

Stage 2 Habitats Regulations Assessment



Environment Agency record of appropriate assessment

This is a record of the appropriate assessment required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (SI 2017/1012), undertaken by the Environment Agency in respect of the permission, plan or project detailed below.

Version: Draft 4, 18/01/2018

Permission, plan or project (PPP) details

Type of PPP:	Replacement of migratory salmonid fisheries regulations in the Solway area
Environment Agency reference no:	
National grid reference:	NY 35329 61861 (approximate downstream limit of River Eden SAC)
Site reference:	River Eden SAC

Description of proposal

A package of fisheries regulations are proposed for salmon fisheries in the River Eden SAC and an interceptory net fishery in the Solway Firth. For fisheries operating within the River Eden SAC, this package of measures includes byelaws to replace recently expired byelaws that affect the rod fishery, and additional licence restrictions on a trap fishery. For the Solway Firth haaf net fishery, the package of regulations includes a new Net Limitation Order and associated byelaws (including changes to existing byelaws and replacement of recently expired byelaws). It is proposed that these regulations will come into force in the first half of 2018 and remain in force for a period of not more than ten years, with a mid-term review after five years of introduction.

These proposed regulatory changes are as follows:

River Eden rod fishery:

- Mandatory 100% catch-and-release angling for salmon with the River Eden catchment by time-limited byelaw. In other words, no salmon caught on rod and line anywhere within the River Eden catchment may be killed and fish must be returned alive to the river with least possible injury.
- No additional measures with regards to salmon fishing are proposed for this fishery with respect to the taking of salmon.

River Eden trap fishery:

- Mandatory 100% catch-and-release of all salmon caught within this fishery by means of catch conditions. In other words, no salmon caught in this fishery may be killed and fish must be returned alive to the river with least possible injury.
- No additional measures with regards to salmon fishing are proposed for this fishery with respect to the taking of salmon.

Solway Firth haaf net fishery:

- The number of licences available in this fishery will be limited to 75 licences by means of a time-limited Net Limitation Order.
- Mandatory 100% catch-and-release of all salmon caught within this fishery by time-limited byelaw. In other words, no salmon caught in this fishery may be killed and fish must be returned alive to the firth with least possible injury.
- The daily close period for this fishery will be set at midnight to 6am each day by means of a time-limited byelaw. In other words, licence holders may not operate within this fishery from midnight to 6am during the fishing season.
- The existing byelaw setting the weekly close period for the fishery (from 10pm Friday to 10am Monday) will be revoked. In other words, haaf netting will be allowed Monday to Sunday during the prescribed fishing season, with the exception of the daily close period outlined above.
- No additional measures with regards to salmon fishing are proposed for this fishery with respect to the taking of salmon.

Compared to fishery regulations in force up to and including 2017, this proposed package of measures will result in a significant reduction in the losses of salmon destined for, or caught within, the River Eden SAC whilst allowing fishing to continue in order to maintain the socio-economic values of the fisheries concerned. Note that the proposed package of measures does not affect the functioning of other fisheries regulations that, for example, set the annual close season in each fishery and prevent the killing of salmon in the spring.

In addition to the local measures proposed here, we anticipate that impending national measures (as part of the Five Point Approach to salmon management) will be introduced to improve the survival of released rod-caught salmon. Specifically, method restrictions will be introduced and revised best practice guidelines for the “playing” and release of salmon will be published. These restrictions may be voluntary measures (at least to begin with) and will be actively promoted by the Environment Agency’s partner organisations.

It should also be noted that additional measures are proposed to reduce the numbers of sea trout killed in these fisheries too. As the sea trout is not a designated feature of the River Eden SAC (or Solway Firth SAC) these measures are not discussed further here.

Summary of Stage 1 (likely significant effect) conclusion

At stage 1 it was not possible to rule out the likelihood of significant effects, those effects requiring appropriate assessment are summarised below.

