

Strategic Environmental Assessment,  
and  
Habitats Regulations Assessment  
Updated Initial Screening Opinion  
for  
Cartmel Conservation Area  
Management Plan Supplementary  
Planning Document

South Lakeland District Council, November 2022

[www.southlakeland.gov.uk](http://www.southlakeland.gov.uk)



## Contents

Strategic Environmental Assessment, and Habitats Regulations Assessment Updated Initial Screening Opinion for Cartmel Conservation Area Management Plan Supplementary Planning Document .....	1
1. Introduction .....	3
1.1 Background .....	3
1.2 Screening Outcome .....	4
1.3 Consultation and reaching a final screening decision .....	5
2. Strategic Environmental Assessment (SEA) .....	7
2.1 SEA .....	7
Table 1 SEA Screening .....	8
3. Habitats Regulations Assessment and Appropriate Assessment .....	14
HRA Screening .....	15
4. Overall Conclusions .....	18

# 1. Introduction

## 1.1 Background

- 1.1.1 This screening opinion report sets out South Lakeland District Council's (SLDC's) assessment of whether or not the Cartmel Conservation Area Management Plan Supplementary Planning Document (the SPD) requires a Strategic Environmental Assessment (SEA), or Habitats Regulations Assessment (HRA)<sup>1</sup>. These are assessments that are required for plans being prepared that could have certain environmental effects. The screening tests:
- whether there are likely to be significant environmental effects arising from the policies in the draft SPD (SEA); and
  - whether the draft SPD is likely to have significant effects on international biodiversity designations (HRA).
- 1.1.2 The purpose of the SPD is to provide more detailed guidance regarding the implementation of the policies of the adopted South Lakeland Local Plan (2003-2025) (policies set out in Appendix 1). The SPD seeks to add greater detail to the Local Plan policies in relation to the conservation area, designated and non-designated heritage assets and provide guidance on how those policies should be interpreted and implemented. The geographic area covered by the SPD is the Cartmel Conservation Area Boundary and its setting (see Appendix 2) within the parish of Allithwaite and Cartmel. It will be used as a material planning consideration when determining any planning applications within or affecting the Cartmel Conservation Area.
- 1.1.3 It will also help aid the implementation of emerging policies arising from the Allithwaite and Cartmel Neighbourhood Plan (currently at Pre-Submission Plan Stage).
- 1.1.4 Conservation areas may be designated and are protected under legislation in the Planning (Listed Buildings & Conservation Areas) Act 1990. Section 71 of the Act imposes a duty on Local Authorities from time to time to: 'formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas'. Section 72 of the Act states that with respect to any buildings or other land within a conservation area, in the exercise of relevant functions under the planning Acts, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

---

<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 (known as the Habitats Regulations) transposes the requirements of the Habitats Directive (Directive 92/43/EEC on the Conservation of Natural Habitats and of wild fauna and flora) into UK Law.

1.1.5 The objectives of the Cartmel CAMP are to:

- Set out guidance to promote positive design change to protect the special character (significance) of Cartmel conservation area;
- Produce a List of unlisted Buildings or Features of Local Architectural or Historic Significance that are of particular merit in the Conservation Area, so the significance of these buildings will become a material consideration in planning decisions that affect them;
- Consider whether an Article 4 Direction to control permitted development is justified, identifying properties that are considered to merit this additional protection, so that planning permission would be required for some works;
- Provide a strategy for Buildings at Risk;
- Identify threats to significance;
- Identify opportunities for environment enhancement and the need for grant-aid and
- Identify how the condition of the Cartmel conservation area could be monitored in future

1.1.6 The Cartmel Conservation Area Management Plan SPD will add detail to the policies of the Local Plan by describing features of the character of the area which contribute to its significance as well as guidance relating to change in the conservation area and its setting.

## 1.2 Screening Outcome

1.2.1 The adopted Local Plan (2003-2025), and the policies that provide the framework for the SPD, was the subject of Sustainability Appraisal (SA) (incorporating SEA). This included assessment of all policies within the Local Plan. The higher-tier Local Plan documents are (The [South Lakeland Local Plan – Core Strategy](#) The [South Lakeland Local Plan – Land Allocations](#)) and the [Development Management Policies](#) beneath which the SPD will “hang off”.

1.2.2 With regard to the need for SA (including SEA) for SPDs the National Planning Policy Guidance (Reference ID: 11-008-20140306) states 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 Local Plan.

