

Strategic Environment Assessment and Habitats Regulation Assessment Screening Opinion Statement for Westmorland and Furness Draft Design Code Supplementary Planning Document

October 2025

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1. Summary

- 1.1 This screening opinion statement considers whether a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment (HRA) should be produced to inform the production of the Westmorland and Furness Design Code Supplementary Planning Document (SPD), as required under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 As set out later in this Statement, the screening for both SEA and HRA undertaken by Westmorland and Furness Council (“the Council”) in accordance with the relevant legislation and guidance concludes that a SEA and a HRA/Appropriate Assessment is not required for the Westmorland and Furness Design Code SPD.
- 1.3 Comments on this screening opinion are sought from Natural England, the Environment Agency and Historic England between 22 August 2025 and 26 September 2025. Advice received will be used by the Council to determine a final position on whether SEA, HRA are required at this stage.
- 1.4 If later presented with additional information or changes to the Design Code, Westmorland and Furness Council reserves the right to undertake another Screening Assessment and re-consult the statutory bodies, if this is necessary, the screening may result in different conclusions.

2. Introduction

- 2.1 Westmorland and Furness Council is in the process of preparing a Design Code SPD for the Westmorland and Furness Local Authority area excluding the Lake District National Park and the Yorkshire Dales National Park. The Design Code vision is new development in Westmorland and Furness will be well-deigned to -
 - Respond to the changing needs of communities
 - Respect and reinforce the district’s valued and diverse built and natural heritage
 - Create accessible and healthy places and
 - Help address the impacts of the climate emergency and enhance biodiversity
- 2.2 The Design Code is based on five values:
 - Green Thinking: Require sustainable design and ensure developments are resilient to the impacts of climate change and reinforce the area’s status as a nationally recognised leader in clean energy and de-carbonisation. Biodiversity will be enhanced through new development.

- New development must respond to protecting local distinctiveness through high quality design.
 - Well-designed housing for all with access to safe efficient and warm housing. Design of new homes will meet current and future needs of residents, including for accommodation accessible and adaptable to meet their changing needs.
 - An accessible and healthy environment through enhancing active travel opportunities, giving priority to walking, cycling and public transport and attractive well-designed and well-connected places.
 - To protect and inspire new development to enhance the natural and built environments, industrial heritage and distinctiveness, sense of place and connectivity to create inspirational places.
- 2.3 The national Planning Practice Guidance (PPG)¹ sets out the difference between strategic environmental assessment (SEA) and other forms of assessment. It advises that strategic environmental assessment (SEA) is a tool used at the plan-making stage to assess the likely environmental effects of the plan when judged against reasonable alternatives.
- 2.4 A plan or project may also require an appropriate assessment, as set out in the Conservation of Habitats and Species Regulations 2017 (as amended) if it is considered likely to have significant effects on a protected habitats site.
- 2.5 The requirement for local planning authorities to carry out a Strategic Environmental Assessment (SEA) of relevant town and country planning or land use plans and programmes before their adoption is a requirement of the [The Environmental Assessment of Plans and Programmes Regulations 2004](#) (the “Strategic Environmental Assessment Regulations 2004”), Statutory Instrument 2004 No.1633, in certain situations.
- 2.6 The PPG advises² that “supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies”.
- 2.7 It is the responsibility of the local planning authority to assess whether the plan is likely to have significant effects on the environment in accordance with the relevant legislation, and to make these conclusions public.

¹ PPG Strategic environmental assessment and sustainability appraisal (Paragraph: 003 Reference ID:11-003-20190722)

² PPG Strategic environmental assessment and sustainability appraisal (Paragraph: 008 Reference ID: 11-008-20140306)