EA habitat/species group	Risk	Likely significant effect alone	Likely significant effect in combination
River Eden SAC (UK0012643)^			
1.01 Fens and wet habitats (not sensitive to acidification)	Physical damage	No	No
1.03 Riverine habitats and running waters	Nutrient enrichment	No	No
	Physical damage	No	No
1.04 Standing waters (sensitive to acidification)	Nutrient enrichment	No	No
	Physical damage	No	No
2.05 Anadromous fish	Disturbance	No	No
	Killing/injury or removal of fish or other animals	Yes	Yes
	Nutrient enrichment	No	No
	Physical damage	Yes	Yes
2.06 Non-migratory fish and invertebrates of rivers	Disturbance	No	No
	Killing/injury or removal of fish or other animals	No	No
	Nutrient enrichment	No	No
	Physical damage	No	No
2.09 Mammals of riverine habitats	Disturbance	No	No
	Killing/injury or removal of fish or other animals	No	No
	Nutrient enrichment	No	No
	Physical damage	No	No

^ Protected area under the Water Framework Directive

* Priority natural habitat/priority species

Conservation objectives¹

The appropriate assessment will consider the implications of the proposals in view of the site's conservation objectives. The conservation objectives for the sites requiring appropriate assessment are below:

River Eden SAC (UK0012643) [^]	Version: 2	Date: 30 th June 2014
<p>With regard to the SAC and the natural habitats and/or species for which the site has been designated and subject to natural change;</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its qualifying features, by maintaining or restoring;</p> <p>For Qualifying Habitats:</p> <ul style="list-style-type: none">- the extent and distribution of qualifying habitats- the structure and function (including typical species) of qualifying habitats, and- the supporting processes on which qualifying habitats rely. <p>For Qualifying Species:</p> <ul style="list-style-type: none">- the extent and distribution of habitats of qualifying species- the structure and function of habitats of qualifying species- the supporting processes on which habitats of qualifying species rely- the populations of qualifying species, and- the distribution of qualifying species within the site.		

Updated conservation objectives for the River Eden SAC were published by Natural England in September 2017². The site-specific standards defining favourable condition are set out as being that:

- The spatial distribution of juvenile salmon should reflect their near-natural distribution and they should be present in all relevant units of the SAC.
- The population densities of juvenile salmon should not differ significantly from those expected for that river type under conditions of high physical and chemical quality.
- The adult run size of salmon should equate to an agreed reference level (the Conservation Limit) being exceeded in four out of every five years. In addition, a seasonal pattern of migration characteristic of the river and maintenance of the multi-sea-winter component is required.
- No stocking or transfers of salmon into the River Eden catchment take place unless agreed to be in the best interests of the population³.

¹ Generic conservation objectives are based on 'Natural England (2014) Conservation Objectives for European Sites in England Strategic Standard 01/02/2014 V1.0'

² Natural England (2017) River Eden SAC/SSSI: Assessment for salmon - September 2017

³ The Environment Agency's current salmon stocking policy precludes the stocking of any salmon into any SACs that have salmon as a designated feature.

Site condition and conservation status of qualifying features

Conservation Limit compliance

The Environment Agency assesses salmon stock status in the River Eden (and all other principal salmon rivers) by estimating egg deposition each year and comparing this to the river's Conservation Limit (CL). The CL is the minimum desirable spawning level below which stocks should not be allowed to fall in order to avoid a progressively increasing risk of long-term damage to fish stocks.

Salmon stock performance on each principal salmon river is assessed annually using a CL compliance scheme that is designed to give an early warning that a stock has fallen or is likely to fall below its CL. Regression analyses are applied to egg deposition estimates from the last 10 years to determine whether or not there is an underlying statistical trend in the data over this period. Stock status (as a risk category) is defined for that year and predicted for five years into the future, and this information is used to trigger management actions, including regulatory changes, to ensure stocks are adequately protected.

The CL for the River Eden was first published in the River Eden Salmon Action Plan in 1997 (and revised downwards in 2003 to reflect reduced marine survival and to help focus conservation measures towards issues that could be locally managed). The current CL for the Eden is 200 eggs per 100m² of accessible wetted area (688 Ha), equating to a total of 13.75 million eggs.

Up to and including 2013, salmon egg deposition in the River Eden was estimated using a combination of rod catch data for the bulk of the catchment and trap catch data for the River Caldew. Egg depositions were estimated from these two sets of data and combined to produce a catchment-wide total. However, it is likely that a proportion of rod catches in the wider Eden catchment were also of salmon destined for the River Caldew, resulting in double-reporting in egg deposition estimates and exaggerated CL compliance.

