

Date: 19 June 2015
Our ref: 155244
Your ref: 15NP0036



Northumberland National Park Authority
Development Management

FAO Chris Stanworth

BY EMAIL ONLY

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Dear Chris

Planning consultation: Provision of permanent scour protection to highway bridge. Associated soft engineering works to minimise scour and gravel deposition. Removal of old railway abutment, raising crest of flood embankment to improve risk to flooding to adjoining land

Location: Westnewton Bridge, Kirknewton, Wooler, Northumberland, NE71 6XF

Thank you for your consultation on the above dated 26 May 2015 which was received by Natural England on 26 May 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**THE CONSERVATION OF HABITATS AND SPECIES (AS AMENDED) REGULATIONS 2010
ARTICLE 16 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) ORDER 2010
SECTION 28 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within the River Tweed Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Tweed Catchment Rivers – England: Till Catchment Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The [Conservation objectives](#) for each European site

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

- Further information on the proposed sediment control measures to be employed during the construction phase. Drawing HB127276/SK111 indicates that sedimats / filtration barriers will only partially span the river – it is therefore not clear how they will prevent released sediment travelling further downstream. This is in the context where in-channel works and tracking of vehicles/equipment across the river has the potential to promote significant release of sediment. Natural England advise that a suitable sediment management plan should be submitted in advance of any approval being issued;
- Further information on the measures to be adopted to separate the concrete slab from the gravel bed to ensure that concrete does not leach in to the water table;
- Scheme for the on-going monitoring of water quality (pH and turbidity) during construction to allow the early identification of any pollution events; the submission of detailed measures for remediation should such an event occur;
- Provision of a detailed scheme of post implementation monitoring to ensure that passage for all fish species (including lamprey which are particularly vulnerable to physical barriers to migration) is maintained once works have been completed. This is in the context where the Environment Agency have advised that, over time, there is a high likelihood of a scour hole developing on the downstream side of the structure. The monitoring must be linked to an appropriate scheme for remedial action if it is shown that fish passage is compromised. Monitoring must be for the lifetime of the structure.
- Upon receipt of the additional information, your Authority will need to be assess whether there would be an adverse effect on the integrity of the SAC (either alone or in-combination with other plans or projects). If there is an adverse effect (or adverse effect cannot be ruled out) then consideration will need to be given to alternative solutions.

SSSI – Further information required

This application is in close proximity to Tweed Catchment Rivers – England: Till Catchment Site of Special Scientific Interest (SSSI). Natural England considers that further information is required to determine whether the proposals are likely to damage or destroy the interest features for which Tweed Catchment Rivers – England: Till Catchment SSSI has been notified. Our concerns mirror those in relation to the River Tweed SAC and are detailed above.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

If your Authority is minded to grant consent for this application contrary to the advice relating to Tweed Catchment Rivers – England: Till Catchment SSSI contained in this letter, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed

upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Protected Landscapes - Northumberland National Park

Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the Northumberland National Park. We therefore advise you to seek the advice of the National Park Landscape Officer. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the National Park designation. They will also be able to advise whether the development accords with the aims and policies set out in the Northumberland National Park Local Plan.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

A copy of this response has also been forwarded to Northumberland County Council under planning reference 15/01652/CCD.

For any queries relating to the specific advice in this letter only please contact Colin Godfrey on 03000 601164. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

We also welcome your feedback on Natural England's revised standing advice in terms of its

usability (ease of access, presentation), quality of content and, its clarity and effectiveness as a tool in guiding decision-making. Please provide this, with any suggested improvements, by filling in the attached customer feedback form or by emailing your feedback direct to consultations@naturalengland.org.uk.

Yours sincerely

Colin Godfrey
Northumbria Team