- 2.8 “A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects”).
- 2.9 “Before deciding whether significant environment effects are likely, the local planning authority will need to take into account the criteria specific in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies. The consultation bodies are defined in Regulation 4 of the Environmental Assessment of Plans and Programmes 2004 as Historic England, Natural England, and the Environment Agency”.
- 2.10 Article 6 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations 2017) requires an assessment of the implications of a plan, both individually and in combination with other plans or projects, on designated ‘Natura 2000’ sites. Such “Natura 2000” sites include Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (which are treated as equivalent to Natural 2000 sites). If it is determined that a plan or project is likely to have a significant effect on these protected sites, an Appropriate Assessment should be undertaken.
- 2.11 The Council has therefore prepared this Screening Statement to determine whether the SPD currently being prepared as a design code should be subject to a SEA and / or HRA, also known as an “Appropriate Assessment”. This draft statement is sent to the three statutory consultation bodies for their comments on the Screening, and for their view as to whether they concur with its findings.
- 2.12 The SPD “hangs” off relevant planning policies contained within the following adopted Local Plan Documents:
- Barrow Borough Council Local Plan [Barrow Local Plan](#);
 - South Lakeland Local Plan, comprising the Core Strategy DPD, Land Allocations DPD, Development Management Policies DPD, and the Arnsdale and Silverdale Area of Outstanding Natural Beauty (AONB) DPD [South Lakeland Local Plan](#);
 - Eden Local Plan [Eden Local Plan](#)
- 2.12 In addition the Westmorland and Furness Local Plan includes the Cumbria Minerals and Waste Local Plan [Cumbria Minerals and Waste Local Plan](#).
- 2.13 These Local Plan documents have all been subject to Sustainability Appraisals/ SEA and Habitat Regulation Assessments/Appropriate Assessment where applicable. The Sustainability Appraisals (SA) /SEA for each plan can be found via the weblinks above. The Habitats Regulations Assessments/Appropriate Assessments can be found via the following weblinks (for completeness the HRA/AA for the Cumbria and Minerals Waste Local Plan is included):

HRA Documents

Barrow Borough Council Local Plan: Habitats Regulations Assessment (March 2017): <https://www.barrowbc.gov.uk/sites/default/files/attachment/6645.pdf>

Barrow Borough Council Local Plan: Habitats Regulations Assessment (November 2017 Update): <https://www.barrowbc.gov.uk/sites/default/files/attachment/5852.pdf>

Barrow Borough Council Local Plan: Habitats Regulations Assessment (August 2018 Update): <https://www.barrowbc.gov.uk/sites/default/files/attachment/7099.pdf>

Cumbria Minerals & Waste Local Plan: Habitats Regulations Assessment (Sept 2017): <https://www.westmorlandandfurness.gov.uk/sites/default/files/2024-06/M%20and%20W%20habitats%20regulations%20assessment.pdf>

Cumbria Minerals & Waste Local Plan: HRA Maps for North Cumbria: <https://www.westmorlandandfurness.gov.uk/sites/default/files/2024-06/M%20an%20W%20HRA%20maps%20N%20Cumbria.pdf>

Cumbria Minerals & Waste Local Plan: HRA Maps for South Cumbria: <https://www.westmorlandandfurness.gov.uk/sites/default/files/2024-06/M%20and%20W%20HRA%20maps%20for%20S%20Cumbria.pdf>

Cumbria Minerals & Waste Local Plan: HRA Maps for West Cumbria: <https://www.westmorlandandfurness.gov.uk/sites/default/files/2024-06/M%20and%20W%20HRA%20maps%20for%20W%20Cumbris.pdf>

Eden Local Plan: Habitats Regulations Assessment Submission Draft (October 2015): <https://www.eden.gov.uk/media/1932/sd-habitats-regulation-assessment-submission-draft.pdf>

South Lakeland District Council: Appropriate Assessment Report (July 2009): https://www.southlakeland.gov.uk/media/1431/s_lakeland_cs_aa_report-tecfinal.pdf

South Lakeland District Council: Appropriate Assessment Report Appendices (July 2009): https://www.southlakeland.gov.uk/media/1432/s-lakeland_hra_appendices_tecfinal.pdf

Eden Local Plan Habitats Regulations Assessment Addendum (2017): <https://www.westmorlandandfurness.gov.uk/sites/default/files/2025-08/Eden%20Local%20Plan%20Habitats%20Regulations%20Assessment%20Addendum%20%282017%29.pdf>