From 2014 onwards and in the absence of trap catch data from the River Caldew, an additional correction was made to the rod-based assessment to account for the lack of trap data. This correction, the total egg deposition scaled up by the size of the Caldew catchment, is very likely to have overestimated egg deposition in the River Caldew and the Eden as a whole because in the last few years of trap operation, runs into the Caldew were very poor. It is therefore likely that egg depositions from 2014 to 2016 are also over-estimated and consequently CL compliance exaggerated.

Figure 1 shows estimated salmon egg depositions in the River Eden from 1994 to 2016 in relation to the river's CL. As can be seen, estimated egg deposition in the Eden has fallen considerably and consistently since 2004 to an all-time low in 2014. In 2013 and 2014 the river failed to achieve its CL by a significant margin and failed again in 2015 although by the narrowest of margins (just over 1%).

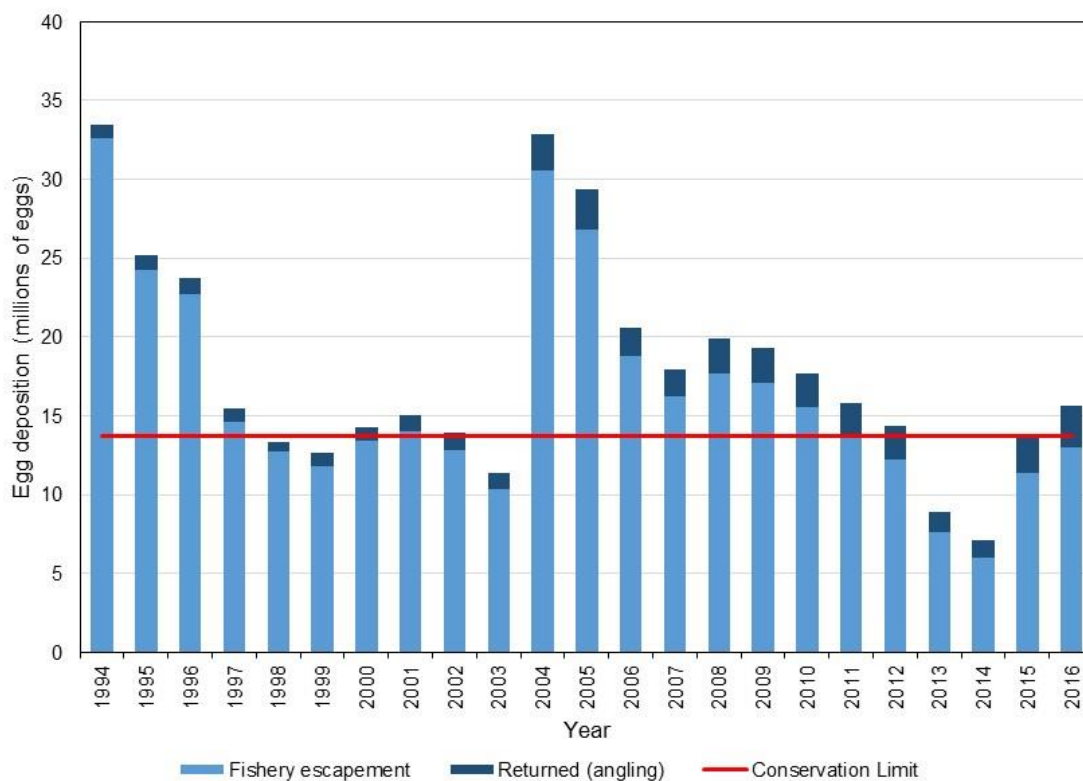


Figure 1 : Estimated salmon egg deposition in the River Eden catchment, 1994-2016. The Conservation Limit (CL) is denoted by a solid red line.

Although low levels of egg deposition were observed in the River Eden from 1998 to 2003, the more recent decline since 2004 is considerably more concerning because on this occasion similar trends have been reported throughout the Southern range of the salmon⁴. Furthermore, marine survival has continued to decline, reducing the potential for the stock to recover. The decline since 2004 has occurred despite reductions in coastal and riverine exploitation over this period, including the introduction of the current NLO and byelaw package in 2007 and a significant increase in catch-and-release angling through statutory and voluntary means.