‘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.

‘Before deciding whether significant environmental effects are likely, the local planning authority should take into account the criteria specified in Schedule 1 of

the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies’.

”. Having regard to:

- the SEA Directive<sup>2</sup> and Schedule 1 and 2 of the Environmental Assessment of Plans and Programmes Regulations 2004;
- HRA Regulations;
- Planning Policy Guidance (PPG) on screening Supplementary Planning Documents for SEA/HRA;
- Historic England Advice Note 8 (Sustainability Appraisal and Strategic Environmental Assessment);
- the location and scale of the area affected by the SPD, and its current content; and
- the fact that the SPD hangs off policies in the current South Lakeland Local Plan 2003-2025, which has already been subject to the required assessments

1.2.3 It is considered that there is no need for the Plan to be subject SEA or HRA. This conclusion was determined following a methodological assessment, which is set out in the following pages.

## 1.3 Consultation and reaching a final screening decision

1.3.1 Comments on the initial screening opinion produced in 2021 have been sought from Natural England, the Environment Agency and Historic England between 24 August 2021 and 27 September 2021. Advice received from all three bodies has been taken into account to determine a final position on whether SEA or HRA are required at this stage. The Environment Agency and Natural England concurred with the findings of the screening opinion with respect to both the SEA and HRA. Historic England concurred with the findings that SEA of the SPD is not required but stressed this is based on information made available at the time. Historic England had no comments to make in relation to the HRA screening. Natural England commented should the plan be amended in a way which significantly affects its impact on the natural environment, it would require to be consulted. Appendix 3 includes the comments received by the Environment Agency, Natural England and Historic England.

1.3.2 The screening opinion report has been updated in light of revised changes to the Draft CAMP produced for consultation in February 2022. It is considered the changes proposed are not of a substantive nature that would materially affect the conclusions of the initial screening report consulted on in 2021. If later presented with additional information or changes to the Plan, South Lakeland Council reserves

---

<sup>2</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

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. Strategic Environmental Assessment (SEA)

### 2.1 SEA

- 2.1.1 SEA is undertaken to establish whether a plan, policy, project or programme is likely to have significant effects on the environment. The SEA regulations transpose the European Union's SEA Directive into law. Supplementary planning documents 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. The requirements for this are set out in regulation 9 of the Environmental Assessment of Plans and Programmed Regulations 2004. If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those Regulations.
- 2.1.2 In light of the judgement of the Court of Justice of the European Union concerning Article 6(3) of the Habitats Directive<sup>3</sup>, measures that may be intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the preceding screening stage. This means it is no longer appropriate to rely on these measures when deciding whether a plan or project is likely to have a significant effect on a European site(s).
- 2.1.3 In order to assess the likely significance of the SPD on the environment, the draft SPD has been appraised against the criteria detailed in the Environmental Assessment of Plans and Programmes Regulations 2004 and Strategic Environmental Assessment Directive. This analysis has been made in Table 1 below.

---

<sup>3</sup> People over Wind, Peter Sweetman v Coillte Teoranta Case C-323/17

## Table 1 SEA Screening

The characteristics of the plan, having regard, in particular, to:

*Table 1 Showing characteristics of the Plan having regard to criteria for SEA screening and likely significant effect*

Criteria	Plan Objectives & Policies	Likely Significant Effect?
<p>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;</p>	<p>The Plan (SPD) will not set a framework for other projects or plans outside of the Cartmel Conservation Area and its setting but will be used to guide development within these locations, in order to conserve and enhance the architectural and historic quality of the area and its historic buildings and features. The SPD will provide guidance on how to apply policies set out in the Local Plan (most notably Core Strategy policy CS8.6 and Development Management Policy DM3).</p>	<p>No</p>
<p>b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;</p>	<p>The SPD sits in a hierarchy of documents. It does not directly affect other plans or programmes but is influenced and provides planning guidance on the implementation of policies in the adopted Local Plan and other higher tier planning policy documents including the National Planning Policy Framework (NPPF).</p>	<p>No</p>
<p>c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;</p>	<p>The adopted Local Plan and other higher level policies set the context for achieving sustainable development in the South Lakeland Local Plan area.</p> <p>The SPD seeks to conserve and enhance the historic environmental qualities of the Cartmel Conservation Area and its setting. It will aid the promotion of sustainable development in this context.</p>	<p>No</p>

