an extent that it is no longer significant. Note that, unlike standard Ecological Impact Assessment, compensation for adverse effects (i.e., creation of alternative habitat) is not permitted to be considered at the Appropriate Assessment stage.

With reference to the *integrity* of a Habitat Site, the Planning Practice Guidance (2019) describes it as:

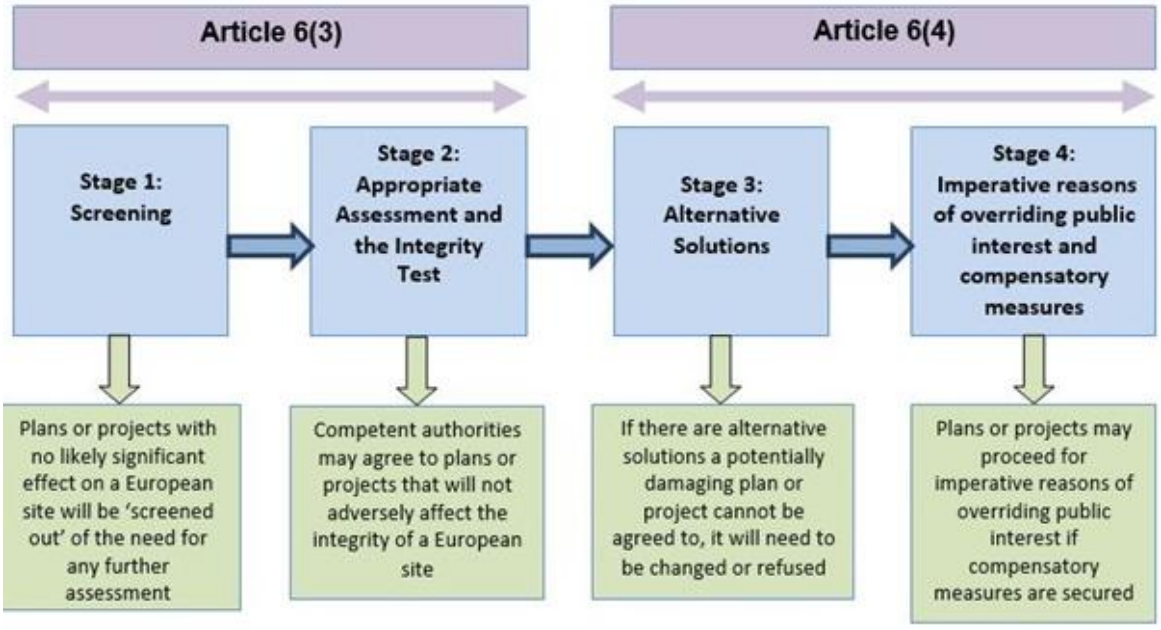
*"the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which is was designated*"

This was defined more recently by the European Commission[2] to include:

"*The decision as to whether it is adversely affected should focus on, and be limited to the habitats and species for which the site has been designated and the site's conservation objectives".*

[1] Bagmoor Wind Limited v Scottish Ministers [2012] CSIH 93 at para. 45
[2] Managin Natura 2000 Sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC. European Union. 2019.

**Plate 1:** Outline of the four-stage Habitats Regulations Assessment of Projects




Extract from *The Habitats Regulations Assessment Handbook,* www.dtapublications.co.uk


## 2.3 HRA GUIDANCE

The HRA process undertaken by Tetra Tech has been developed in accordance with the following guidance:

- Tyldesley, D., and Chapman C., (2025) The Habitats Regulations Assessment Handbook, edition UK: DTA Publications Limited (accessed online, by subscription only).
- HRA Judgement (HRA judgment (Holohan & Ors. v An Bord Pleanála, 7 November 2018, C - 461/17) has also been considered within this assessment. In summary this judgement provides further clarification about the scope of an Appropriate Assessment, requiring that the assessment must:
    - Catalogue the entirety of habitat types and species for which the site is protected.
    - Identify and examine the implications of the project for species present on the SPAs /SACs/Ramsar sites for which the site has not been listed provided that those implications are liable to affect the Conservation Objectives of the site (i.e., if they are necessary to the conservation of the habitat types and species listed for the protected area).
    - Consider the implications for habitat types and species to be found outside the SPA / SAC / Ramsar site provided that those implications are liable to affect the Conservation Objectives of the SPA / SAC (i.e., if they are necessary to the conservation of the habitat types and species listed for the protected area).

In essence this is how a thorough HRA is carried out, as there may be other features supporting the Conservation Objectives of the site which are not actually listed as qualifying features, both within the designated area and outside of this.

