



Assessment of plans and projects under regulations 21 and 61 of the Habitats Regulations 2010 as amended ('Habitats Regulations Assessment')

**Casework Tracker/
Application reference**

Case/Application title

Assessment made by **Date:**

European Site(s): North Pennine Moors SAC – UK0030033
North Pennine Moors SPA - UK9006272

Component SSSI(s): Whitfield Moor, Plenmeller and Ashholme Common SSSI

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Document Control



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Assessment Summary

Summary

Williamston Estate is owned by [REDACTED] and is 432 hectares in extent. It comprises approximately 310 hectares of moorland, 86 hectares of rough grazing, 16 hectares of fairly good grazing pasture and 20 hectares of broadleaved and conifer woodland.

The 310 hectares of moorland is designated as part of the Whitfield Moor, Plenmeller and Ashholme Common SSSI, as it supports an extensive area of blanket bog, dry heath and a diverse upland breeding bird assemblage. The land is also designated as part of the North Pennine Moors Special Area of Conservation and Special Protection Area. The long term plan for the Estate will cover the SSSI moorland area only.

The estate dates back to 1215 and has been in the [REDACTED] family since 1712. The agricultural interest on the land was managed under long term tenancies but the farm was taken back in-hand in 2014 and is managed alongside the sporting interest and some diversification in the form of holiday lets. The moor has been a traditional (non-commercial) grouse shoot since the early 1850s with 3.5 lines of butts and a single access track and this currently supports 5 shooting days per year. There is no plan to intensify this activity.

This plan has been developed jointly with the owner, [REDACTED] who is very passionate about conservation, in particular the diversity of breeding birds on the Estate and the condition of the moorland. Positive conservation management has been undertaken across the estate, including tree planting for black grouse, erecting exclosures to tackle erosion issues, grip blocking, offwintering of sheep and ceasing supplementary feeding to recover the condition of the dry heath and blanket bog vegetation. Recently, the landowner has agreed to the cessation of rotational burning on the blanket bog.

The plan is forward looking with adaptive management provided for as the site recovers and needs change. Management is tailored to the prevailing conditions and takes account of the local circumstances and species present as well as facilitating recovery of the designated habitats.

The plan is for 30 years and contains elements which require consent, i.e. activities which can cause damage to the notified features – these are set out in a way that is clear and allows only works to be carried out in a way that is not damaging and where there is uncertainty these are to be trialled and monitored. The plan also includes regular reviews, which provide the opportunity to look at the results of the



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monitoring on the ground and discuss progress with the landowner. If the desired results are not happening, then the plan will be amended. This ensures that any uncertainty or unforeseen consequences can be dealt with within the plan. The plan will be reviewed every two years whereby NE will meet with [REDACTED] out on site to discuss progress.

The plan requires immediate cessation of rotational burning on the blanket bog which is currently permitted and consented for this in the shape of an old Site Management Statement (SMS). This SMS along with an SMS, consenting agricultural management will be revoked alongside issue of this new plan.

The plan includes cutting and burning on blanket bog for restoration purposes which are mapped and are to be monitored. One-off controlled burning of small areas is allowed rather than cutting in some areas due to terrain and substrate being unsuitable for the machinery. Follow up Sphagnum inoculation will be required after any restoration burning. Monitoring will be used to determine the success of this work and provide lessons learnt to be used elsewhere.

The restoration and ongoing management of dry heath is consented. The dry heath will continue to be managed by rotational burning or cutting (tailored to local growth conditions). There is an extensive area of very old heather on the fell and at least 10% of this will be retained for the merlin and short-eared owls, that are known to nest on the land. The Owner will also try to extend the area of dry heath by sowing a dry heath heather mix to accelerate recovery. The effectiveness of this approach will be monitored at the bi-annual meetings.

Access to the moor including the lunch hut is currently via a single track across acid grassland, some of which is quite wet. Small sections of plastic matting may be used in future on this existing route to prevent damage to the wetter areas. Guns then walk to the butts. There are no plans to create any new access routes or any new lines of grouse butts.