Criteria	Plan Objectives & Policies	Likely Significant Effect?
	<p>The Local Plan SA (including SEA) identified policies CS8.6 and DM3 will have positive impacts against a number of SA objectives.</p> <p>The SPD will provide further guidance and reinforce relevant parts of the policies.</p>	
<b>d) environmental problems relevant to the plan or programme; and</b>	It is unlikely that there would be any significant environmental effects resulting from the further guidance on Local Plan policies relating to Cartmel Conservation Area	No
<b>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).</b>	Not applicable to the Cartmel Conservation Area Management Plan	No

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to;

Criteria	Plan Objectives & Policies	Likely Significant Effect?
<b>a) the probability, duration, frequency and reversibility of the effects;</b>	The Plan will help guide the type and quality of development that may be permitted within the Cartmel Conservation Area and its setting.	No

Criteria	Plan Objectives & Policies	Likely Significant Effect?
	<p>The effects of the SPD will come about when relevant planning applications are determined by the Local Planning Authority and implemented. The Plan seeks to have a positive effect on the historic and architectural character and qualities and the wider built and natural environment of the Cartmel Conservation Area and its setting.</p> <p>Developments shaped by the policies are likely to remain in place for some years, and thus, so could any resultant effects. Guided by the SPD these should be positive in terms of maximising the positive environmental effects of development and minimising or avoiding negative impacts.</p> <p>The probability, duration, frequency and reversibility of the effects will depend on many factors, including the amount and location of development, how long the development remains in situ and any measures available to mitigate or remediate any effects that occur.</p> <p>The Plan does not propose quantum or locations of development beyond those already identified and assessed in the existing development plan. Similarly, the Plan does not propose anything likely to cause significant impacts, including in the light of other protective policies.</p>	
<p><b>b) the cumulative nature of the effects;</b></p>	<p>The <a href="#">Sustainability Appraisal of the SLDC Core Strategy</a> considered the impact of several policies relating to the built and natural environment including historic. The <a href="#">Sustainability Appraisal of the Development Management Policies DPD</a> considered the impact of several Development Management policies, the SPD complements these policies.</p>	<p>No</p>

Criteria	Plan Objectives & Policies	Likely Significant Effect?
	There are no likely cumulative effects that would result from the production of the SPD.	
c) the trans boundary nature of the effects;	There are no transboundary effects (at the local neighbouring parish level, district wide, regional, national or international level)	No
d) the risks to human health or the environment (for example, due to accidents);	The Plan does not propose anything likely to cause significant impacts to human health or the environment, including in the light of other protective policies.	No
e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The SPD covers part of Allithwaite and Cartmel Parish, and is applicable to developments within and around/in the setting of the conservation area in Cartmel. Its impacts are likely to be of limited magnitude and spatial extent.	No
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 values; or (III) intensive land-use; and	Special natural characteristics or cultural heritage:  The area covered by the SPD lies close to the LDNP and is partly within the setting of the LDNP (a designated World Heritage site).  Heritage Assets - There are statutory listed buildings – with a particularly large single concentration in the centre of Cartmel, mostly grade II, with the exception of the grade I Cartmel Priory. There are a few grade II* listed buildings within the parish; two within Cartmel. There are, to a lesser extent, scheduled monuments, including a few in Cartmel.	No

Criteria	Plan Objectives & Policies	Likely Significant Effect?
	<p>Parts of the area covered by the SPD are prone to flood risk<sup>4</sup>, There are areas of fluvial flooding (mostly flood zone 3 and some flood zone 2) in Cartmel village along the valley of the River Eea (a main river) south west towards Cark and to the north/north west of Cartmel.</p> <p>The value and vulnerability of the Cartmel Conservation Area covered by the SPD has been considered as part of the SA (including SEA) of the Local Plan. As stressed the SPD will provide further guidance and reinforce relevant parts of the policies. The cultural heritage and natural characteristics of the Conservation area and its environs should be positively affected by implementation of the SPD.</p>	
<p><b>g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</b></p>	<p>As above (f)</p>	<p>No</p>

## Conclusion

2.1.6 Core Strategy policy CS8.6 and Development Management Policy DM3 of the Local Plan (2003-2021), which the SPD, particularly relates to, have been subject to detailed and iterative SA (including SEA) as part of the Local Plan process. Based on the objectives and proposals of the SPD as drafted South Lakeland District Council concludes the possibility of significant environmental effects can be ruled out and so it will not be necessary to subject the SPD to SEA.