Eden Local Plan Habitats Regulations Assessment Revision (2018): <https://www.westmorlandandfurness.gov.uk/sites/default/files/2025-08/Eden%20Local%20Plan%20Habitats%20Regulations%20Assessment%20Revision%20%282018%29.pdf>

SLDC DM DPD Habitats Regulations Assessment (2018):

<https://www.westmorlandandfurness.gov.uk/sites/default/files/2025-08/SLDC%20DM%20DPD%20Habitats%20Regulations%20Assessment%20%282018%29.pdf>

SLDC Land Allocations DPD Appropriate Assessment Report (2012):

<https://www.westmorlandandfurness.gov.uk/sites/default/files/2025-08/SLDC%20Land%20Allocations%20DPD%20Appropriate%20Assessment%20Report%20%282012%29.pdf>

SLDC Land Allocations DPD Appropriate Assessment Screening Report (2012):

<https://www.westmorlandandfurness.gov.uk/sites/default/files/2025-08/SLDC%20Land%20Allocations%20DPD%20Appropriate%20Assessment%20Screening%20Report%20%282012%29.pdf>

SLDC Land Allocations DPD Appropriate Assessment Screening Report Supplement (2012):

<https://www.westmorlandandfurness.gov.uk/sites/default/files/2025-08/SLDC%20Land%20Allocations%20DPD%20Appropriate%20Assessment%20Screening%20Report%20Supplement%20%282012%29.pdf>

SLDC Land Allocations DPD Appropriate Assessment Second Addendum (2012):

<https://www.westmorlandandfurness.gov.uk/sites/default/files/2025-08/SLDC%20Land%20Allocations%20DPD%20Appropriate%20Assessment%20Second%20Addendum%20%282012%29.pdf>

3. Scope of the Westmorland and Furness Design Code SPD

- 3.1 This section of the SEA and HRA Screening Statement sets out the purpose, scope and content of the Westmorland and Furness Design Code SPD.
- 3.2 The Design Code take account of the design considerations as set out in the National Design Guide (2019) and National Design Code (2021), regarding climate, nature, movement, built form and identity. The SPD will not contain any new policies, proposals or site allocations. It includes guidance relating to a range of policies across the various Local Plans. As referenced, the Design Code code “hangs” off the adopted Barrow Borough Local Plan, Eden District Local Plan, South Lakeland Local Plan. It includes guidance relating to a range of policies across the various Local Plans, including the following policies which have a specific design emphasis (note there are other relevant local plan policies on which the Design Code “hangs off”):
- Barrow Borough Local Plan Policy DS5
 - South Lakeland Core Strategy Policy CS8.10
 - South Lakeland Development Management Policies DM1, DM2
 - Arnsdale and Silverdale AONB DPD Policy AS08
 - Eden Local Plan Policy DEV5
- 3.3 In addition there are relevant policies within the made Neighbourhood Plans of Hincaster and Heversham, Grange-over-Sands, Allithwaite and Cartmel, Upper Eden, Penrith and Lazonby.
- 3.4 The SPD is currently being drafted and will be consulted on in Autumn 2025. Adoption of the SPD is programmed for early 2026. Once adopted, the SPD will be a material consideration in the determination of planning applications within the Westmorland and Furness Local Plan area.
- 3.5 The SPD contains codes and guidance relating to the following types of development:

New Homes:

- Large Greenfield Housing Sites
- Small Greenfield Housing Sites
- Large Brownfield Housing Sites
- Small Brownfield Housing Sites
- Replacement Dwellings
- Barn Conversions
- Conversion of Larger Buildings
- House Extensions

Business:

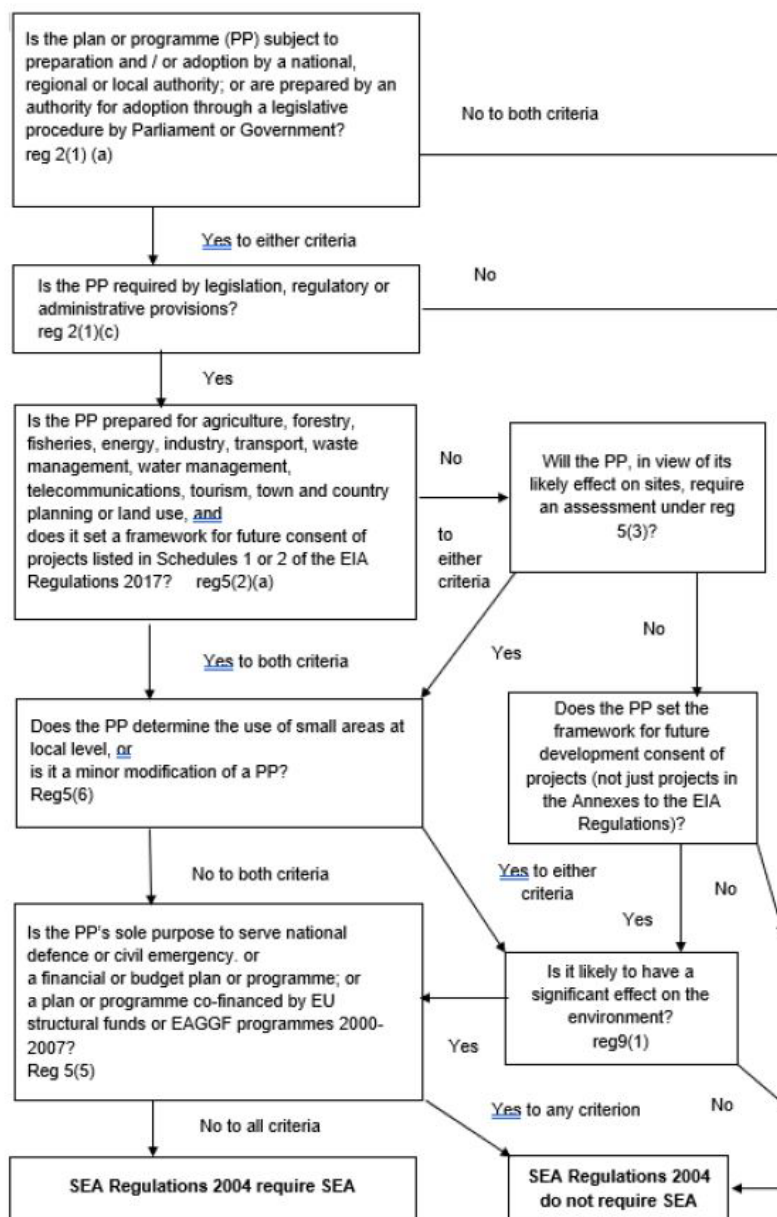
- Shopfronts
- Greenfield
- Urban Brownfield
- Rural Diversification

Other:

- A catch all for anything else

4. Strategic Environmental Assessment (SEA) Screening

- 4.1 With regard to SPDs, the national Planning Practice Guidance indicates that SEA will normally only be required in exceptional circumstances. The flow chart below summarises the process to follow to determine whether a town and country planning or land use plan or programme requires a SEA to be prepared. It is based on the European Directive, from which the Strategic Environmental Assessment Regulations 2004 were transposed for England. The process diagram is intended as a guide to the criteria for application of the Environmental Assessment of Plans and Programmes Regulations 2004 (the “Strategic Environmental Assessment Regulations 2004”).



- 4.2 As the “responsible authority”, the Council must therefore determine, whether SEA is required for the Westmorland and Furness Design Code SPD. The Council must initially determine whether the SPD is a “plan or programme” covered by regulation 5(2). If it determines that it is, then the Council must carry out a screening to establish whether SEA is required, based on its likelihood to have significant environmental effects. In deciding whether significant environmental effects are likely, the Council must take into account the criteria in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.
- 4.3 The Council considers that the SPD being prepared is a plan under regulation 5 (2) and has therefore produced its screening opinion under regulation 9(1), set out below in Table 1 to determine the likely significance of effects on the environment, and therefore whether a SEA is required.