Further information on relevant species / environmental legislation and planning policy can be found in Appendix C.

## 2.4 INFORMATION USED IN THIS ASSESSMENT

This assessment was informed by a number of sources, which were used to identify the nearby Habitats Sites, pathways to likely significant effects, and methods of appropriate mitigation. These included:

- JNCC (2015) Natura 2000 Standard Data Form. River Ehen
- Natural England (2014a) River Ehen SAC Citation
- Natural England (2014b) Site Improvement Plan: River Ehen
- Natural England (2018b) River Ehen SAC Conservation Objectives
- Natural England (2022) European Site Conservation Objectives: Supplementary advice on conserving and restoring site features River Ehen Special Area of Conservation (SAC)
- Natural England (2021) Condition of SSSI Units for River Ehen SSSI
- Natural England, Site Search (naturalengland.org.uk)
- Tetra Tech, 2021 Cleator Moor Innovation Quarter Report to inform Habitats Regulations Assessment – Stage 1 assessment of Likely Significant Effects and Stage 2 Appropriate Assessment
- (Tetra Tech , 2024a) Leconfield Industrial Estate – Main Works - Arboricultural Impact Assessment
- (Tetra Tech, 2024b) Leconfield Industrial Estate – Main Works - Badger Site Inspection Report
- (Tetra Tech , 2024c) Leconfield Industrial Estate – Main Works - Breeding Bird Survey
- (Tetra Tech, 2024d) Leconfield Industrial Estate – Main Works – Construction Environmental Management Plan (CEMP) (unpublished at time of writing)
- (Tetra Tech, 2024e) Leconfield Industrial Estate – Main Works – Great Crested Newt eDNA Survey Report
- (Tetra Tech, 2024f) Leconfield Industrial Estate – Main Works – Invasive Non-Native Species Assessment and Management Plan
- (Tetra Tech, 2024g) Leconfield Industrial Estate – Main Works – Invertebrate Survey Report
- (Tetra Tech , 2024h) Leconfield Industrial Estate – Main Works – Reptile Survey Report
- (Tetra Tech , 2024i) Leconfield Industrial Estate – Main Works –Reasonable Avoidance Report
- (Tetra Tech, 2024j) Leconfield Industrial Estate – Main Works – Biodiversity Net Gain Assessment
- Tetra Tech, 2024k Leconfield Industrial Estate – Main Works – Ecological Appraisal

### 2.4.1 Desk study

The online mapping tool Multi Agency Geographic Information for the Countryside (MAGIC) (https://magic.defra.gov.uk) website was consulted to determine which designated sites could be impacted by the proposed works.

Other sources of information included:

- National Site Network site citations;
- The Conservation Objectives for each considered Habitats Site; and
- Advice of operations from Nautrual England deignated site details.

### 2.4.2 Consultation

There has been no formal consultation with the competent authority (Cumberland Council).

# 3.0 STAGE 1 SCREENING ASSESSMENT

The screening exercise explores whether a plan or project will lead to LSEs either alone or in combination. In other words, where there is a 'risk' that the Proposed Development will result in credible and not hypothetical effects, which undermine the conservation objectives of the Habitat Site. The screening exercise should avoid detailed assessment, but if LSE are identified, or cannot be adequately ruled out, the closer scrutiny of an Appropriate Assessment is required.

It is typical for the screening exercise to assess the impacts at both the construction and operational stages of a development.

## 3.1 IDENTIFYING HABITAT SITES WITH POTENTIAL TO BE AFFECTED BY THE PROPOSED WORKS

Site selection was dependent upon the likelihood of the project resulting in an impact pathway(s) causing LSE to a Habitat Sites.

The screening assessment included identifying a zone of influence (ZOI) for the project. The Screening Assessment is to assess all Habitat Sites within a 5 km zone of influence from the Proposed Development and to include any operational hydrological catchments linked to the Proposed Development. This takes account of the hydrological pathways of effect (for example increased wastewater or run-off pollution). A 20 km search radius for Habitats Sites which contained bats as a designating feature was included, but no sites were identified.

Table 1 below lists the Habitats Sites identified that could be affected by proposed project, their locations are illustrated in Figure 2. Table 1 also details each sites qualifying and supporting features, any relevant threat to their integrity as identified in the Site Improvement Plans (SIP), and their conservation objectives.

## 3.2 LIMITATIONS

Stage 1 and stage 2 of the HRA are based upon the current proposals as stated within Section 1.3, therefore should any conditions change relating to the Proposed Development as noted, then a review of both stages would be required to confirm whether there are Likely Significant Effects upon any Habitat sites.