<sup>4</sup> Source: Gov.UK – Flood Map for Planning.



## 3. Habitats Regulations Assessment and Appropriate Assessment

- 3.1 Habitats Regulations Assessment (HRA) is undertaken to establish whether a plan, policy, project or programme is likely to have significant effects, whether alone or in combination with other plans or strategies, on internationally protected sites of biodiversity conservation importance (protected sites). The Habitats Regulations transpose the European Union's Conservation of Natural Habitats and of wild fauna and flora (known as the Habitats Directive), into UK Law.
- 3.2 In light of the judgement of the Court of Justice of the European Union concerning Article 6(3) of the Habitats Directive<sup>5</sup>, measures that may be intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the preceding screening stage. This means it is no longer appropriate to rely on these measures when deciding whether a plan or project is likely to have a significant effect on a European site(s).
- 3.3 To meet the requirements of the Habitats Regulations and Directive, HRA follows the basic process below:
- **Screening for likely significant effects.** A stage 1 and Stage 2 approach is advocated, Stage 1 is undertaken to demonstrate whether any significant effects are thought likely, and if not, no further steps are required. No further steps can only be established if no mitigation measures are considered necessary, if these are then Stage 2 needs to take place which is the Appropriate Assessment.
  - If significant effects are thought likely and cannot be ruled out, and **Appropriate Assessment** must be undertaken to determine the likelihood, extent and implications of the effects on the integrity of protected/designated sites.
  - If it is concluded that there will be significant negative effects on protected sites, **alternative solutions and mitigation measures** to prevent the effects must be identified. This would normally involve the relevant proposals being removed from the plan, unless, in exceptional cases, there are overriding reasons of significant public interest that mean the proposals should go ahead.
- 3.4 The HRA process is underpinned by the precautionary principle. Therefore if, based on the evidence available, it is not possible to rule out risk of harm to a protected site, it is assumed a risk may exist.

---

<sup>5</sup> People over Wind, Peter Sweetman v Coillte Teoranta Case C-323/17

3.5 In order to assess whether the Plan should be subject to a formal HRA, the draft SPD has been examined considering: HRA already undertaken for higher tier plans beneath which the SPD sits; the crucial factors relating to the integrity of protected sites within or in close proximity to the area covered by the SPD; other relevant plans and strategies affecting the SPD area; and the possible effects of the SPD and likelihood of impacts on protected sites. This assessment has been made below.

## HRA Screening

### HRA already undertaken for higher tier plans

3.6 The South Lakeland Local Plan – Core Strategy, the South Lakeland Local Plan – Land Allocations and the Development Management Policies DPD were subject to HRA.

- [Core Strategy Appropriate Assessment Report](#)

These assessments concluded that the documents would not have any significant effects on any protected European sites, either alone, or in combination with other plan and projects as a result of the Local Plan (2003-2025). The Local Plan contains an adequate policy framework to avoid or adequately mitigate effects on European sites.

### Other relevant plans and strategies

3.7 Key other relevant plans/strategies include: The South Lakeland Local Plan – Core Strategy, the South Lakeland Local Plan – Land Allocations, South Lakeland Development Management Policies, and the Lake District National Park Local Plan 2020-2035. A number of other plans and strategies were considered in the HRAs of these documents, and were found to have no likely significant in-combination effects.

### Crucial factors relating to the integrity of protected sites within or in close proximity to the area covered by the SPD

3.8 Site: Morecambe Bay Site of Special Scientific Interest (SSSI), Site of Special Protection Area (SPA), Special Area of

Conservation (SAC), and Ramsar site. <5km from the Plan area.

#### SPA

- Appropriate management, including grazing, mowing, vegetation clearance an appropriate level;
- The absence or control of introduced or invasive species;
- Current extent and distribution of suitable feeding and roosting habitat (e.g. saltmarsh, mudflats);

- Sufficient prey availability (e.g. small fish, crustaceans and worms);
- Minimal levels of disturbance;
- Water quality necessary to maintain intertidal plant and animal communities; and
- Water quantity and salinity gradients necessary to maintain saltmarsh conditions suitable for bird feeding and roosting.

