

EIA SCREENING OPINION - Planning Authority Summary

Application Reference Number	15NP0010EIA
Description / Site Address	Environmental Impact Assessment Screening Opinion in respect of proposed track, north from Cold Law to Broadstruther, near Langleeford, Wooler, Alnwick, Northumberland
Last date for decision	3 March 2015 (Extension of time agreed until 20 March 2015)

Introduction

Following a request made by Fairhurst, acting on behalf of the applicant, the Local Planning Authority has considered this proposed development based on the information provided as a formal EIA screening opinion request under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The LPA considers that this proposal is for the construction of a new track, rather than 'improvements' as described. While there is evidence that this route has been used by vehicles, there is little to no evidence of existing operations to create a formal track.

Based on the information submitted, The LPA's assessment of the likely significance of potential environmental impacts concludes that an Environmental Impact Assessment is not required. A statement of reasons follows.

EIA Screening Checklist

(Stage 1) - Is the proposal indicated by the broad descriptions given in Schedule 2 Column 1 of the Regulations?

Yes - 10. Infrastructure projects, (f) Construction of roads.

(Stage 2) - Does the proposal exceed threshold criteria in Schedule 2 Column 2 of the Regulations?

No – The project does not exceed one hectare in area.

(Stage 3) – Does the proposal exceed any of the more lenient criteria in Annex A of Circular 02/99?

No – Paragraph A22 of this Circular states that EIA is more likely to be required for linear transport schemes over 2km.

(Stage 4) – Assessment of Sensitivity. All constraints & designations affecting or affected by the proposal, both on the site itself and its surrounding area should be considered. EIA Regulation 2(1) defines sensitivity. The thresholds in Schedule 2 Column 2 and criteria in Circular 02/99 do not apply in sensitive areas.

Yes – The development is within a sensitive area as defined by EIA Regulation 2(1).

EU/National Designations

Northumberland National Park – Potential high sensitivity in terms of considerations including biodiversity, landscape, tranquillity and heritage/archaeological considerations.

As the proposal falls within a sensitive area, the scale of the development falling below the thresholds and more lenient criteria set out in Stage 2 and 3 of this process do not rule out the potential for the proposal to be EIA development.

Tweed Rivers SAC/SSSI – Nationally & internationally designated ecological. The nearby Harthope Burn forms part of this site, but is 1.2km away, therefore it is not considered that this would mean the site could be considered to be a ‘sensitive area’ in respect of designated ecological sites.

(Stage 5) – Schedule 3 of the EIA Regulations sets out the following selection and assessment criteria that should be taken into account in determining whether a proposal is likely to have significant environment effects.

Any of the characteristics of the development, locational factors or characteristics of the potential impact that are likely to cause concerns regarding potential impacts are highlighted in bold. Those which do not are struck through.

1. Characteristics of the Development

- (a) The size of the development**
- (b) The cumulation with other development**
- ~~(c) The use of natural resources~~
- ~~(d) The production of waste~~
- (e) Pollution and nuisances**
- ~~(f) The risk of accidents~~

2. Location of Developments

- ~~(a) The existing land use~~
- ~~(b) Abundance, quality and regenerative capacity of natural resources~~
- (c) The absorption capacity of the natural environment, particularly:**
 - ~~(i) wetlands;~~
 - ~~(ii) coastal zones;~~

- ~~(iii) mountain and forest areas;~~
- ~~(iv) nature reserves and parks;~~
- ~~(v) areas designated by Member States pursuant to Council Directive 2009/147/EC on the conservation of wild birds(1) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(2);~~
- ~~(vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded;~~
- ~~(vii) densely populated areas;~~
- (viii) landscapes of historical, cultural or archaeological significance.**

3. Characteristics of the Potential Impact

The potential significant effects of developments must be considered in relation to criteria set out under paragraphs 1 and 2, and having regard in particular to –

- ~~(a) The extent of the impact (geographical area/population size affected)~~
- ~~(b) The transfrontier nature of the impact~~
- (c) The magnitude and complexity of the impact**
- (d) The probability of the impact**
- (e) The duration, frequency and reversibility of the impact**

Statement of Reasons

In considering the nature and location of the development proposal, the key factors that could have potentially significant environmental impacts are:

- Landscape Impacts (Initial impacts and ongoing through use & management of the tracks)
- Ecological Impacts (Initial impacts and ongoing through use & management of the tracks)
- Archaeological Impacts (Initial impacts)
- Impacts of Noise & Tranquility (Initial impacts and ongoing through use & management of the tracks)

Each of these factors are discussed individually below.

Landscape Impacts

The special landscape qualities of the area in which the Cheviot Hills lie are highly valued and instrumental in the area being designated as a National Park. There is a clear potential for proposed tracks to have an impact on the landscape.