**Table 1: Site Selection**

| Site | Distance | Qualifying Features | Relevant Threats and Pressures | Conservation Objectives |
|---|---|---|---|---|
| River Ehen SAC | 1.2 km south (upstream from the confluence with River Keekle – see Figure 2) | The qualifying features for the site are JNCC (2015):<br>• S1029 Freshwater pearl mussel, *Margaritifera margaritifera*<br>• S1106 Atlantic salmon, *Salmo salar* | A list of relevant pressures and threats to the River Ehen SAC as presented within the Site Improvement Plan (SIP) are detailed below (Natural England, 2014b):<br>• Water abstraction<br>• Low breeding success/poor recruitment<br>• Siltation<br>• Water pollution<br>• Inappropriate weirs, dams and other structures<br>• Agricultural management practices<br>• Invasive species<br>• Forestry and woodland management<br>• Public access disturbance<br>• Transportation and service corridors | The conservation objectives for River Ehen SAC are as follows (Natural England, 2018):<br>• Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the<br>• site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by<br>• maintaining or restoring;<br>• The extent and distribution of the habitats of qualifying species<br>• The structure and function of the habitats of qualifying species<br>• The supporting processes on which the habitats of qualifying species rely<br>• The populations of qualifying species, and,<br>• The distribution of qualifying species within the site. |

## 3.3 ASSESSING RISK OF IMPACT PATHWAYS LEADING TO LIKELY SIGNIFICANT EFFECTS

On evaluation of the SIP threats and conservation objectives of the Habitat Sites identified in Table 1, Table 2 selects and evaluates the potential impact pathways to likely significant effects as a result of the proposed project. A determination is made as to whether likely significant effects are possible, and whether further assessment at Stage 2 is required.

The site is not considered likely to form functionally linked land for qualifying features of the River Ehen SAC as it does not support suitable habitat for freshwater pearl mussel or Atlantic salmon. Therefore, loss of, or disturbance to; functionally linked land associated with the Habitat Site as a result of the project is screened out of this assessment.

Table 2 below assesses each impact pathway for the designated site within the ZOI for this assessment.

**Table 2: Screening criteria applied to identified Habitats Site**

| Impact | Assessment | Determination of LSE |
|---|---|---|
| ***Construction Phase*** | | |
| Degradation of supporting habitat via air pollution | Potential sources of contamination due to nitrogen and acid deposition through increased traffic haul within 250m of the site may modify the chemical status of its substrate, accelerating or damaging plant growth, altering its vegetation structure and composition (including food-plants) and reducing supporting habitat quality and population viability of this feature. The River Ehen designation is located approximately 20m from the roadside of Trumpet Road and vehicles exiting the Leconfield Main Works site via Leconfield Street could turn south onto Trumpet Road. In accordance with the IAQM guidance, the ZoI of fugitive dust is 50m from construction activities and up to 250m from an entrance/exit of a development site in construction to an ecological receptor, therefore impact via air pollution is not a potential impact pathway. The transport assessment reviewing traffic data for the wider Leconfield Industrial Estate in 2021 confirmed that the proposed vehicle generation does not exceed the vehicle criteria for more than 1000 light-duty vehicles or 200 heavy duty vehicles within 250m of the River Ehen SAC. A detailed air quality assessment of vehicular emission impacts to the River Ehen SAC is therefore not required. Impacts from this pathway are concluded to be screened out with no LSE via air pollution (Miller Goodall, 2021). | No appreciable effect |
| Pollution via surface water drainage | The River Ehen SAC is located 1.2 km south from the proposed development site as the crow flies. The Leconfield Main Works site is approximately 72m south of the Nor Beck which runs in a western direction. Nor Beck then meets Bowthorn Beck and is culverted under the wider Leconfield Industrial Estate in a southern direction.<br>The beck is culverted for approximately 630m under the wider Leconfield Industrial Estate and the residential area to the south, entering the River Keekle (approximately 880m from the southern boundary of Main Works site) which is a tributary of the River Ehen (see Figure 2). The River Keekle joins River Ehen at Longlands Lake Country Park at OSGR NY 01183 12890. Although, the River Keekle is hydrologically connected with the River Ehen, the component of the River Ehen designated as SAC is located directly upstream from the confluence point. Therefore, there is no direct hydrological connectivity between the site and the section of the River Ehen designated as a SAC.<br>However, the qualifying features of River Ehen SAC include Atlantic salmon and freshwater pearl mussel. The migratory salmon use the entire length of River Ehen (not only the section designated as SAC) as they migrate out to sea before returning to spawn. Therefore, the River Ehen stretch located downstream from the confluence with the River Keekle is considered to be functionally linked habitat for both qualifying features mentioned above. Therefore, any surface water runoff from ground disturbance and other | Risk of (adverse) significant effect |