Conclusion

The HRA has concluded that the majority of the operations that are consented under the plan are required for nature conservation purposes. However, where the operations are required for grouse moor management and or agriculture, the small scale nature of the operations are unlikely to cause a Significant Effect on the nature conservation interest of the North Pennine moors SAC or SPA. Consequently the HRA concludes that consent should be issued for the long term plan.



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PART A:

Introduction and Information about the plan or project and an initial assessment of credible risk to European Sites

A1. Introduction

This is a record of the Habitats Regulations Assessment ('HRA') undertaken by Natural England in its role of competent authority and in accordance with the assessment and review provisions of the Conservation of Habitats and Species Regulations 2010 (as amended) ('the Habitats Regulations').

The plan/project requires Natural England as a statutory regulator to make [or to review] a consent decision under section 28E(1)(a) of the 1981 Wildlife and Countryside Act (as amended) on whether an SSSI owner or occupier can carry out, cause or permit to be carried out an operation or operations listed by a SSSI notification and which:

- a) does not fulfil the conditions in section 28E(3)(b) or (c) and,
- b) appears to be either a 'project' or part of a 'plan or project' which may affect a European Site (hereby referred to as either 'the plan' or 'the project').

Where such a proposal may affect a European Site, **Regulation 21** of the Habitats Regulations requires an assessment to be made of such proposals.

In making this HRA as competent authority, Natural England may only undertake or give its consent, permission, assent or authorisation to the plan or project where it is able to ascertain *either*:

- a) that it will not have a likely significant effect on a European site (either alone or in combination with other plans and projects), or;
- b) that it will have no adverse effect on the integrity of a European Site following an appropriate assessment.

If such effects cannot be ruled out, the proposal cannot proceed unless the further tests given in Regulations 62 and 66 of the Habitats Regulations can be satisfied (see Natural England's [HRA Operational Standard](#) for further details on how to proceed further).



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A2. Details of the plan or project

Location (including grid references): Williamston Common (NY690525)

Name of applicant: [REDACTED]

Description of the plan or project and its constituent elements:

A long term plan that details the historical management of the estate, a long term vision and joint outcomes, agreed / consented management principles and restoration techniques that may be employed.

The agreed / consented management principles includes:

- A maximum summer and winter grazing level. The land will only be grazed during the winter if there is sufficient recovery of the dry heath;
- Immediate cessation of rotational burning on the blanket bog;
- Rotational burning on the areas of dry heath (to be managed in accordance with the Heather and Grass Burning Regs);
- Commencement of restoration management for improving the condition of the dry modified bog;
- Maintenance of the existing surfaced track;
- For the vegetation section of the established track, small scale works installing sleepers or small wooden crossings or sections of plastic matting is permitted;
- Management of grit trays;
- Vermin control;
- Vehicle access during the bird breeding season.

Has the plan or project, or any aspect of it, already been subject to assessment under the Habitats Regulations by another competent authority? No

A.3 Initial assessment of risks to European Sites

This section sets out the potential ways in which the plan or project might credibly affect European Sites based on a rapid assessment of location, proximity, type, scale, extent, duration, frequency and timing of the operations / activities which might take place if implemented. The available advice provided by Natural England's [Impact Risk Zones](#) and /or statutory [Advice on Operations for European Marine Sites](#) should be considered as appropriate to inform this risk assessment.



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With reference to the information above and before undertaking a more detailed screening assessment, **on the basis of professional judgment**; Natural England has concluded;

- There is or may be a credible risk that the plan or project subject to an assessment might undermine the conservation objectives of a European Site. Further Habitats Regulations assessment is therefore necessary [*continue to Part B*]

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**PART B:
Information about the European Sites which could be affected**

B1. Brief description of the European Sites and their Qualifying Features

There is or may be a credible risk that the plan or project subject to an assessment might undermine the conservation objectives of the following European Sites;

North Pennines SPA Qualifying features:

Article 4.1 of the Birds Directive: breeding populations of Hen Harrier *Circus cyaneus*, Merlin *Falco columbarius* and Golden Plover *Pluvialis apricarius* in numbers of European significance.

