

# **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

**Submission Draft**

**Strategic Environmental Assessment and**

**Habitat Regulations Assessment**

**Screening Report**

**August 2016**

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## 1.0 Introduction

- 1.1 This screening report is designed to determine whether or not the Hartlepool Rural Neighbourhood Plan (hereafter known as 'HRNP') requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/ EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 This report also determines whether or not the HRNP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. As a general 'rule of thumb' it is advised that sites with pathways of 15km of the plan/project boundary should be included with a HRA for a Local Plan. There is no generally advised distance for neighbourhood plans except that it is recognised that any assessments should be proportionate to the scale and nature of the proposals included in the plan.
- 1.3 The purpose of the HRNP is to set out the community's views on how the rural area and its villages can meet the challenges of the future, which changes should, or should not, take place in the plan area and suggest priorities and proposals in relation to them for the period 2015 - 2030.
- 1.4 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 4 provides a screening assessment of both the likely significant environmental effects of the HRNP and the need for a full SEA. Section 5 provides a screening assessment of both the likely significant effects of the implementation of the HRNP and the need for an appropriate assessment under the Habitats Regulation.

## 2.0 Legislative Background

### Strategic Environmental Assessment (SEA)

- 2.1 The basis for Strategic Environmental Assessments is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The Planning Practice Guidance paragraph 27 states that "in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed (screened) to determine whether the plan is likely to have significant environmental effects. If likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of Regulation 12 of Environmental Assessment of Plans and Programmes Regulations 2004".

- 2.3 In addition paragraph 27 notes that “One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive”).
- 2.4 Paragraph 28 of the PPG adds “To decide whether a draft neighbourhood plan might have significant environmental effects, it must be assessed (screened) at an early stage of the plan’s preparation according to the requirements set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. These include a requirement to consult the environmental assessment consultation bodies”.
- 2.5 To fulfil the legal requirement to determine whether the HRNP requires a full SEA, a screening is undertaken in section 4 of this report.

### **Habitat Regulation Assessment (HRA)**

- 2.6 The Habitats Directive is translated into UK legislation through The Conservation of Habitats and Species Regulations 2010 also known as the Habitats Regulations. Within the context of local planning, Regulation 102(1) applies (Chapter 8 - Land Use Plans). Regulation 102(1) of the Habitats Regulations requires that where a land use plan:
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of that site,
- the plan-making authority for that plan must, before the plan is given effect, undertake an appropriate assessment of the implications in view of the site’s conservation objectives.”
- 2.7 The independent examination will consider whether the neighbourhood plan meets its obligations under the Habitats Directive.
- 2.8 To fulfil these legal requirements, a screening assessment has been undertaken in section 5 of this report to identify whether any likely significant effects will occur with the implementation of the HRNP upon the European Sites.

## **3.0 Document Structure**

- 3.1 This report is split into two parts. The first covers the screening for the SEA and the second covers the screening for the HRA. A summary of findings and conclusions for both screening processes can be found in the conclusions.

## **4.0 SEA Screening**

### **Criteria for Assessing the Effects of HRNP**

- 4.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to
  - 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,
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
  - environmental problems relevant to the plan or programme,
  - the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).
  
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to
  - the probability, duration, frequency and reversibility of the effects,
  - the cumulative nature of the effects,
  - the trans-boundary nature of the effects, the risks to human health or the environment (e.g. due to accidents),
  - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
  - the value and vulnerability of the area likely to be affected due to:
    - special natural characteristics or cultural heritage,
    - exceeded environmental quality standards or limit values,
    - intensive land-use,
    - the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

- 4.2 Guidance upon SEA's written by the Department of the Environment produces a diagram to the process for screening a planning document to ascertain whether a full SEA is required, see Figure1.