| Impact | Assessment | Determination of LSE |
|---|---|---|
| | activities during construction that enter Nor Beck have potential to enter the River Keekle and eventually the River Ehen. Such surface water run-off has the potential to cause the diffuse discharge of excess sediment and chemicals (e.g. petrochemicals associated with accidental fuel spills) during the construction phase.<br>The risk of polluted run-off is considered to be highly localised, and any effects are likely to be diluted before entering River Ehen. This is difficult to predict accurately, and mitigation cannot be applied at Stage 1 of the assessment. | |
| Pollution via groundwater seepage | Groundwater is all water below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil and is stored in geological strata. The geological strata are called aquifers, which are layers or subsurface layers of rock of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater. The hydrogeological desktop study identified that the solid geology north of the Main Works site is classified as a secondary aquifer A3.<br>The overlying drift is classified as secondary aquifer – undifferentiated4 and secondary aquifer A, with high groundwater vulnerability to pollution.<br>The solid geology to the east of the Main Works site is classified as a secondary aquifer A. The overlying drift is classified as secondary aquifer – undifferentiated. The groundwater vulnerability is categorised as secondary superficial aquifer – low vulnerability [to pollution] and secondary bedrock aquifer – low vulnerability [to pollution].<br>The Leconfield Main Works site does not lie within a Source Protection Zone (area closest to a drinking water source where the risk associated with the groundwater contamination is greatest).<br>The secondary A aquifers surrounding the site to the north and east comprise permeable layers that can support local water supplies and may form an important source of base flow to rivers including the River Ehen SAC. Due to the distance of the site from the River Ehen SAC it is difficult to predict how localised pollution/contamination of ground water as a result of construction works might affect groundwater within the aquifers below site. It is equally difficult to determine whether or not such pollution/contamination might affect habitats which support qualifying features of the River Ehen SAC. | Risk of (adverse) significant effect |
| Spread of invasive species | The site is hydrologically linked to the River Ehen SAC via Nor Beck and River Keekle. Eight species of Schedule 9 invasive plants were recorded on the Main Works site:<br>Bearberry cotoneaster Cotoneaster dammeri; | Risk of (adverse) significant effect |

[3]Secondary A aquifers comprise permeable layers that can support local water supplies, and may form an important source of base flow to rivers
[4] Secondary undifferentiated are aquifers where it is not possible to apply either a Secondary A or B definition because of the variable characteristics of the rock type. These have only a minor value.

| Impact | Assessment | Determination of LSE |
|---|---|---|
| | Bullate cotoneaster Cotoneaster rehderi;<br>Himalayan cotoneaster Cotoneaster simonsii;<br>Hollyberry cotoneaster Cotoneaster bullatus;<br>Wall cotoneaster Cotoneaster horizontalis;<br>Giant hogweed Heracleum mantegazzianum;<br>Japanese knotweed Reynoutria (Fallopia) japonica; and<br>Rhododendron Rhododendron pontincum.<br>In the absence of mitigation, it is possible that Nor Beck may act as a vector for the further spread of these species downstream into the River Ehen. The above non-native species are all terrestrial and therefore unlikely to directly affect habitats which support qualifying features of the SAC. However, colonisation along the River Ehen has the potential to weaken the structural integrity of bankside habitat which may in turn adversely affect habitats which support qualifying species both in terms of habitat degradation and changes in fluvial processes. Such changes have the potential to adversely affect the conservation status of qualifying features of the SAC | |
| ***Operational Phase*** | | |
| *Pollution via surface water drainage* | During operation, run-off contaminated with hydrocarbons from vehicles into the River Ehen (via Nor Beck and the River Keekle) has potential to have an adverse effect on water quality. This could in turn degrade the qualifying habitats which support qualifying features of the SAC and have an adverse impact on the conservation status of such features. Therefore, in the absence of mitigation it is considered that LSEs are anticipated as a result of this pathway of effect. | Risk of (adverse) significant effect |
| Pollution via foul water drainage | The Conservation Objectives Supplementary Advice for River Ehen (Natural England, 2019) states:<br>*Specific sources/potential sources of phosphorus to the river Ehen include wastewater treatment, septic tanks (both residential and commercial), agriculture and forestry. Westcountry Rivers Ltd. (2015) found that the main source of SRP*[5] *at a catchment scale was from sewage treatment works with agriculture being another major contributor. Within the current Margaritifera [freshwater pearl] population area, the sewerage pressure is from numerous on-site waste water treatment/septic tank pressures rather than from a concentrated sewerage treatment works.* | No appreciable effect subject to confirmation from United Utilities |