⁴ See CEFAS et al (2017) Salmon Stocks and Fisheries in England and Wales in 2016 for more information.

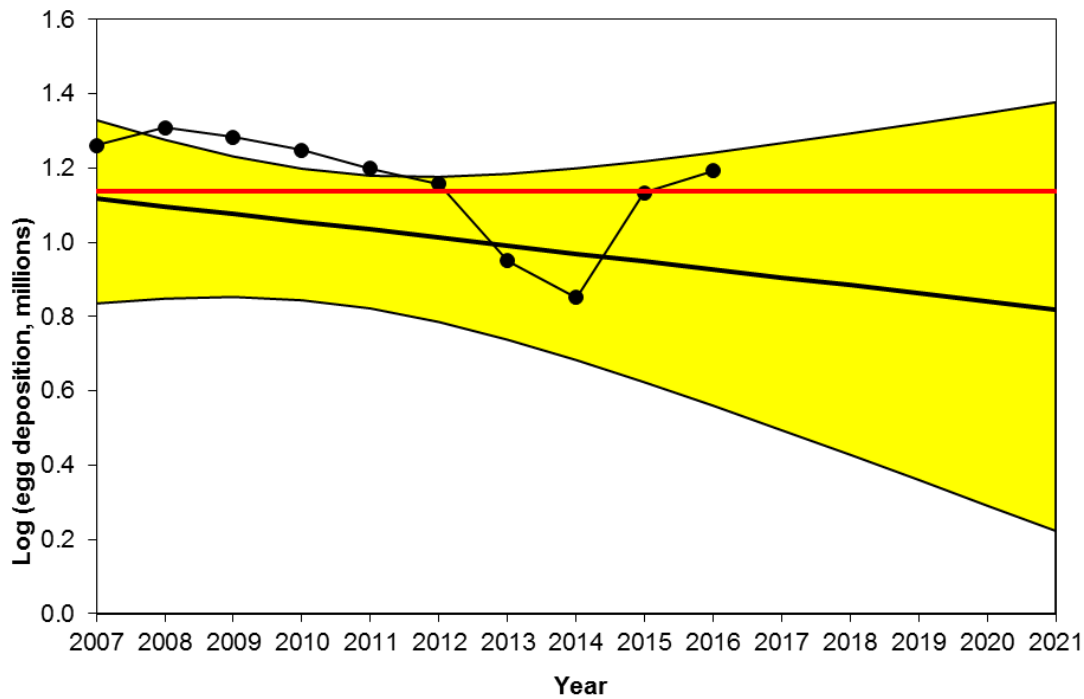


Figure 2 : Salmon stock compliance assessment for the River Eden, 2016. Annual egg deposition estimates are presented as black circles and the CL as a solid red line. The thick black line shows the 20th percentile trend line and the yellow shaded area the upper and lower bound of the confidence interval around this.

Figure 2 presents the River Eden salmon CL compliance from 2007 to 2016. The River Eden’s salmon stock is currently classified as “Probably at Risk” and is predicted to remain so in five years’ time.

The stock has not met the management objective (MO) of meeting CL in four years out of five and therefore cannot be considered to be at a sustainable and safe level. The earliest that the River Eden can meet this objective is following the 2018 salmon stock assessment that will be carried out in 2019, and this is dependent on the river achieving its CL each year until then.

In addition, because the River Eden failed to achieve its CL in 2013 and 2014, the River Eden SAC is considered to be in “Unfavourable Condition” for salmon because the achievement of the MO for salmon also dictates condition status of the SAC. Consequently, the earliest that the SAC can be considered to be in “Favourable Condition” is also 2019 and again this is dependent on no further failures to achieve CL in the years leading up to this. This reinforces the need to take significant action to address the shortfall in salmon egg deposition in this catchment.

As mentioned above, egg deposition in the River Caldew subcatchment was calculated using trap catch data up to and including 2013 (Figure 3). These data show that from 2009 to 2013 inclusive, the River Caldew failed its CL and that this failure was particularly significant from 2011 to 2013 when less than half of the river’s CL was attained. Thus, the only independent adult run-size data we have in the Solway area very clearly demonstrates an acute and rapid decline in salmon stocks since 2004.

Trapping ceased after 2013 and since then egg deposition in the River Caldew has been estimated based on the wider Eden catchment.