The SPA Review identified Curlew *Numenius arquata* and Dunlin *Calidris alpina* as species that also occur in numbers of international importance and Government has indicated that the SPA should be treated as including these two species.

North Pennine Moors SAC Qualifying features:-

Article 4(4) of the Habitats and Wild Flora and Fauna Directive: qualifying habitats listed in Annex I:

- Alkaline fens. (Calcium-rich springwater-fed fens)
- Blanket bogs*
- Calaminarian grasslands of the *Violetalia calaminariae*. (Grasslands on soils rich in heavy metals)
- Calcareous rocky slopes with chasmophytic vegetation. (Plants in crevices in base-rich rocks)
- European dry heaths
- *Juniperus communis* formations on heaths or calcareous grasslands. (Juniper on heaths or calcareous grasslands)
- Northern Atlantic wet heaths with *Erica tetralix*. (Wet heathland with cross-leaved heath)
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles. (Western acidic oak woodland)
- Petrifying springs with tufa formation (*Cratoneuron*). (Hard-water springs depositing lime)*
- Fully natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*). (Dry grasslands and scrublands on chalk or limestone)
- Siliceous alpine and boreal grasslands. (Montane acid grasslands)
- Siliceous rocky slopes with chasmophytic vegetation. (Plants in crevices on acid rocks)
- Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*). (Acidic scree)

Article 4(4) of the Habitats and Wild Flora and Fauna Directive: qualifying species listed in Annex II:

- Marsh saxifrage *Saxifraga hirculus*



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Annex I priority habitats are denoted by an asterisk (*).

North Pennine Moors SPA

Classified under Article 4.1 of the Wild Birds Directive for:

- A082 Circus cyaneus; Hen harrier (Breeding)*
- A098 Falco columbarius; Merlin (Breeding)*
- A103 Falco peregrinus; Peregrine falcon (Breeding)*
- A140 Pluvialis apricaria; European golden plover (Breeding)*

Additional Qualifying Features Identified by the 2001 UK SPA Review:

- A149 Calidris alpina alpina; Dunlin (Breeding)*
- A160 Numenius arquata; Eurasian curlew (Breeding)*

Classified under Article 4.2 of the Wild Birds Directive for:

- *an assemblage of breeding moorland birds which includes: Golden Plover Pluvialis apricaria, Short-eared Owl Asio flammeus, Common Sandpiper Actitis hypoleucos, Dunlin Calidris alpina schinzii, Twite Carduelis flavirostris, Snipe Gallinago gallinago, Curlew Numenius arquata, Wheatear Oenanthe oenanthe, Whinchat Saxicola rubetra, Redshank Tringa totanus, Ring Ouzel Turdus torquatus, Lapwing Vanellus vanellus.*

B2. European Site Conservation Objectives (including supplementary advice)

Natural England provides advice about the Conservation Objectives for European Sites in England in its role as the statutory nature conservation body. These Objectives (including any Supplementary Advice which may be available) are the necessary context for all HRAs.

The overarching Conservation Objectives for every European Site in England are to ensure that the integrity of each site is maintained or restored as appropriate, and that each site contributes to achieving the aims of the Habitats and/or Wild Birds Directive, by either maintaining or restoring (as appropriate):

- The extent and distribution of their qualifying natural habitats,
- The structure and function (including typical species) of their qualifying natural habitats,
- The supporting processes on which their qualifying natural habitats rely,
- The supporting processes on which the habitats of their qualifying features rely,
- The population of each of their qualifying features, and
- The distribution of their qualifying features within the site.

Where Conservation Objectives Supplementary Advice is available, which provides further detail about the features' structure, function and supporting processes mentioned above, the



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implications of the plan or project on the specific attributes and targets listed in the advice will be taken into account in this assessment.