## SAC

- Good water quality;
- No change in land use, habitat loss or fragmentation;
- The absence or control of invasive or introduced species;
- Lack of disturbance or erosion from tourism and recreation;
- Appropriate management, including grazing, mowing, vegetation clearance, burning at an appropriate level, low nutrient input; and
- Other potential threats include: commercial fisheries, aggregate extraction, gas exploration, adverse effects on interest features as a result of coastal and flood defences.

## Ramsar

- Appropriate management, including grazing, mowing, vegetation clearance an appropriate level;
- The absence or control of introduced or invasive species;
- Current extent and distribution of suitable feeding and roosting habitat (e.g. saltmarsh, mudflats);
- Sufficient prey availability (e.g. small fish, crustaceans and worms);
- Minimal levels of disturbance; and
- Water quality necessary to maintain intertidal plant and animal communities; and
- Water quantity and salinity gradients necessary to maintain saltmarsh conditions suitable for bird feeding and roosting.

## Site: Roudsea Wood and Mosses SAC <5km from the Plan area

- Appropriate management;
- Low nutrient input;
- Adequate water supply to maintain water tables; and
- Limited air pollution.

## Possible effects of the SPD

### Likely significant effects to sites (including potential ‘in-combination’ impacts)?

3.9 The area covered by the SPD is not within immediate proximity to any of the nearest protected sites as listed in paragraph 3.8. However, consideration was needed regarding the possible effects of the SPD and likelihood of impacts of these on protected sites. HRA has already been undertaken for higher tier plans (The South Lakeland Local Plan – Core Strategy and Local Plan - Land Allocations and Development Management Policies DPD) beneath which the Plan sits, including an assessment of other relevant plans and strategies affecting the Plan area. Furthermore, existing protective policies will continue to apply. As such, the potential for the SPD to have significant effects on identified protected sites would appear to be very limited.

### Conclusion

3.10 Given the SPD does not introduce new planning policy, the SPD, alone or in combination with other plans and programmes, is not likely to have a significant effect on any European site. South Lakeland District Council concludes that the possibility of significant effects on protected sites can be ruled out and therefore, it will not be necessary to subject the Plan to HRA.

## 4. Overall Conclusions

- 4.1 Based on the assessments undertaken in the preceding sections, it is concluded that SEA and HRA are not required for the Cartmel Conservation Area Management Plan SPD, as the possibility of significant effects can be ruled out.

## Appendices

### Appendix 1 Relevant current Local Plan policies

#### Core Strategy Policy CS8.6 Historic Environment

The Core Strategy supports:

- The safeguarding and, where possible, enhancing of historic environment assets, including their characteristic settings and any attributes that contribute to a sense of local distinctiveness. Such assets include listed buildings and features (both statutory and locally listed), conservation areas, scheduled ancient monuments and registered parks and gardens.
- Seeking the adaptive reuse of redundant or functionally obsolete listed buildings or important buildings within conservation areas, without harming their essential character.
- The preparation of a list of buildings and features of local architectural or historic importance in order to assist in the planning of a prioritized programme of conservation management for such buildings and features.
- The production of conservation area management plans to identify and explain how the Council will seek to preserve and enhance the special interest of such areas.
- Actions that will ensure the proper conservation of all heritage assets, giving particular priority to those identified as being at risk.
- Working with owners of heritage assets to ensure their maintenance and repair accessibility and, where opportunities exist, their use as an educational resource.
- Consideration of the introduction of tighter controls within conservation areas and other sites or areas of heritage importance by implementing Article 4 (2) Directions to control certain types of permitted development, which, if unchecked, would cause harm to the special character and appearance of such areas.
- The safeguarding and, where possible enhancement of, locally important archaeological sites and features within the historic environment.

## Development Management Policy DM3 – Historic Environment

*Purpose: To protect and enhance the valuable Historic Environment of the District, including all designated and non-designated heritage assets.*

Development proposals will safeguard and, where appropriate, enhance all heritage assets and their settings, in a manner that is appropriate to their particular significance.