[5] Soluble Reactive Phosphorus

| Impact | Assessment | Determination of LSE |
|---|---|---|
| | Salmon are particularly sensitive to reduced dissolved oxygen levels in the water column and within the gravel substrate of spawning redds (nests). Any activities which are likely to increase nutrient inputs to the river are to be discouraged.<br>The proposals are for two industrial units which will result in relatively small-scale amounts of foul water drainage. Proposed foul water is to discharge to the existing network of private foul sewers, these are thought to ultimately discharge into existing UU sewers within Leconfield Street. A Dual Duty/Standby Foul Water Pumping Station east of Plot 12 is to pump at 5.0 l/s discharge rate to be agreed with United Utilities. | |
| Spread of invasive species | The site is hydrologically linked to the SAC via Nor Beck and River Keekle. Invasive plant species were recorded in 2024. In the absence of mitigation, it is possible that Nor Beck may act as a vector for the further spread of these species downstream. This could in turn degrade the habitats which support the qualifying features of the SAC (as discussed above). However, as these will be controlled / eradicated at construction phase. | Risk of (adverse) significant effect |
| Water abstraction | No water will be abstracted from the River Ehen Catchment during the operational phase of this project. | No appreciable effect |

## 3.4 SCREENING ASSESSMENT FOR LIKELY SIGNIFICANT EFFECTS IN-COMBINATION

The impact pathways which are described in Table 2 have been assessed alone, and impact pathways with 'No appreciable effect' have been screened out. Impact pathways with 'Risk of (adverse) significant effect' will be appropriately assessed at Stage 2. No impact pathways were considered to have 'risk of de minimis / appreciable (adverse) effect' and therefore an 'in-combination assessment with other plans or projects' is not required.

## 3.5 SUMMARY OF SCREENING ASSESSMENT

The Screening Assessment has considered all Habitat Sites within a 5 km zone of influence from the Proposed Development. The findings of the Stage 1: Screening show that there were five impact pathways with Risk of (adverse) significant effect that require appropriate assessment at Stage 2 and four impact pathways that were screened out. These are summarised in Table 3.

**Table 3: Summary of Stage 1 Screening**

| Pathways | Stage 2 required |
|---|---|
| **Construction Phase** | |
| Degradation of habitat via air pollution | No |
| Pollution via surface water drainage | Yes |
| Pollution via groundwater seepage | Yes |
| The spread of invasive species resulting in degradation of habitats | Yes |
| Degradation of habitat via air pollution | No |
| **Operational Phase** | |
| Pollution via surface water drainage | Yes |
| Pollution via foul water drainage | No |
| The spread of invasive species resulting in degradation of habitats | Yes |
| Water abstraction | No |

# 4.0 STAGE 2: APPROPRIATE ASSESSMENT

The following sections discuss the pathways to LSE that could result in adverse effects on the integrity of the Habitat Sites identified during Stage 1: Screening.

The DTA Handbook states that *The assessment must be of the implications of the plan or project, for the qualifying features of the site, in view of the site's conservation objectives, in light of the best scientific knowledge in the field. The assessment should also address the implications of the proposed plan or project for habitat types and species to be found outside the boundaries of the site if those implications may affect the achievement of the conservation objectives of the site*.

The appropriate assessment (AA) should also include consideration of the conservation status of the qualifying feature(s) in the Habitats site(s) and Habitat sites condition.

The conclusions of the AA must inform the Integrity Test and will therefore influence the decision on the application. It should provide the objective, scientific basis necessary to enable the competent authority to make its decision in respect of site integrity with the appropriate degree of confidence.

## 4.1 POLLUTION VIA SURFACE WATER RUN OFF

### 4.1.1 Construction

Due to the hydrological connectivity of River Ehen SAC to the proposed development site, there is a risk of adversely affecting habitats which support qualifying features of the SAC via polluted surface water run-off.