In light of the European Sites which could be affected by the plan or project, this assessment will be informed by the following site-specific Conservation Objectives, including any available supplementary advice;

The current Conservation Objectives for the European Sites, are available at <http://publications.naturalengland.org.uk/category/6490068894089216>, this will include links to relevant information within supplementary advice and regulation 35 Conservation advice for MPAs.

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**PART C:
Screening of the plan or project**

To check whether a detailed appropriate assessment is necessary, there are two screening tests required by the assessment provisions of the Habitats Regulations;

C1. Is the plan or project directly connected with or necessary to the (conservation) management (of the European Site's qualifying features)?

Operation	European Interest Feature	Required for nature conservation: Yes / No	Reasons	Carry forward to LSE? Yes / No
Flexible light Summer grazing	Blanket bog, Dry heath, SPA interest features	Yes	This is fundamental to the site, as summer grazing will reduce the dominance of acid grassland along the periphery of the fell and help to promote restoration of the dry heath. In the absence of no grazing, the acid grassland would become rank. This was found in the evidence review NEER006, 'cessation of sheep grazing can lead to an increase in some preferentially grazed grass species'. This is evidence in some areas on Williamston.	No
No winter grazing or very light winter grazing	Blanket bog, Dry heath, SPA interest features	Yes	No winter grazing or very light levels of grazing is important for maintaining and restoring the condition of the blanket bog and dry heath habitats. The maximum level specified for the winter period is extremely low and may help to reduce the dominance of heather on the blanket bog. The	No



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			NEER006 evidence review found that ‘relatively light sheep grazing can reduce heather cover on blanket bog’.	
No foddering on the moorland	Blanket bog, Dry heath, SPA interest features	Yes	Foddering in the past on Williamston has resulted in the loss of dry heath along the periphery of the fell. By ceasing this operation it will prevent the stock from congregating in the feed areas and they will be more evenly distributed around the fell.	No
Immediate cessation of rotational burning on the blanket bog.	Blanket bog, SPA interest feature	Yes	Evidence has shown that rotational burning on blanket bog has a detrimental effect on the functionality of the blanket bog. NEER004 evidence review found that burning can lead to a change in species composition of blanket bog and a dominance of graminoides, which in turn may have a negative affect the functioning of the peatland ecosystem.	No
Rotational burning on the dry heath	Dry heath, SPA interest features	No	Rotational burning is undertaken by the Owner for grouse moor and agricultural management.	Yes
10% of the dry heath will be left to grow to the mature / late mature growth phase	Dry heath, SPA interest features	Yes	This is to ensure that there is sufficient nesting habitat for breeding birds such as merlin and short eared owl, which are known to nest on the site.	No
Restoration management of the dry modified bog, primarily using cutting and where the ground is not	Blanket bog, SPA interest features	Yes	If left for a long period of time i.e at least 80 years, the heather stands will open out and this should promote re-establishment of blanket bog species such as Sphagnum and cotton grasses.	No



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suitable for cutting burning will be used.			Cutting and burning techniques are interventions that have been found to effectively remove the dense heather canopy and in doing so, this will promote the cover of peat building species such as sphagnum and cotton grass. In the long term, such interventions should improve the functionality of the blanket bog.	
Restoration management, sowing dry heath mix to extend the cover of dwarf shrubs where they have been historical lost	Dry heath, SPA interest features	Yes	There is large extent of acid grassland to the east of the fell. There are signs of heather stands starting to regenerate. By sowing a heather seed mix, this will help to accelerate the recovery of this habitat.	No
Infrastructure works to occur outside the bird breeding season	SPA interest features	Yes	By undertaking works outside the breeding bird season, it will ensure that disturbance or damage to nest sites does not occur.	No
Maintenance works to the existing stone track	SPA interest features	No	Emergency repair works are often required, due to the steep slope of the surfaced tracks. This is the only route that provides access onto the fell.	Yes
Restoration of the vegetation section of the established track	SPA interest features	No	Small scale works will be undertaken i.e installing small sections <5m of plastic matting and boarded crossings will be installed to prevent erosion at certain pinch points. This is to enable vehicle access onto the fell for agricultural and grouse moor management.	Yes
Grit for red grouse and black grouse	SPA interest features, blanket	No	The grit is required primarily for grouse moor management. It is not required for the SPA interest	Yes