Table 1: Consideration of emerging SPD against the criteria for determining potential for likely significant effects on the environment (from Schedule 1 to the Strategic Environmental Assessment Regulations 2004)

1. The characteristics of plans and programmes, having regard, in particular, to -	Is there a likely significant effect?
(a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	No. The Westmorland and Furness Design Code SPD does not set the framework for any project or other activity. The “framework” for development in Westmorland and Furness outside of the LDNPA and YDNPA is set in the adopted Barrow Borough Local Plan, Eden District Local Plan and South Lakeland District Council Local Plan and Cumbria and Minerals and Waste Local Plan. The Design Code will be used to inform decisions on planning applications in applying the relevant Local Plan policies.

1. The characteristics of plans and programmes, having regard, in particular, to -	Is there a likely significant effect?
(b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	No. The emerging SPD will not influence other plans or programmes. It is influenced by the higher order plans, namely the adopted Barrow Borough, Eden District and South Lakeland District Council, which have been subject to SEA, as well as the National Planning Policy Framework (along with made Neighbourhood Plans for Allithwaite and Cartmel, Grange-over-Sands, Heversham and Hincaster, Lazonby, Penrith and Upper Eden). It will assist in guiding development in the Westmorland and Furness Local Plan area, in accordance with the relevant adopted Local Plan policies but will not influence other plans for programmes. The SPD does not set new policies.
(c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	No. The SPD will provide guidance for incorporating sustainable development considerations including the design and layout of buildings in respect to: - one or more houses - commercial/employment development - replacement dwellings - shopfront replacement or change - extension or alterations to existing homes - barn conversions - conversion of larger buildings into dwellings - rural diversification It seeks to ensure new development responds appropriately to the impacts of climate change, enhances biodiversity/nature, promotes active travel, conserves built, natural and historic environmental characteristics, and protects and enhances the identity of the Westmorland and Furness built, natural and historic environment.

1. The characteristics of plans and programmes, having regard, in particular, to -	Is there a likely significant effect?
(d) Environmental problems relevant to the plan or programme; and	No. The SPD contains design principles, codes and guidance set out to respond to the environmental challenges including climate change and loss of biodiversity, seeking to ensure new development mitigates and adapts appropriately to climate change, and enhances the natural environment for people and other species. There are codes that specifically seek to enhance biodiversity and help to address the impacts of climate change.
(e) The relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	No. The SPD is not directly relevant to the implementation of Community legislation on the environment.

2. The characteristics of the effects and of the area likely to be affected, having regard, in particular, to-	Is there a likely significant effect?
(a) The probability, duration, frequency and reversibility of the effects;	No. The SPD is not expected to have negative effects towards the environment, and its aim is to conserve and enhance the environmental qualities of the district. The effects of the design code will come about when relevant planning applications are determined by the Local Planning Authority. The Design Code seeks to have a positive effect on the natural and built and historic environment in particular. The probability, duration, frequency and reversibility of the effects will depend on many factors, including the location, type and how long the development remains in situ and any measures available to mitigate or remediate any effects that occur. Relevant international and national legislation and local and national policies will need to be applied in conjunction with the Design Code.

1. The characteristics of the effects and of the area likely to be affected, having regard, in particular, to-	Is there a likely significant effect?
(b) The cumulative nature of the effects.	No. The SPD is not considered to have any cumulative effects. The cumulative effects of the local plan policies have previously been assessed through the respective Local Plan SEA/SA.
(c) The transboundary nature of the effects.	No. The SPD will primarily be local to the area covered by the Design Code, though there will be minor / indirect effects expected cross boundary – namely areas immediately adjacent/within the setting of the Westmorland and Furness Local Plan area.
(d) The risks to human health or the environment (for example due to accidents).	No. The SPD does not present any risks to human health or the environment. The SPD does not propose anything likely to cause significant impacts in this regard including in the light of protective policies already in place.
(e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	No. The SPD will be applied to all relevant planning applications in the Westmorland and Furness Local Plan area, and those locations adjacent or within the setting of the area.
(f) The value and vulnerability of the area likely to be affected due to: i. Special natural characteristics or cultural heritage; ii. Exceeded environmental quality standards or limit value; or iii. Intensive land-use.	No. The SPD itself is not able to set policy related to specific land uses. It does, however, provide guidance to support the implementation of policies which have already been subject to SA/SEA. It does not propose further or different types of development to those already envisaged through the Local Plans.