**Table 1: Establishing the Need for SEA**

Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	This Neighbourhood Plan is a neighbourhood development plan. If the NP receives 50% or more 'yes' votes through a referendum it will be adopted by Hartlepool Borough Council.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	N	Communities have a right to produce a Neighbourhood Plan, however communities are not required by legislative, regulatory or administrative purposes to prepare a Neighbourhood Plan. This plan however if adopted would form part of the statutory development plan, therefore it is considered necessary to answer the following questions to determine further if an SEA is required.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a)).	Y	The HRNP is prepared for town and country planning and land use and does set out a framework for future development in the Hartlepool Rural Plan area, including economic and retail development, which may fall under 10 (a & b) of Annex II of the EIA directive.
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b)).	N	See screening assessment for HRA in following section of this report.
5. Does the PP determine the use of small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The HRNP identifies policies and proposals for specific small areas.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art	Y	The HRNP sets policies which planning applications within the HRNP area must adhere to.

3.4)		
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	<b>N</b>	N/A
8. Is it likely to have a significant effect on the environment? (Art. 3.5)	<b>N</b>	The HRNP is unlikely to have any significant effect on the environment. For a full justification please see paragraphs 4.4 – 4.9

## Assessment

- 4.4 One of the basic conditions is that Neighbourhood Plans must be in general conformity with the strategic policies of the adopted Local Plan. Hartlepool Borough Council's Local Plan was adopted in 2006. A revised Local Plan is in course of preparation and the preferred options draft was published for consultation in May 2016.
- 4.5 The Neighbourhood Plan also has to have appropriate regard to national policy and to contribute to the achievement of sustainable development. The emerging Local Plan policies may be relevant in this regard as the adopted Local Plan may well not comply with NPPF/PPG and the emerging Local Plan is likely to comply to a much greater extent.
- 4.6 The adopted Local Plan was subject to a full Sustainability Appraisal which included a SEA assessment. This ensured that there were no likely significant effects which would be produced from the implementation of the Local Plan and if so ensured mitigation measures were in place.
- 4.7 The emerging Local Plan document will be subject to a Sustainability Appraisal which includes an SEA assessment. This will ensure that no likely significant effects would be produced from the implementation of the revised Local Plan, but if any effect is likely it will ensure mitigation measures are in place.
- 4.8 The Sustainability Appraisal / Strategic Environmental Assessment of the emerging Local Plan (currently at Preferred Options stage) has been considered in the preparation of this screening report. The proposals in the Neighbourhood Plan are in general conformity with those for the rural area in the Preferred Options Local Plan. The Local Plan SEA will ensure that no likely significant effects would be produced from the implementation of the emerging Local Plan, and put in place mitigation measures to address any significant likely effect.
- 4.9 **It is concluded that the implementation of the HRNP would not result in any likely significant effects upon the environment.**

## Screening Outcome

- 4.10 As a result of the assessment in Table 1, it is unlikely there will be any significant environmental effects arising from the HRNP. As such, the HRNP does not require a full SEA to be undertaken.

## 5.0 Habitats Regulation Assessment Screening

### HRA Process

- 5.1 The EC Habitats Directive and Birds Directive have established a network of protected areas which comprise:
- Special Protected Areas (SPAs). These are designated under Article 3 (2) of the Birds Directive in particular for species listed under Annex 1 of the Directive and migratory species.
  - Special Areas of Conservation (SACs). These are designated under the Habitats Directive in order to ensure the restoration or maintenance of natural habitats and species of Community interest.
- 5.2 These sites have been combined to form the Natura 2000 network and are collectively known as European sites. Article 6 (3) of the Habitats Directive requires, with regard to European sites, that: *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site’s conservation objectives.”*
- 5.3 The Habitats Directive is translated into UK legislation through The Conservation of Habitats and Species Regulations 2010 also known as the Habitats Regulations. Within the context of local planning, Regulation 102(1) applies (Chapter 8 - Land Use Plans). Regulation 102(1) of the Habitats Regulations require that where a land use plan:
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
  - (b) is not directly connected with or necessary to the management of that site,
- the plan-making authority for that plan must, before the plan is given effect, undertake an appropriate assessment of the implications in view of the site’s conservation objectives.”
- 5.4 In addition to SPAs and SACs, a suite of wetland sites of international importance has been designated under the Ramsar Convention. Although these are not European sites as a matter of law, the UK Government has chosen to apply the same procedures to them as to European sites. In the case of the Ramsar sites considered in this assessment, Teesmouth & Cleveland Coast and Northumbria Coast, their boundaries coincide with the respective SPAs though the Ramsar designation cites some additional species. The assessment of likely significant effect

on both of these sites considers both the SPA and Ramsar site interest features. The term internationally designated site as used in the assessment below, is to be interpreted as meaning both European and Ramsar sites.