### **Assessing Significance and Impact**

Proposals affecting a designated or non-designated heritage asset, including its setting, will be assessed taking into account its significance, as derived from the relative value of its architectural, historic, artistic or archaeological interest; and the impact that the proposals would have upon that significance, including whether it causes any harm. Development proposals must be supported by a Statement of Significance and Impact which should:

1. demonstrate a clear understanding of the asset's significance, including all those parts that would be affected by the proposal, as well as the contribution made by its setting; and which is proportionate to whether it is a non-designated or designated asset, and the amount of any change involved; and
2. explain how the asset and its setting will be affected by the proposed development, and demonstrate how any harm would be minimised or averted, including any mitigation methods; and
3. present a justification for the proposal that explains why any resulting harm is considered to be necessary or desirable; and
4. identify what public benefits might arise from the proposal.

### **Listed Buildings**

Development proposals will be expected to conserve, enhance and where appropriate better reveal the significance of listed buildings and their settings. Applications relating to listed buildings will be expected to demonstrate how they would:

5. preserve and better reveal the internal or external significance of the heritage asset and its setting, as well as secure any opportunities for enhancement; and
6. take into account its special architectural or historic interest; and
7. ensure its continued use and longer term viability; and
8. where appropriate, result in the securing of any public benefits; and
9. maximise opportunities for promotion, enjoyment, understanding and interpretation.

Proposals that cause substantial loss or harm to the significance of listed buildings will be refused unless it can be clearly and convincingly demonstrated that such harm or loss is necessary to achieve corresponding substantial public benefits that outweigh that harm or loss. Less than substantial harm must be clearly and convincingly justified, and this harm weighed against the public benefits of the proposal, including securing its optimum viable use.

## **Archaeology**

Development proposals that cause substantial loss or harm to the significance of a scheduled monument will be refused unless it can be clearly and convincingly demonstrated that such harm or loss is necessary to achieve corresponding substantial public benefits that outweigh that harm or loss. Less than substantial harm must be clearly and convincingly justified, and this harm weighed against the public benefits of the proposal, including securing its optimum viable use.

Any proposals that affect a non-designated archaeological asset (whether known or on sites where there are reasonable grounds for the potential of unknown assets) will be determined according to its significance and the level of harm that would result from the proposal.

The level of information required to support an application will be proportionate to its significance and the scale of the proposal's impact. Where necessary to enable an application to be determined, a desk-based archaeological assessment and/or a field evaluation should be provided.

All applications will be expected to demonstrate:

10. an understanding of the asset's significance and the contribution made to this by its setting; and
11. how the proposal will impact on the asset including any excavations, structures or new features; and
12. the identification of any harm, whether this is necessary and how this will be mitigated; and
13. the extent to which any proposed works would result in public benefits.

The Council's preferred approach will be to seek to avoid unjustified damage to such remains through their preservation in situ. When in-situ preservation cannot be warranted, the developer will be required to make adequate provision for the excavation and recording of the asset, provide opportunities to promote this archaeological heritage (both above and below ground) and find ways to interpret and present this material to the public.

## Historic Parks, Gardens and Landscapes

Proposals that cause substantial loss or harm to the significance of registered Parks and Gardens will be refused unless it can be clearly and convincingly demonstrated that such harm or loss is necessary to achieve corresponding substantial public benefits that outweigh that harm or loss. Less than substantial harm must be clearly and convincingly justified, and this harm weighed against the public benefits of the proposal, including securing its optimum viable use. Any proposals for development must ensure that they conserve and enhance the significance of relevant heritage assets and their settings including formal design, layout, character, appearance and any views or vistas to, from and within the asset. Opportunities to reinstate original features, increase public enjoyment and understanding, and provide interpretation will usually be supported.

## Conservation Areas

Development proposals affecting, or within the setting of a Conservation Area will be expected to preserve or enhance its special character and appearance. Any proposals for development and alterations will need to demonstrate that they:

14. relate positively to the architectural or historic interest of its buildings, its spatial and broader townscape character, street pattern, any open spaces, important views within, into or out of the Area, and, where appropriate, its setting; and
15. take fully into account any identified significance that is contained in the Council's adopted Conservation Area Appraisal and Management Plan for the relevant designated area; and
16. seek to retain or introduce features which contribute positively to the spatial character and appearance of the area and its setting in terms of height, scale, physical massing, and the materials used in any design; and
17. explain how any harm to the conservation area will be avoided or appropriately mitigated; and
18. where relevant, establish how any identified harm is outweighed by the public benefits of the proposal.