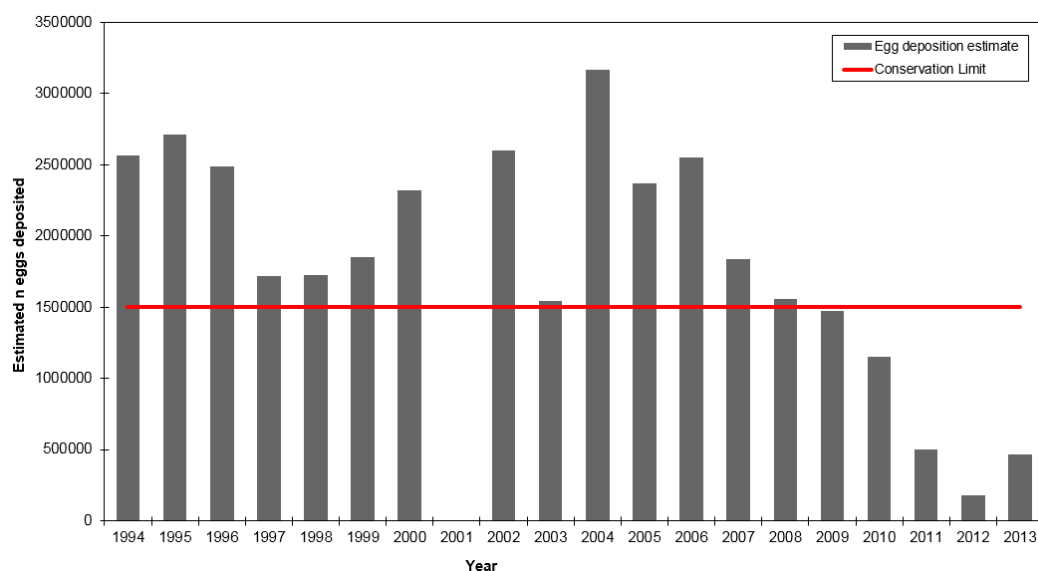


Figure 3 : Estimated salmon egg deposition in the River Caldew, a subcatchment of the River Eden.

Juvenile salmon populations

The Environment Agency carries out electrofishing surveys across the River Eden catchment as part of its routine monitoring work. Core sites are monitored every two or every six years. Juvenile salmon densities at sites surveyed in 2016 were compared to recent potential densities (i.e. the best results obtained at each site from 2002 onwards) (Table 1). These data show that not only were the proportions of sites recording Excellent or Good numbers of salmon fry and parr considerably below recent potential, but the proportions of sites showing an absence of fry or parr had increased significantly.

Table 1 : Juvenile salmon classifications in the River Eden catchment at recent site potential and as recorded in 2016

Salmon classification	Salmon fry		Salmon parr	
	Potential	2016	Potential	2016
A (Excellent)	40%	4%	36%	9%
B (Good)	15%	4%	26%	15%
C (Fair)	11%	4%	17%	17%
D (Fair)	13%	13%	11%	9%
E (Poor)	17%	21%	11%	19%
F (Absent)	4%	53%	0%	32%

With regards to the conservation objectives of the River Eden SAC, juvenile salmon densities across the Eden catchment were, in 2016, significantly below recent potential densities for those same sites. Furthermore, the spatial distribution of salmon had declined with more than half of sites not containing any salmon fry and nearly one third no parr.

Overall site condition assessment for salmon

The Environment Agency's assessment places the Eden salmon stock as being Probably At Risk now and in five years time, with an underlying downwards trend in stock size. As described above, the River Eden SAC is currently in Unfavourable Condition for salmon and will remain so until 2019 at the earliest.

This conclusion is based on salmon egg deposition having, in effect, met CL in 2015 but salmon fry densities recorded in 2016 suggest that recruitment from the 2015 spawning year may have been over-estimated. Consequently, it may be 2020 at the earliest before we can reasonably consider salmon, as a designated feature of the River Eden SAC, to have moved out of Unfavourable Condition.

Appropriate assessment: assessing the impacts alone

As described above, the River Eden SAC is currently in Unfavourable Condition and this is despite various regulatory controls being in place over this assessment period (and the preceding years) to limit numbers of salmon killed. In other words, existing and recently expired controls have not been sufficiently robust to prevent the Eden's salmon stock deteriorating. Furthermore, the recent expiration of key controls will exacerbate this issue as salmon losses in these fisheries are likely to increase significantly.