## Assessment

- 5.5 A Habitats Regulations Assessment is a step-by- step process. The first stage in this process is screening for a likely significant effect. Screening evaluates the potential for a plan, in this case the Hartlepool Rural Neighbourhood Plan, to have a significant effect on the interest features for which a European site is designated. A significant effect can be defined as: “any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation action objectives of the features for which the site was designated, but excluding trivial or inconsequential effects.”
- 5.6 In carrying out the screening process all internationally designated sites, which may be affected either directly or indirectly by the Neighbourhood Plan need to be considered. In deciding which internationally designated sites should be considered as to a likely significant effect of the Local Plan on them it should be born in mind that policies within a plan could have effects outside of the geographical area to which the plan pertains. For example environmental variables such as changes in air quality or water table levels may have effects some distance beyond their source. For this reason it is general practice to consider at the screening stage internationally designated sites within 15km of the geographical boundary to which a Local Plan pertains.
- 5.7 There is no agreed minimum distance for Neighbourhood Plans. The screening has taken into account that the policies and proposals in the Neighbourhood Plan are of a more limited nature than those of the Local Plans. The internationally designated sites to be considered in this assessment are listed in Table 2.
- 5.8 In carrying out the screening process on the sites in Table 2 it is necessary to assess any potential effects both positive and negative on them in terms of the interest features for which they are designated and the vulnerabilities of those sites. The qualifying interest features and vulnerabilities are given on the Joint Nature Conservation Committee website and listed for the above sites in Table 3. (NB vulnerabilities are not stated for Ramsar sites but as there qualifying interest features are almost exactly identical to those of the SPAs then these are considered to be the same for the purposes of this assessment.
- 5.9 Consideration of the vulnerabilities of the various internationally designated sites will give an indication of the types of activity that have the potential to have an adverse effect on the integrity of those sites. This can then be related to the types of effects that are anticipated from the Hartlepool Rural Neighbourhood Plan and from that the likelihood that the Hartlepool Rural Neighbourhood Plan will have an adverse effect on each of the sites. In making this assessment an important factor to take into consideration is the distance of the internationally designated site from the source of any potential adverse effects. It has already been stated that policies within a plan could have effects outside of the geographical area to which the plan pertains

however depending on the nature of the effect and the receptor, the potential for an adverse effect is likely to diminish with distance.

- 5.10 Of the internationally designated sites in Table 2, only part of the Cowpen Marsh SSSI is within the Neighbourhood Plan area.

**Table 2 European Sites considered in the screening process**

<b>Site Name</b>	<b>Primary Reason for Designation</b>	<b>Distance from Hartlepool Rural Plan Area Boundary</b>
<b>Teemouth and Cleveland Coast SPA / Ramsar</b>	Breeding population of little tern, populations of passage sandwich tern, red knot and common redshank, wintering populations of knot and total assemblages of wintering waterfowl.	Part of the Cowpen Marsh SSSI is a SPA. Part is situated within the Neighbourhood Plan area, the remainder of the SPA/Ramsar site lies immediately adjacent or within 15km.
<b>Durham Coast SAC</b>	Para-maritime vegetated sea cliffs on magnesian limestone exposures	1.5 km
<b>Northumbria Coast SPA/ Ramsar</b>	Breeding Little Tern; wintering Turnstone and Purple Sandpiper	1.5 km
<b>Castle Eden Dene SAC</b>	The most northerly occurrence of Yew Woods in the UK	4km
<b>Thrislington SAC</b>	Semi-natural dry grasslands and scrublands on calcareous substrates	10km