1. The characteristics of the effects and of the area likely to be affected, having regard, in particular, to-	Is there a likely significant effect?
(g) The effects on areas or landscapes which have a recognised national, Community or international protection status.	No. The SPD could have a potential impact on the Arnside and Silverdale National Landscape, and the North Pennines National Landscape that is located within the Westmorland and Furness Local Plan area, along with the setting of the World Heritage Lake District National Park, and the Yorkshire Dales National Park that adjoins the Westmorland and Furness Local Plan area. Any applications for development will be required to satisfy the relevant adopted Local Plan policies for protection of the character of the area before permission is granted.

4.4 The SPD is supplementary to the Barrow Borough, Eden District and the South Lakeland and Cumbria Minerals and Waste Local Plans which have been subject to SA/SEA. The relevant SA/SEA reports are available on the websites as referenced in paragraph 2.11.

4.5 The SPD will supplement and support the delivery of existing policies in the respective Local Plans.

Screening Conclusions

4.6 As stated, the SPD currently being prepared will not include any new policy proposal or site allocation but rather will set out further detail to assist in implementing the adopted Local Plan policies. These policies were subject of Sustainability Appraisal and SEA through the process of their preparation, including any additional SA/SEA required as a result of Main Modifications proposed by the Inspector during respective examinations.

4.7 Having assessed the emerging SPD against the relevant criteria and considerations in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 (as set above in Table 1), the Council concludes that the Westmorland and Furness Design Code SPD will not give rise to significant environmental effects. A Strategic Environmental Assessment is therefore not required for the SPD.

4.8 The Council's conclusion regarding the SEA screening is confirmed by the consultation bodies (Environment Agency, Historic England and Natural England). Their response can be found in appendix 1.

5. Habitat Regulation Assessment (HRA) Screening

- 5.1 *The Conservation of Habitats and Species Regulations 2017 (as amended)* is one of the pieces of English law that transposed the land and marine aspects of the European Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English law. Changes have been made to the 2017 Regulations by the [The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019](#) to make operable from 1 January 2021 following the UK's departure from the European Union, in the field of biodiversity protection in England and Wales.
- 5.2 These regulations concern sites of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species. 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. A "competent authority" includes a public body such as Westmorland and Furness Council.
- 5.3 The purpose of the HRA is to assess the implications of a plan, either individually, or in combination with other plans or projects, on the protected biodiversity sites.
- 5.4 The Habitats Directive applies the precautionary principle to all such designated sites. In normal circumstances, a land use plan can be brought into effect only after having ascertained that it will not adversely affect the integrity of a designated biodiversity site of national importance, either alone, or in combination with other plans.
- 5.5 The first stage in the process is to establish, through "screening" of the emerging SPD whether the plan is either directly connected with, or necessary to, the management of a protected biodiversity site. If not, a determination needs to be made as to whether the plan in itself or in combination with others is likely to have a significant effect on a protected national site.
- 5.6 Any plan or project not directly connected with, or necessary to, the management of a designated site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after consultation.

- 5.7 Comprehensive Habitat Regulation Assessment (HRA) / Appropriate Assessment was undertaken through the process of preparation of the Barrow Borough, Eden District, South Lakeland District Council and Cumbria Minerals and Waste Local Plans. This included assessing the emerging policies to consider whether those policies would have likely significant effects including in combination with other relevant plans. The conclusions of the HRAs at the various stages in the preparation of the relevant Local Plan documents are highly relevant to this screening assessment of the emerging Design Code SPD. The conclusions of the HRAs/AAs draw conclusions that the policies contained within each adopted Local Plan have no direct HRA implications.
- 5.8 With regard to the HRA / AA of the Barrow Borough, Eden District and South Lakeland Local Plan and Cumbria Minerals and Waste Local Plan the Inspectors Reports conclude the following:

South Lakeland Core Strategy: [Inspectors Report - Final](#)

To meet requirements of EU Habitats Directive a two stage AA has been undertaken. Subject to acceptable mitigation measures no significant harm to conservation of: Morecambe Bay SAC, SPA and RAMSAR site; Morecambe Bay Pavements SAC; River Kent SAC.