Instead, the proposed package of measures will result in significant reductions in the numbers of salmon lost from the River Eden, increasing numbers of salmon escaping to spawn and thus increasing the likelihood of the River Eden SAC moving towards Favourable Condition.

Recent Net Limitation Orders introduced in England have allowed individual fisheries to kill adult salmon equivalent to 1% or, at most, 2% of CL. Of particular relevance, a net fishery exploiting salmon destined for the River Tavy (part of Dartmoor SAC) was, in a 2014 NLO review, allowed to recommence the killing of salmon up to the equivalent of 1% of recent egg deposition estimates, with additional losses in the rod fishery. However, it should be noted that at the time the Tavy salmon stocks was predicted to move out of "Probably At Risk" and into "Probably Not At Risk" in five years' time. This low level of exploitation was considered to be sufficiently low enough as to have no significant effect upon the future conservation status of the River Tavy salmon stock.

We have explored the potential to allow the limited killing of salmon in the Solway Firth haaf net fishery and the River Eden rod fishery to the equivalent of 1% of CL in each fishery or 2% in total. However, in doing so we recognise that any catch-and-release fishing in these fisheries will result in additional fish mortalities (i.e. in addition to fish killed by licensees) and that such losses must be fully considered.

Based on declared catches in recent years, we found that even if these fisheries had operated on an entirely catch-and-release basis, total salmon losses exceeded 2% of CL in most years (Table 2) and exceeded 2% of estimated egg depositions in all years (average 2.2% of CL). In arriving at these figures, we assumed that total catch remained as declared, that there was no increase or decrease in allowable effort and that post-release survival to spawning in both fisheries was 90%⁵.

Table 2 : Estimated proportion of salmon eggs lost from the River Eden fisheries operated as catch-and-release only for salmon. Values are expressed as proportions of the Eden's CL, and as proportions of estimated egg deposition (in parenthesis).

Year	Proportion of eggs lost from River Eden in each fishery		
	Net fishery	Rod fishery	Total loss
2011	0.5% (0.4%)	2.4% (1.9%)	2.9% (2.3%)
2012	0.4% (0.4%)	2.0% (0.4%)	2.4% (2.2%)
2013	0.6% (0.9%)	1.4% (2.0%)	2.0% (2.9%)
2014	0.3% (0.5%)	1.0% (1.8%)	1.2% (2.3%)
2015	0.3% (0.3%)	2.0% (1.9%)	2.2% (2.2%)
2016	0.4% (0.3%)	2.2% (1.8%)	2.6% (2.2%)

As stated above, the proposed regulatory measures will result in a significant reduction in the numbers of salmon eggs lost from the River Eden through the continued operation of these

⁵ Based on radio-tracking studies carried out on the River Eden and elsewhere.

fisheries. Egg losses of approximately 2% of CL represent a significant saving of eggs when compared to actual losses in recent years. We estimate that, over the period 2011 to 2016, the average proportion of eggs removed per year (as a proportion of CL) was 10.0% (range 5.3% to 16.4%).

While there will be additional cumulative losses through the lifespan of the proposed measures, these proposals will again result in considerable savings when compared to recent years. For example, if the proposed measures remain in place for a 10 year period and total potential eggs lost in the various fisheries remains, on average, 2.2% at CL per year then the cumulative loss by year 10 will be approximately 4.4% of eggs at CL. In contrast, if the average egg loss remains at recent levels of 10.0% per year (as above) then cumulative loss in year 10 will be 19.0%. At the recent best case scenario of 5.3% of eggs lost per year, the cumulative loss in year 10 would be 10.3%.

To put this into context and based on catch data from 2014-2016, the proposed measures are likely to result in, on average, an additional 202 salmon per year escaping to spawn. These are the most recent years for which data are available, and mandatory and voluntary catch controls were consistent over this period. We estimate that an additional 515 salmon per year would have been saved over the three preceding years (2011-2013) when controls were less restrictive. Furthermore, there will be cumulative benefits in the years following the introduction of the proposed measures because the additional adults saved will result in more eggs, more smolts and, in turn, more returning adults. Therefore, the proposed measures will improve the condition of the River Eden SAC.