**Table 3 Internationally Designated Sites**

Site Name	Teesmouth and Cleveland Coast SPA
List of interest features	<p><b>ARTICLE 4.1 QUALIFICATION (79/409/EEC)</b></p> <p><b>During the breeding season the area regularly supports:</b></p> <p>Little tern <i>Sterna albifrons</i> (Eastern Atlantic - breeding) 1.7% of the population in Great Britain Four year mean for 1995 to 1998</p> <p><b>On passage the area regularly supports:</b></p> <p>Sandwich tern <i>Sterna sandvicensis</i> (Western Europe/Western Africa)</p> <p>6.8% of the population in Great Britain Five year mean for 1988 to 1992</p> <p><b>ARTICLE 4.2 QUALIFICATION (79/409/EEC)</b></p> <p><b>Over winter the area regularly supports:</b></p> <p>Red knot <i>Calidris canutus</i> (North-eastern Canada/Greenland/Iceland/Northwestern Europe)</p> <p>1.6% of the population Five year peak mean for 1991/92 to 1995/96</p> <p><b>On passage the area regularly supports:</b></p> <p>Common redshank <i>Tringa tetanus</i> (Eastern Atlantic - wintering)</p> <p>1.1% of the East Atlantic Flyway population 5 year peak mean, 1987 - 1991</p> <p><b>ARTICLE 4.2 QUALIFICATION (79/409/EEC):</b></p> <p><b>AN INTERNATIONALLY IMPORTANT ASSEMBLAGE OF BIRDS</b></p> <p><b>Over winter the area regularly supports:</b></p> <p>21,312 waterfowl (5 year peak mean 01/03/2000)</p> <p>Including: Red knot <i>Calidris canutus</i> .</p>
Vulnerability	<p>The natural incursion of coarse marine sediments into the estuary and the eutrophication of sheltered mudflats leading to the spread of dense Enteromorpha beds may impact on invertebrate density and abundance, and hence on waterfowl numbers. Indications are that the observed sediment changes derive from the reassertion of natural coastal processes within the context of an estuary much modified by human activity. An extensive long-term monitoring programme is investigating the effects of the Tees Barrage, while nutrient enrichment from sewage discharges should be ameliorated by the planned introduction of improved treatment facilities and the Environment Agency's acceptance of Seal Sands as a candidate Sensitive Area to Eutrophication.</p> <p>Aside from the eutrophication issue, water quality has shown considerable and sustained improvement, leading to the re-</p>

	<p>establishment of migratory fish populations and the growth of cormorant and common seal populations. The future development of port facilities in areas adjacent to the site, and in particular of deep water frontages with associated capital dredging, has the potential to cause adverse effect; these issues will be addressed through the planning system/Habitats Regulations, as will incompatible coastal defence schemes.</p> <p>Other issues on this relatively robust site include scrub encroachment on dunes (addressed by Site Management Statements with owners) and recreational, bait-gathering and other disturbance/damage to habitats/species (addressed by WCA 1981, NNR Byelaws and the Tees Estuary Management Plan).</p>
Potential for adverse effects	Policies must be screened for effects, either directly or indirectly, which would result in an adverse effect via: land take; damage to habitats/species; dredging ; disturbance; increased eutrophication,
<b>Site Name</b>	<b>Teesmouth &amp; Cleveland Coast Ramsar</b>
List of interest features	<p>Ramsar criterion 5</p> <p><b>Assemblages of international importance:</b></p> <p><b>Species with peak counts in winter:</b> 9,528 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p><b>Ramsar criterion 6 – species/populations occurring at levels of international importance.</b></p> <p><b>Qualifying Species/populations (as identified at designation):</b></p> <p><b>Species with peak counts in spring/autumn:</b> Common redshank , <i>Tringa totanus totanus</i>, 883 individuals, representing an average of 0.7% of the GB population (5 year peak mean 1998/9- 2002/3)</p> <p><b>Species with peak counts in winter:</b> Red knot, <i>Calidris canutus islandica</i>, W &amp; Southern Africa (wintering) 2,579 individuals, representing an average of 0.9% of the GB population (5 year peak mean 1998/9-2002/3)</p>
Potential for adverse effects	Policies must be screened for effects, either directly or indirectly, which would result in an adverse effect via: land take; damage to habitats/species; dredging ; disturbance; increased eutrophication,
<b>Site Name</b>	<b>Durham Coast SAC</b>