Water quantity and flow regime can impact freshwater pearl mussels as they bury into the substrate, however as the point at which the River Keele meets the River Ehen is downstream of the SAC, any change in flow regime as a result of surface water runoff will not alter the flow regime in the section of River Ehen designated as a SAC. However, it is important to mitigate for potential impacts on water quality and the following measures are to be included within the Construction and Environmental Management Plan (CEMP) and will be implemented on site:

- The contractor should develop a Construction Waste Management Strategy detailing amounts of waste expected to be generated as well as where waste will be stored prior to removal. The generation of construction waste should, as the first priority, be avoided wherever practicable. When waste is generated, it should be sent for reuse and recovery, in preference to disposal. Wherever practical, uncontaminated spoil should be reused on site for backfill and the regrading of excavations.
- The Contractor will provide all necessary pavement protection measures for the duration of the works.
- Any such roads or accesses used by vehicles engaged in the works or any new roads which are part of the works and which are used by traffic will be kept clean and clear of all dirt, mud or other materials dropped by said vehicles at all times through wheel washing

facilities (as detailed in the CEMP). The Contractor will provide, maintain and keep available at all times, equipment as may be necessary to keep such ways clean.
- Design and implementation of an emergency incident strategy.
- The Contractor will be required to keep sufficient spill kits on Site at all times so that one can be deployed to any part of the construction Site within 15 minutes.
- Signage in contractors' compounds relating to sensitivity of the designated site for nature conservation. The exact location of the compound is yet to be agreed but will be located in close proximity to the works area (and therefore will not result in any direct or indirect effect upon the designated site).
- A waste management strategy will be designed and implemented to prevent the deposition of waste/litter within the water course and/or the designated site.

The construction activities have potential to lead to an increase in waterborne pollution such as mobilisation of sediment and release of hydrocarbons through accidental spills.

The following Pollution Prevention Guidelines (PPG) and Guidance for Pollution Prevention (GPP) which although withdrawn, are still considered to provide useful advice provide an appropriate mitigation strategy:

- PPG 1: Understanding your environmental responsibilities – good environmental practices;
- PPG 6: Working at construction and demolition sites;
- PPG 7: Safe storage – The safe operation of refuelling facilities;
- GPP 5: Works and maintenance in or near water;
- GPP 21: Pollution incident response planning; and
- GPP 22: Dealing with spills.

The Pollution Prevention Guidelines should be implemented by the contractor and detailed within Construction Environmental Management Plan (CEMP) or similar binding document.

The following additional measures must be implemented during construction:

- Appropriate detailed soil management strategy including isolation of soil bunds from water courses throughout the duration of construction;
- Risk assessments and toolbox talks for contractors doing any refuelling activities;
- Bunding of refuelling areas;
- Emergence incident strategy;
- Signage will be on site in contractors' compounds relating to sensitivity of the Habitat sites; and,
- A waste disposal plan will be in place for the site, detailing where all waste generated will be stored prior to removal.

**It is considered that with these mitigation measures applied, no effect on the integrity of the River Ehen SAC is predicted as a result of pollution due to run-off during construction.**

### 4.1.2 Operation

The Drainage Plan (Drawing Reference: LUF-BGP-09-XX-D-C-09130 Rev C03) details a combination of existing drain and new drains and attenuation tanks are proposed.

Proposed Surface Water from the new development is to discharge indirectly through an existing SW drain into the existing Nor Beck culverted watercourse at restricted discharge rate of 87.0 l/s (rate is to be agreed with LLFA and Environment Agency). One attenuation tank is proposed (in the middle of Plot 9 and Plot 12 buildings) as well as permeable paving with silt trap outfalls. Highway Gullys to be fitted with Naylor Smart Gully Adapter (or similar approved by LLFA).

A SuDS Maintenance Plan (Drawing Reference: LUF-BGP-09-XX-D-C-09150 Rev C03) and BGP SuDS Management and Maintenance (document reference: LUF-BGP-09-XX-T-C-0003 P08) have been produced for the site detailing the SuDS elements proposed, maintenance responsibilities and requirements.

A statement of pre-app advice was provided by United Utilities (UU) to inform outline planning of the wider Leconfield Industrial Estate which has been incorporated into the detailed design of the drainage plans, indicating that the proposed drainage is deliverable provided certain measures are included in the detailed drainage plan. The current plans are to connect to the existing drainage network.

Once final discharge quantum has been calculated a statement from UU will be obtained to confirm the above, in order to be able to conclude that the development plan will **not lead to LSE on the River Ehen SAC through reduced water quality, both alone and in combination with other plans and projects**.

## 4.2 POLLUTION VIA GROUNDWATER SEEPAGE

### 4.2.1 Construction

The Main Works site is not located within a groundwater Source Protection Zone, however the Hydrogeological desktop study highlighted that the surrounding land is located on Secondary A aquifers and permeable strata capable of supporting waters at local scale (rather than strategic) and form an important source of base flow into rivers including the River Ehen SAC.