It should also be noted that, as proposed, this package of measures will only be in place for up to ten years and will be reviewed after five years. If it is apparent that additional protection is required then further action will be taken at this time.

Finally, and as stated earlier, additional national measures are expected to be introduced in the near future that should improve the survival of released rod-caught salmon. Although not yet finalised, we anticipate that these measures, if implemented, will reduce losses of eggs in the rod fishery (where the majority of losses occur) by increasing the numbers of adult salmon escaping to spawn.

Appropriate assessment: conclusion alone

Regulations controlling the exploitation of River Eden salmon to-date have not been sufficiently robust to prevent the SAC falling into unfavourable condition. And, if no new measures are introduced, this situation is likely to be exacerbated because the recent expiry of several important regulatory controls is likely to result in the numbers of salmon killed increasing in all fisheries.

However, by introducing a package of measures that includes the mandatory release of all salmon caught in these fisheries, significant increases in the numbers of salmon escaping to spawn will be achieved and this will help move the SAC towards favourable condition. In other words, the proposed measures will result in a significant, demonstrable contribution towards improving the integrity of the River Eden SAC because these measures will improve the conservation status of the SAC.

We therefore conclude that the proposed measures alone will have no adverse effect on site integrity of the River Eden SAC.

Appropriate assessment: assessing the impacts in combination

An in combination assessment was completed as part of the Stage 1 screening of likely significant effect step. It was concluded that there was a potential for in combination effects with other PPP.

Summary of effects identified at Stage 1

Site and feature	River Eden SAC
Effect of this PPP Replacement of migratory salmonid fisheries regulations in the Solway area	<u>Atlantic Salmon</u> Potential for the direct killing or injury of fish.
Effect of other PPP Annan Common Good and Dornock net fisheries	<u>Atlantic Salmon</u> Potential for the direct Killing or injury of fish.

Plans or projects to be assessed in combination

With regards to the package of measures proposed for the rod and net fisheries described above, there is a potential for in combination effects from the operation of the Annan Common Good net fishery which also catches salmon destined for the River Eden SAC. At the time of writing (January 2018), losses of Eden salmon associated with the operation of this fishery are much reduced on historic levels as a consequence of:

1. The stake net component of this fishery does not currently operate because Dumfries and Galloway Council could not conclude no adverse effect on the site integrity of the River Eden SAC.
2. New fisheries regulations introduced by the Scottish Government in 2016 which placed the River Annan's salmon stock in the lowest of three categories (Category 3) each year up to and including 2018. This categorisation requires that rod and net fisheries exploiting salmon destined for the River Annan must operate as catch-and-release only fisheries. Thus, haaf netters operating in the Annan Common Good fishery must release all salmon caught in this fishery, including any destined for the River Eden. Whilst the categorisation of the River Annan's salmon stock is reviewed every year by Marine Scotland, it is our understanding that prior to any change in the operation of the Annan Common Good fishery an appropriate assessment will be required to ensure that any changes do not impact on the River Eden SAC.

It should be noted that from 2016-2018 inclusive a limited killing of salmon by Annan Common Good haaf netters has been authorised by Marine Scotland, equating to a maximum allowable kill of 90 fish. However, we understand that fewer than 35 salmon have been killed in this fishery in either 2016 or 2017 (of which an unknown proportion are likely to be Eden salmon). 2018 is the final year of this study and any extension of this work, or any other limited kill of salmon within this fishery, will require an appropriate assessment to ensure that there is no significant impact on the River Eden SAC.

A smaller haaf net fishery (two netters only) operates upstream of the Annan Common Good fishery, the privately-owned Dornock fishery. This fishery must, like the Annan Common Good

fishery, operate as a catch-and-release fishery for salmon as a result of the categorisation of the River Annan's salmon stock. However, any future change in the operation of this fishery will also require an appropriate assessment to be carried out to ensure that there is no adverse effect on the River Eden SAC.

It should be noted that even if these fisheries continue to operate as 100% catch-and-release fisheries for salmon, this will still result in salmon mortalities, and a proportion of the fish lost will be destined for the River Eden. Although this will increase numbers of eggs lost from the River Eden, we believe that such Eden losses are likely to be considerably smaller than those associated with the fisheries that the Environment Agency regulate.