Proposals that cause substantial loss or harm to the significance of a conservation area will be refused unless it can be clearly and convincingly demonstrated that such harm or loss is necessary to achieve corresponding substantial public benefits that outweigh that harm or loss. Less than substantial harm must be clearly and convincingly justified, and this harm weighed against the public benefits of the proposal, including securing its optimum viable use.

## **Non Designated Heritage Assets of Local Significance**

The Council recognises the value of non-designated heritage assets such as buildings, archaeological sites or other features of local significance and their contribution to local visual and historic identity. The Council attaches importance to their protection, and where planning permission is required consideration will be given to appropriate level of preservation or enhancement.

There will be a presumption in favour of the retention of non-designated heritage assets of local significance that have been included in the Council's 'Local List; or which are identified during the pre-application or application processes, using the Council's adopted selection criteria.

Where the significance of a non-designated heritage asset is affected by a development proposal, those elements that contribute to their significance should be retained and enhanced wherever possible.

In determining such applications the Council will make a balanced judgement that takes into account the scale of any harm against the degree and extent of any significance that the heritage asset possesses; any contribution it makes to the area, and the public benefits of the proposal.

When the loss of a non-designated heritage asset is permitted, the Council will require an appropriate level of survey and recording, which may also include archaeological investigations; the result of which should be deposited with the local Historic Environment Record (HER).

## **Heritage at Risk**

The Council will encourage and look favourably at proposals that would secure the preservation of heritage assets on the 'Heritage at Risk' register managed by Historic England; as well as those assets defined as being at risk that have been identified by the Council, including those on its own 'Local List' of non-designated assets. In doing so, it will pay special regard to any public benefits that would result from the proposal, while seeking to ensure that the development would release the optimal viable use of the asset.

## Appendix 2 Map of Cartmel Conservation Area



Reproduced from Ordnance Survey mapping with permission of Her Majesty's Stationary office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence No.100024277

### [Appendix 3 Comments received on SEA, HRA Initial Screening Opinion Report August 2021](#)

#### **Comments from Environment Agency**

##### **Cartmel Conservation Area Management Plan SPD – consultation on initial SEA, HRA Screening Opinion Report August 2021**

I refer to the above consultation request which was received by the Environment Agency on 24 August 2021.

We have considered the screening opinion report and support the conclusion of South Lakeland District Council that an SEA and HRA are not required for the Cartmel Conservation Area Management Plan SPD.

Yours sincerely

[REDACTED]

Planning Advisor - Sustainable Places

E-mail [REDACTED]

#### **Comments from Natural England**

Thank you for your consultation on the above, dated and received by Natural England on 24 August 2021.

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.

**Based on the information provided, Natural England concur with South Lakeland District Council's conclusions reached within the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Opinion for Cartmel Conservation Area Management Plan.**

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

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.

For any queries relating to specific advice in this letter only, please contact [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

[REDACTED]

Sustainable Development Lead Advisor

### Comments from Historic England

#### SEA Screening Opinion for draft Cartmel Conservation Area Management Plan SPD (August 2021).

We write in response to your e-mail of 24 August 2021, seeking a screening opinion from Historic England as to whether SEA and HRA are required for the draft Cartmel Conservation Area Management Plan. As the public body that advises on England's historic environment, we are pleased to offer our view.

In relation to the SEA screening and for the purposes of this consultation, Historic England will confine our advice to the question, "is it likely to have a significant effect on the environment?" in respect to our area of concern, cultural heritage. Our comments are based on the information supplied at this time within the Screening Opinions and accompanying draft CAMP.

In view of the SPD proposing no site allocations and the Local Plan policies, upon which the SPD expands, having been subject to detailed SA (including SEA) as part of the Local Plan process, the SPD is unlikely to have significant environmental effects upon the historic environment. So, we concur with your findings, that Strategic Environmental Assessment of the SPD is not required.

We would like to stress that this opinion is based on the information made available. To avoid any doubt, this decision does not preclude Historic England providing further advice on later stages of the SEA process, should this be required, nor objecting to specific proposals that may subsequently arise (either as a result of this consultation or in later versions of the CAMP), where we consider that these would have an adverse effect upon the historic environment.

We have no comments to make in relation to the HRA screening. The views of all statutory consultation bodies should be taken into account before the overall decision on the need for SEA and HRA is made. We request that you please send Historic England a copy of your determination.

Yours sincerely,

[REDACTED]

Historic Places Adviser

[REDACTED]