South Lakeland Land Allocations: [02-inspectors-report nov-2013.pdf](#)

A Habitats Regulations Assessment screening report dated January 2012 [SLA12a and b] found several European wildlife sites to be likely receptors of significant effects from sites being considered for allocation. Consequently, an Appropriate Assessment (AA) [SLA12c] has been carried out. The AA report concludes that the Plan can only be confirmed as not having an adverse effect on the integrity of the Morecambe Bay Special Area of Conservation (SAC)/Special Protection Area/Ramsar Site and the River Kent SAC if certain mitigation measures are incorporated into the Plan. All of this has informed the Council's assessment of the alternative options.

Indeed, a number of sites have been discounted as a result of this process. Modifications (MM1 and MM2) have been put forward by the Council to necessarily clarify considerations and requirements in relation to the SAC. Moreover, the mitigation measures referred to have been included in the Plan. Addenda to the AA have been produced at relevant stages to assess changes to the Plan. This is an appropriate approach with which Natural England is clearly content.

South Lakeland Development Management Policies DPD: [DM DPD Inspector's Report Jan 2019](#)

The revised Habitats Regulations Assessment of the South Lakeland Development Management Policies Development Plan Document – Main Modifications Report (October 2018) sets out that the plan may have some negative impact which

requires mitigation and that this mitigation has been secured through the Plan. Natural England is satisfied with the revised HRA.

The Plan (as amended) complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Arnsdale and Silverdale AONB DPD: [AONB DPD Inspector's Report Jan 2019](#)

SA has been carried out of the submitted DPD and MMs and is adequate.

A HRA Screening Report was undertaken in respect of the Publication version of the DPD dated October 2017. This was updated for the 'Submission Version' dated February 2018, to address points made by Natural England during the Regulation 19 consultation. The HRAs did not identify any policy of the DPD as having likely significant effects on European sites. The Councils have subsequently revised the HRA in response to a Judgement issued by the Court of Justice of the European Union¹. This has involved undertaking a screening exercise in respect of the policies without taking into account any measures intended to avoid or reduce the project's harmful effects on a European designated site and an Appropriate Assessment.

People over Wind, Peter Sweetman v Coillte Teoranta Case C-323/17 Lancaster City Council and South Lakeland District Council Arnsdale and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document, Inspector's Report 30 January 2019 14 Natural England has confirmed that it has no objections to the revised HRA.

The Arnsdale and Silverdale AONB DPD – Main Modifications HRA (September 2018) sets out that a full assessment has been undertaken and that the DPD may have some negative impact which requires mitigation. Mitigation measures are incorporated into the relevant policies of the DPD (as modified).

Barrow Borough Local Plan Inspectors Report: [Barrow Local Plan Inspectors Report & Appendix of Mods.pdf](#)

Overall, the HRA report and its Addendum, which include both screening and an appropriate assessment, conclude that the Local Plan will not lead to adverse effects on the integrity of Natura 2000 sites either alone, or in combination with other plans and projects. Natural England has agreed with the conclusions of this updated report, and I have no substantive evidence to counter the conclusions of the HRA.

On the 31 May 2018 the Council confirmed that it considered the HRA report and updated reports to be legally compliant having taken account of the judgement of the Court of Justice of the European Union issued on 12 April 2018 in relation to the screening stage of the HRA. I have no reason to dispute this assessment.

Eden Local Plan Inspectors Report: [Report on the Examination of the Eden Local Plan](#)

The Habitats Regulations Appropriate Assessment Scoping Report, July 2014, set out a full assessment of the potential impacts of the plan on the Natura 2000 network of European protected sites to determine whether there would be any 'likely significant effects'. It concluded that with appropriate mitigation, no policies or proposals within the LP were likely to have a significant effect on the integrity of any European site (either individually or in combination with any other plan or project) and consequently there was no requirement to carry out an Appropriate Assessment. An addendum to the Assessment was undertaken in June 2017.