Appropriate assessment: conclusion in combination

The Annan Common Good and Dornock net fisheries are not currently permitted to kill salmon, with the exception of a limited kill to provide fish samples for a specific study that ends in 2018. Although there will be losses associated with the continued catch-and-release operation of these fisheries, these are considered to be relatively minor compared to those associated with the catch-and-release operation of the Environment Agency-regulated haaf net fishery or the River Eden rod fishery.

Any change in the operation of these fisheries, or any extension or change in the study mentioned above, will require an appropriate assessment to be completed to ensure that this will not adversely affect the site integrity of the River Eden SAC.

We conclude that, because these fisheries already operate as catch-and-release fisheries (notwithstanding the study mentioned above) and therefore result in significantly lower losses than in previous years, there will be no in combination effect on the River SAC from the introduction of the regulatory measures we propose to introduce within the River Eden or the Solway Firth haaf net fishery that we regulate.

Stage 2 Habitats Regulations Assessment conclusion

Qualifying Feature	Predicted Risk	Potential Impact on Conservation Objective	Will scale of impact lead to adverse effect on integrity of the site alone?	Will scale of impact lead to adverse effect on integrity of the site in combination?	Can adverse effects be avoided or mitigated?
River Eden SAC (UK0012643)^					
2.05 Anadromous fish	Killing/injury or removal of fish or other animals Physical Damage	Negative impact through the direct killing or injury of fish as a result of catch and release. Potential impact on spawning success, egg deposition and therefore site integrity.	The introduction of a 100% catch and release fishery for salmon will significantly reduce the number of salmon directly killed from the River Eden salmon stock. Indirect loss of fish will continue due to mortality from catch and release fishing. However, the proposed measures will result in significant increases in numbers of adult salmon escaping to spawn, improving the condition of the River Eden SAC.	The introduction of a 100% catch and release fishery for salmon will significantly reduce the number of salmon directly killed from the River Eden population. This PPP will have a positive impact on site integrity when acting alone or in combination with other plans or projects.	N/A

Stage 2 Habitats Regulations Assessment summary

River Eden SAC (UK0012643)^

The plan or project as proposed can be shown to have no adverse effect on the integrity of the site.

Advice

Environment Agency internal advice and consultation

- FBG- SSSI and SAC protected area local information and expertise.
- Fisheries- Local fisheries information, fisheries stocks comments, consideration of long term impacts.

Natural England advice

Natural England has provided draft feedback regarding the scope of this assessment and the Environment Agency has had regard to that advice in coming to its conclusion.

Third party advice

N/A

References

N/A

Decision

The Environment Agency is minded to:

- Undertake the PPP

Name of Environment Agency officer:	Keith Ashcroft
Job title:	Deputy Director
Date:	18 January 2018

This appropriate assessment has been sent to Natural England for **consultation**

Date sent to Natural England:	18 January 2018
Date response received from Natural England:	18 January 2018

Natural England comments:

Natural England have provided advice on the draft appropriate assessment, and our comments have been incorporated. We agree with the outcome of the assessment.

Natural England advise:

- that the operation can go ahead

Name of Natural England officer:	Karen Slater
Job title:	Lead Adviser, River Eden, Border and Eden Team
Date:	18 January 2018

Final appropriate assessment record

This is a record of the appropriate assessment required by Regulation 63 of the Conservation of Habitats and Species Regulations 2010 (SI No. 2017/1012), undertaken by the Environment Agency.

The Stage 1 assessment concluded that the PPP would be likely to have a significant effect on the following site(s):

- River Eden SAC (UK0012643)^

An appropriate assessment has been undertaken of the implications of the proposal in view of the site's conservation objectives.

The Environment Agency concluded that the PPP would not have an adverse effect on the integrity of the following site(s), either alone or in combination with other plans and projects:

- River Eden SAC (UK0012643)^

Natural England were consulted on the appropriate assessment and the Environment Agency's conclusions on 18th January 2018 and their representations, to which the Environment Agency has had regard, are attached in Annex 1. The conclusions of this appropriate assessment are in accordance with the advice and recommendations of Natural England.

Name of Environment Agency officer:	Keith Ashcroft
Job title:	Deputy Director
Date:	18 January 2018