The CEMP control measures listed above will be adopted to protect discharges to water, groundwater or sewer:

- All discharges to groundwater ……. will be following settlement to reduce sediment content and appropriate water treatment prior to discharge under consent.

**Providing the measures proposed above are applied, it is considered that there will be no risk of adverse effects on the integrity of River Ehen SAC as a result of polluted ground water reaching the watercourse.**

## 4.3 SPREAD OF INVASIVE SPECIES

### 4.3.1 Construction

In the absence of mitigation, it is possible that the Nor Beck may act as a vector for the spread of invasive plant species downstream into River Ehen SAC, particularly during site development. This could in turn degrade the supporting habitats which support the qualifying species of the Natura 2000 site.

It is a legal offence to spread invasive not native species (INNS) or otherwise cause these species to grow in the wild. New Japanese knotweed plants can develop from small fragments of rhizomes and wall cotoneaster spreads via seed. Rhizomes and seeds can extend within soils several metres from visible stands of plant growth, up to 7m in the case of Japanese knotweed.

An INNS assessment and Management Plan (Tetra Tech, 2024f) has been produced detailing management options and recommends further consultation with a specialist contractor is recommended to confirm and implement suitable future eradication methods.

### 4.3.2 Operation

During the operational phase of the development there is the potential for invasive species to become established on site and / or to spread to habitats off-site via the Nor Beck.

The Management Plan and specialist contractor for the site will detail INNS eradication and as such INNS on site will have been treated using herbicide or by other means prior to operation.

**Providing the measures proposed above are applied, it is considered that there will be no risk of adverse effects on the integrity of the River Ehen SAC from the spread of invasive species.**

# 5.0 CONCLUSION

The screening assessment concluded that there was a viable risk that project would lead to LSE to relevant Habitat Sites and Stage 2 Appropriate Assessment is required.

The Stage 2 AA concluded that the risks to Habitat Sites will be mitigated as summarised in Table 3.

**Table 3: Summary of Stage 2 – Appropriate Assessment**

| Pathway of effect | Risk of (adverse) significant effect | Mitigation Required | HRA Stage 3 / 4 needed |
|---|---|---|---|
| Pollution via surface water runoff (Construction) | Yes | Yes - Measures detailed within CEMP | No |
| Pollution via groundwater seepage (Construction) | Yes | Yes - Measures detailed within CEMP | No |
| Spread of Invasive Species (Construction) | Yes | Yes - Invasive species to be controlled prior to construction as per INNS Management Plan | No |
| Pollution via surface water runoff (Operation) | Yes | Yes - Measures detailed within CEMP **Statement from UU required.** | No |
| Spread of Invasive Species (Operation) | Yes | Yes - Invasive species to be controlled as per INNS Management Plan | No |

**With mitigation, a LSE both alone and in combination, could be ruled out for all pathways of effect.**

As such, the 'Competent Authority', in consultation with Natural England is considered unlikely to require any further assessment under the Habitats Regulations, and the proposed development should be able to proceed without any adverse effects on the integrity of the River Ehen SAC.

The Stage 2: Appropriate Assessment found that with the application of mitigation for all pathways to LSE during construction and operation alone and in-combination, there would be no impact on the integrity of any Habitat Site.

As such, it is considered that the 'Competent Authority' can permit the proposed development and does not require Stage 3 or Stage 4 assessments to be undertaken.

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# FIGURES


# Site Location Plan

**Leconfield Industrial Estate – Main Works**

**Morgan Sindall Construction**

## Legend

Site boundary

Notes:

Drawn by: LILY.DUNWELL

Checked by: Candice Howe

Figure No. 1

Revision No. A

20 January 2026

0 30 60 90 120 Meters

Scale 1:3,000 @A3

British National Grid

NGR: 301603E 515488N




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# Designated Sites Plan

**Leconfield Industrial Estate**

**Morgan Sindall Construction**

## Legend

- Site boundary
- Site boundary buffer (2 km)
- Site boundary buffer (5km)
- Special Areas of Conservation (SAC)
- Sites of Special Scientific Interest (SSSI) selection
- River

Data Sources:
Special Areas of Conservation
Sites of Special Scientific Interest

**Notes:**
Symbology similar to that used within the MAGIC Application

Drawn by: LILY.DUNWELL
Checked by: Candice Howe

Figure No. 2
Revision No. A
20 January 2026

0 0.5 1 1.5 2 Kilometres
Scale 1:40,000 @A3

British National Grid
NGR: 301616E 515446N




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# APPENDIX A: REPORT CONDITIONS

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The whole of the report must be read as other sections of the report may contain information which puts into context the findings in any executive summary.