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	bog and dry heath		features.	
Vermin Control	SPA interest features	No	This operation is undertaken for grouse moor management.	Yes
Vehicle access during the bird breeding season	SPA interest features	No	This is required for agricultural and grouse moor management.	Yes

Conclusion:

- As the plan or project is not directly connected or necessary to the management of all of the European site(s)'s qualifying features, further Habitats Regulations assessment is required [**continue to C2**]

C2. Is there a likelihood of significant adverse effects ('LSE')?

This section details whether those constituent elements of the plan or project which are (a) not directly connected with or necessary to the management of the European Sites features and (b) could conceivably adversely affect a European site, would have a **likely significant effect**, either alone or in combination with other plans and projects, upon the European sites and which could undermine the achievement of the site's conservation objectives..

In accordance with European case law, this HRA has considered an effect to be 'likely' if it '*cannot be excluded on the basis of objective information*' and is 'significant' if it '*undermines the conservation objectives*'. In accordance with Defra guidance on the approach to be taken to



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this decision, in plain English, the test asks whether the plan or project '*may*' have a significant effect (i.e. there is a risk or possibility of such an effect).

Each of the project elements has been tested against each of the relevant European site qualifying features. An assessment of potential effects using best available evidence and information has been made in the following sections below.

Measures that would avoid or reduce the risk or likelihood of significant effects arising and which are already integral to the nature of the plan or project as submitted have been taken into account at this stage.

C2.1 Risk of Significant Effects Alone

The first step is to consider whether any elements of the project are likely to have a significant effect upon a European site 'alone' (that is when considered in the context of the prevailing environmental conditions at the site but in isolation of the combined effects of any other 'plans and projects'). Such effects do not include those deemed to be so insignificant as to be trivial or inconsequential.



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The results of this assessment for each qualifying feature are as follows:

Qualifying feature likely to be affected	Potential Effect	The mechanism/ pathway of effect	Have measures which would mitigate the potential effects been included? (Y/N) If Yes provide details	Likely Significant Effect (LSE)? (Yes/No/Uncertain)
Dry heath	Loss or damage of the habitat	Rotational burning on the dry heath	Yes: Cool burns will continue to be undertaken and all burning will be undertaken in accordance with the Heather and Grass Burning Regs. Sensitive areas on the dry heath will continue to be excluded from the burning rotation. This is detailed in Appendix 1 of the management plan.	No
SPA interest features	Disturbance to nest sites	Maintaining the established track.	The works may require small scale occasional topping the track with stone. Materials will not be stored off the track. There are no nest sites on the track and those nesting close to the track will be used to disturbance from vehicles.	No
Dry heath, SPA interest features	Damage to the dry heath habitat	Laying small sections of plastic matting or wooden boarded crossings	The vegetated route crosses acid grassland. All materials used to repair eroded sections of the route will be stored on the acid grassland. There will be no works occurring during the bird breeding season and therefore no impact on the dry heath or the SPA interest features.	No
Blanket bog, SPA interest features	Damage to the blanket bog through vehicle tracking and disturbance to nest sites	Grit boxes	Vehicle routes will be varied to avoid rutting damage. There is limited evidence of tracking occurring on the bog and no signs of rutting damage occurring. The grit boxes are filled, topped up or cleaned out 2 to 3 times a year: march-15 th April; end of June and early November. A quad bike is used to attend to the grit boxes. The ground nesting birds do not start to nest	No