This looked at the impact of the schedule of Proposed Modifications in the context of the Habitats Regulations. Both documents found an absence of pathways for potential impacts and/or the existence of mitigation measures to negate any potential impacts. Following the result of the case of 'People Over Wind, Peter Sweetman v Coillte Teoranta' in the Court of Justice of the European Union, the Council decided to undertake a revised 'Screening Assessment'. It identified likely significant effects on the River Eden SAC following the development of four housing and one employment site to the east and south of Penrith.

The subsequent Appropriate Assessment considered these likely significant effects and identified possible mitigation for them. It concluded that the mitigation would be sufficient to prevent an adverse effect on site integrity provided the following Eden District Council policies are adhered to: COM2, COM3, DEV2, DEV5, ENV1, ENV5 and ENV9 (Site-Specific Principles of Eden District Council Eden Local Plan, Inspector's Report August 2018. Development identified for strategic sites, in relation to sustainable water management, provision and protection of open space, sport, leisure and recreation facilities and pollution control). These policies can be enforced through the planning system and therefore are a reliable and proven system for implementing the mitigation.

Therefore, it is possible to conclude with reasonable certainty that the Local Plan as a whole is unlikely to have any significant effects on European or International Sites and their designated features.

Cumbria Minerals and Waste Local Plan:

<https://www.westmorlandandfurness.gov.uk/sites/default/files/2025-08/Cumbria%20Minerals%20and%20Waste%20Local%20Plan%20-%20Inspectors%20Report%202017.pdf>

The Plan meets the legal requirements. The Habitats Regulations Assessment, undertaken in April 2016, sets out why Appropriate Assessment is not necessary. This position has been endorsed by Natural England.

HRA Screening Conclusions

- 5.9 The HRA / AA prepared to inform the Local Plans for Barrow Borough, Eden District and South Lakeland Local Plan and Cumbria and Minerals Waste Local Plan documents, concluded that the Plans will unlikely have any significant effects on European or International Sites and their designated features.
- 5.10 As the Westmorland and Furness Design Code SPD being prepared is intended to provide supplementary guidance on the implementation of the relevant Local Plan Policies, it is therefore concluded that a full Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) is not required for this emerging SPD.
- 5.11 The Council's conclusion regarding the HRA screening is confirmed by the consultation bodies (Environment Agency, Natural England and Historic England). Their response and formal opinion can be found in appendix 1.

Appendix 1 Responses and opinion from the Environment Agency, Historic England and Natural England to the Screening Statement

Environment Agency Response:

Re: Strategic Environment Assessment and Habitats Regulation Assessment Initial Screening Opinion Statement for Westmorland and Furness Design Code Supplementary Planning Document;

Thank you for referring the above Strategic Environmental Assessment (SEA) screening opinion to us for review.

We have reviewed the document in so far as it relates to our remit. We concur with your conclusion at paragraph 4.7 that the Westmorland & Furness Design Code Supplementary Planning Document would not give rise to significant environmental effects and that SEA of the Design Code is not required.

Yours sincerely

Philip Carter Planning Officer - Sustainable Places

Natural England Response:

Re: Design Code Supplementary Planning Document (SPD);

Thank you for your consultation on the above, which was received by Natural England on 22 August 2025.

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.

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

Natural England welcome the opportunity to give our view on this SPD screening assessment; we agree with the conclusions produced by Westmorland and Furness Council in the Strategic Environment Assessment (SEA) screening assessment. We also agree with the conclusions in the likely significant effects assessment produced under the Habitat Regulations Assessment process.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.

Yours sincerely

Niamh Keddy Sustainable Development Senior Officer

Historic England Response:

Re: Westmorland and Furness Design Code SPD - Consultation on initial SEA, HRA Screening Opinion Report;

Historic England welcome the preparation of the Westmorland and Furness Design Code Supplementary Planning Document. Having reviewed the draft document, we do not consider that significant environmental effects with regard to the historic environment are likely to arise as a result of the proposed Design Code. As such, Historic England do not consider a Strategic Environmental Assessment to be necessary.

Yours sincerely

Pete Owen Development Advice Team Leader North West Region