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The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. Tetra Tech accept no liability for issues with performance arising from such factors.

# APPENDIX B: LANDSCAPE SITE PLAN (DRAWING REFERENCE: LUF-ONE-ZZ-XX-D-L-0001-P22_LANDSCAPESITEPLAN)




NOTES

- Redline Boundary
- Ornamental Planting
- Hedgerow
- Wildflower Meadow/ Species Rich Grassland
- Native Woodland Mix
- Pollinators Mix
- Existing Vegetation to be retained
- Proposed Trees
- Vehicular Grade Asphalt
- Pedestrian Grade Asphalt
- Building Edge Concrete Block Paving
- Gravel
- Concrete Hardstand
- Permeable Concrete Paving Type 1
- Permeable Concrete Paving Type 2
- Tactile Blister Paving
- Tactile Corduroy Paving
- 6no. Cycle Stands
- Door Guards
- EV Charger Kiosk
- Active EV Bays
- Passive EV Bays
- Street Lights
- Bin Store
- MCCB
- Substation
- Cycle Storage
- Edge of road works

| | | | | | |
|---|---|---|---|---|---|
| REVISION \| P22 | DATE \| 25.11.25 | BY \| KJ | CHECKED \| PA |
| Additional passive EV parking symbols to bays | | | | | |
| REVISION \| P21 | DATE \| 22.10.25 | BY \| KJ | CHECKED \| PA |
| Sub-stations and EV charging kiosks positions updated. Tree's repositioned to inline with drainage strategy. Gravel around buildings added. | | | | | |
| REVISION \| P20 | DATE \| 29.09.25 | BY \| KJ | CHECKED \| PA |
| Updated for Planning Issue | | | | | |
| REVISION \| P19 | DATE \| 24.06.25 | BY \| KJ | CHECKED \| JE |
| Plot 9 building updated | | | | | |
| REVISION \| P18 | DATE \| 09.06.25 | BY \| HAN | CHECKED \| JE |
| Red Line Boundary (Plot 09 only) updated | | | | | |
| REVISION \| P17 | DATE \| 09.04.25 | BY \| HAN | CHECKED \| PA |
| Soft landscape around Plot 09 relocated | | | | | |

| | | | | |
|---|---|---|---|---|
| CLIENT | Cumberland County Council | | | |
| PROJECT | **CMIQ Phase 2 LUF** | | | |
| TITLE | Landscape Site Plan | | | |
| DWG No. | LUF-ONE-ZZ-XX-D-L-0001 | REV | P22 | |
| STATUS | PRELIMINARY | | | |
| SCALE | 1:500 @ A1 | DATE | 08.11.24 | DRN BY HAN |

0 5 10 20
metres 1:500

ONE-ENVIRONMENTS

# APPENDIX C: KEY LEGISLATION

## Habitats Directive

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, or the 'Habitats Directive', is a European Union directive adopted in 1992 in response to the Bern Convention. Its aims are to protect approximately 220 habitats and 1,000 species listed in its several Annexes.

In the UK, the Habitats Directive is transposed into national law via the Conservation of Habitats and Species Regulations 2017 (as amended) in England and Wales, and via the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) in Northern Ireland.

## Birds Directive

The EC Directive on the Conservation of Wild Birds (791409/EEC) or 'Birds Directive' was introduced to achieve favourable conservation status of all wild bird species across their distribution range. In this context, the most important provision is the identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex 1 of the Directive, as well as for all regularly occurring migratory species, paying particular attention to the protection of wetlands of international importance.

## Conservation of Habitats and Species Regulations 2017 (as amended)

Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I or II of the Habitats Directive respectively) to the European Commission. These sites, if ratified by Ministers, are then designated as Special Protection Areas (SPAs) within six years. Public bodies must also help preserve, maintain and re-establish habitats for wild birds.

The 2018 amendments mainly related to the impact of the *People Over Wind* decision and some implications arising for neighbourhood plan development and a range of other planning tools including Local Development Orders and Permission in Principle – see here for full details:

https://www.legislation.gov.uk/uksi/2018/1307/note/made

The 2019 amendments related to the EU exit. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change– see here for full details: https://www.legislation.gov.uk/ukdsi/2019/9780111176573

The Regulations make it an offence to deliberately capture, kill, disturb or trade in the animals listed in Schedule 2, or pick, uproot, destroy, or trade in the plants listed in Schedule 5.