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			until mid April and by this time, the grit stations will have been visited. The young birds will be fully fledged by the end of June. There is unlikely to be a Significant Effect on the SPA interest features by this operation.	
SPA interest features	Impact on the population of breeding birds	Vermin control	Vermin will be controlled in accordance with the appropriate legislation. It is unlikely to have a Significant Effect on the SPA interest features. In some instance, vermin control has been found to benefit ground nesting birds such as black grouse, golden plover, as there is a reduced rate of predation on the nests.	No
SPA interest features	Disturbance or damage to nest sites	Vehicle access during the bird breeding season	4 wheel drive vehicles will be confined to the established route during the bird breeding season. Occasional use of a quad bike is used during the bird breeding season and this is kept to a minimum when the birds are nesting – mid April – end of May.	No

Conclusion:

- The plan or project alone is unlikely to have a significant effect on the following qualifying features of the European Site(s); *[List features and then go to C2.2 if appropriate]*



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C2.2 Risk of Significant Effects in-combination with effects from other plans and projects

Not applicable

C3. Overall Screening Decision for the Plan/Project

On the basis of the details submitted, Natural England has considered the plan or project under Regulation 21(1) or 61(1)(a) of the Habitats Regulations and made an assessment of whether it will have a likely significant effect on a European site, either alone or in combination with other plans and projects.

In light of sections C1 and C2 of this assessment above, Natural England has concluded:

- As the plan or project is unlikely to have significant effects (either alone or in combination with other plans or projects) on any Qualifying Features of the European Site(s), no further Habitats Regulations assessment is required [~~delete Part D and go to Part E~~]



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PART E:

Permission decision with respect to European Sites

As the relevant competent authority, Natural England has carried out a HRA of the submitted plan or project as required by Regulation 21 or 61 of the Habitats Regulations 2010 and has decided that, with regard to European Sites and their qualifying features;

Consent/Permission/Assent/Authorisation may be given*

The reasons for this decision are as follows:

The operations detailed in the long term plan are primarily for nature conservation and these include:

- Light summer grazing with no winter or very light levels of grazing during the winter period;
- No foddering;
- Cessation of rotational burning on the blanket bog;
- Restoration of the dry heath, aiming to extend the area of dwarf shrubs and retaining at least 10% no burn areas for merlin and short-eared owl.

Operations such as rotational burning on the dry heath, maintenance of the surfaced track and vegetated section, distribution of medicated and non-medicated grit, vermin control and vehicle access are not required exclusively for conservation purposes. The small scale of the operations and timings of them however are unlikely to have a Significant Effect on the nature conservation interest of the North Pennines SAC and SPA interest features.

* Where it has been concluded that a permission may be given, the Habitats Regulations Assessment of the implications of this plan or project on European Sites has been completed. **Written permission should not be issued by Natural England until there has been a separate and additional consideration of the plan or project's likely impacts on those features of special interest for which the relevant SSSI(s) has been notified.**



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References

NEER006 edition 1 - Impact of moorland grazing and stocking rates, Natural England, May 2013

NEER004 edition 1 – The effects of managed burning upon upland peatland biodiversity, carbon and water, Natural England, May 2013

Document Control

Assessment prepared and completed by		<i>Lead Adviser, Northumbria Area team</i>
Date		
Peer-reviewed by	<i>Where relevant</i>	<i>Insert role / job title and team</i>
Date		
FOR HIGH-RISK CASES AND/OR REFUSED OR CONDITIONED SSSI CONSENTS ONLY <i>[see User Notes]</i>		
HRA checked and referred to Protected Sites Team by:	<i>Insert name</i>	Team Leader
Date		
Advice given by Protected Sites Team:	<i>Insert name</i>	Protected Sites Team, Terrestrial Biodiversity
Date		
Case referred to High Risk Casework Panel by	<i>If necessary</i>	<i>Insert role / job title and Team</i>
Date		
Consent/Assent/ Permission/ Authorisation issued by:	<i>Insert name</i>	<i>Insert role / job title and Team</i>
Date		



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