As stated in the Scottish Natural Heritage publication *Constructed Tracks in the Scottish Uplands (2013)*, upland landscapes are highly valued both for their intrinsic character and for the wild land qualities that they provide are often sensitive to change and slow to repair.

Tracks can have a major impact on these qualities, introducing significant new features into otherwise 'natural' landscapes. They also have the potential to alter drainage patterns, potentially resulting in serious erosion and damage to the water environment. Factors such as erosion could exacerbate the landscape and visual effects of tracks.

It is recognised that the development and ongoing use of upland tracks could have significant effects on the landscape and views of an area. It is also noted that there would be the potential for cumulative impacts with other tracks within the wider area. However, upon assessment of the applicant's preliminary documentation and through discussion of the proposal with the applicant, it is considered that there is scope to manage and mitigate the potential effects of this proposed track on the landscape to an acceptable level.

Therefore, on balance, it is not considered that there would be a likelihood of significant environmental impacts arising from the landscape and visual impacts of the proposed track, based upon the information provided.

While there may be the potential for more significant impacts if the track is not managed and maintained sustainably, there is strong potential to manage this through the detail of a planning application and, where necessary, planning conditions or obligations, to ensure that there would not be a significant impact on the landscape. Therefore, the proposal is not considered to be EIA development in terms of the potential effects on the landscape.

Ecological Impacts

Impact on Protected Sites

As stated above, the Harthope Burn, part of the Tweed Rivers SAC/SSSI, is approximately 1.2 km away from the site. The Carey burn which runs directly into this site is approximately 500m below the proposed track at the nearest point. Drains that run into the Carey burn are closer, in some cases within 50m of the proposed track.

The proposals may have the potential to impact the SAC by increase of sediment if water management is not undertaken during the construction of the track and afterwards during use. The steepest parts of the track, which are the parts that are most likely to be subject to intense run-off (and therefore potential problems with soil movement and sedimentation) are, however, the furthest areas away from the drains and Carey burn. The closest areas are the flatter areas in the acid grassland habitat.

There is not considered to be a likelihood of significant adverse effects on protected ecological sites. After reviewing the documentation submitted, holding discussions with the applicant and visiting the site, it is considered that there is the scope to manage and mitigate adverse effects through the construction method and after care and use of the track.

Impact on Priority Habitats

Part of the route of the track is proposed on an area of heather moorland with peaty soil. One area west of Carling crag near the fence junction at NT955242, where there is a dip in the topography, is deep peat over 50cm indicating a small area of blanket bog. Both the areas of heather moorland and blanket bog are identified as internationally important habitats within the NNPA Biodiversity Action Plan.

While loss of, or effects on these habitats as a result of the proposed development could have negative effects, there is the possibility of mitigating or compensating these effects. The supporting letter from Eco North provides a degree of information on this.

While there is clear potential for impacts on priority habitats, the LPA does not consider that this would be likely to constitute a significant environmental impact in this case, based on the information provided at this stage.

Impact on Protected & Other Species

In consultation with NNPA's ecologist, it is considered that, while effects on species are an important consideration in assessing a planning application, there is not likely to be a significant impact on the environment arising from this issue.

Archaeological & Heritage Impacts

Discussions have been held with the National Park's Historic Environment Officer and a written response has been provided. The nature of the proposal has the potential to damage significant archaeological remains, however, there is an absence of known archaeological remains and limited potential for unknown archaeological remains.

Consultation of the Historic Environment Record and Register of Scheduled Monuments have not identified any known archaeological remains which might be damaged or disturbed by the proposal in the location specified. Much of the proposed site is situated above 350m above ordnance datum, where significant archaeological remains generally lie on or below this level in the wider area. The closest Scheduled Monument, SAM 29315 *Prehistoric unenclosed hut circle settlement and field system on Snear Hill* is over 250m from the line of the proposed track.

Given the distance from known archaeological remains, the Historic Environment Officer has no reasonable objection to the proposals at this stage. It is therefore not considered that there would be any likely significant impacts upon archaeology with the site area identified for the proposed track.

There are no other known designated or non-designated heritage assets, which could be significantly impacted upon.

Noise & Tranquillity Impacts

From the information provided, while finer details of the proposed amount and nature of the usage of the track may need to be assessed in more detail at planning application stage, it is considered that the likely usage of a track for the proposed recreational and estate/livestock management purposes in the location proposed is unlikely to give rise to a significant environment impact through noise, disturbance or any similar nuisance that would significantly impact upon the tranquility of the area.

Conclusion

The Local Planning Authority has considered this proposed development based on the information provided as a formal EIA screening opinion request under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Based on the information submitted, the LPA's assessment of the likely significance of potential environmental impacts concludes that an Environmental Impact Assessment is not required. A statement of reasons is set out above.

	Signature	Date
Planning Officer	CST	19/3/15
Head of Development Management	SB	19/3/15