List of interest features	<p><b>Annex I habitats that are a primary reason for selection of this site : Vegetated sea cliffs of the Atlantic and Baltic coasts</b></p> <p>The Durham Coast is the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. These cliffs extend along the North Sea coast for over 20 km from South Shields southwards to Blackhall Rocks. Their vegetation is unique in the British Isles and consists of a complex mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall-herb fen, seepage flushes and wind-pruned scrub. Within these habitats rare species of contrasting phytogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water.</p>
Vulnerability	Vegetated sea cliffs range from vertical cliffs in the north with scattered vegetated ledges, to the Magnesian limestone grassland slopes of the south. Parts of the site are managed as National Nature Reserve, and plans provide for the non-interventionist management of the vegetated cliffs. The majority of the site is in public ownership and an agreed management plan is being developed to protect nature conservation interests.
Potential for adverse effects	Part of the Durham Coast SAC is situated as close as 1km from Hartlepool borough's northern boundary. Major developments on or near the northern boundary could potentially have an adverse effect on site integrity
<b>Site Name</b>	<b>Northumbria Coast SPA</b>
List of interest features	<p><b>ARTICLE 4.1 QUALIFICATION (79/409/EEC)</b></p> <p><b>During the breeding season the area regularly supports:</b></p> <p>Little tern <i>Sterna albifrons</i> (Eastern Atlantic - breeding) 1.7% of the GB breeding population 5 year peak means 1992/3-1996/7</p> <p><b>ARTICLE 4.2 QUALIFICATION (79/409/EEC)</b></p> <p><b>Over winter the area regularly supports:</b></p> <p>Ruddy turnstone <i>Arenaria interpres</i> (Western Palearctic - wintering) 2.6% of the East Atlantic Flyway population 5 year peak means 1992/3-1996/7</p> <p>Purple sandpiper <i>Calidris maritime</i> (Eastern Atlantic - wintering) 1.6% of the East Atlantic Flyway population 5 year peak means</p>

	1992/3-1996/7
Vulnerability	Little terns are vulnerable to disturbance by tourists in the summer causing reduced breeding success. The National Trust employs wardens each summer to protect the little tern colony at Beadnell Bay.
Potential for adverse effects	Part of Northumbria Coast SPA lies within 1km from Hartlepool's northern boundary though the breeding little tern colony is situated over 50miles to the north. Major recreational developments on or near the northern boundary could have an adverse effect on site integrity.
<b>Site Name</b>	<b>Northumbria Coast Ramsar</b>
List of interest features	<p><b>Ramsar criterion 6 – species/populations occurring at levels of international importance.</b></p> <p><b>Qualifying Species/populations (as identified at designation):</b></p> <p><b>Species regularly supported during the breeding season:</b>  Little tern, <i>Sterna albifrons albifrons</i>, W Europe  43 apparently occupied nests, representing an average of 2.2% of the GB population (Seabird 2000 Census)</p> <p><b>Species with peak counts in winter:</b>  Purple sandpiper, <i>Calidris maritima maritima</i>, E Atlantic – wintering 291 individuals, representing an average of 1.6% of the GB population (5 year peak mean 1998/9- 2002/3)  Ruddy turnstone, <i>Arenaria interpres interpres</i>, NE Canada, Greenland/W Europe &amp; NW Africa 978 individuals, representing an average of 1% of the population (5 year peak mean 1998/9-2002/3)</p>
Potential for adverse effects	Part of Northumbria Coast Ramsar lies within 1km from Hartlepool's northern boundary though the breeding little tern colony is situated over 50miles to the north. Major recreational developments on or near the northern boundary could have an adverse effect on site integrity.
<b>Site Name</b>	<b>Castle Eden Dene SAC</b>
List of interest features	<p><b>Annex I habitats that are a primary reason for selection of this site: Yew <i>Taxus baccata</i> woods of the British Isles</b></p> <p><b>Castle Eden Dene in north-east England represents the most extensive northerly native occurrence of yew woods in the UK. Extensive yew groves are found in association with ash-elm <i>Fraxinus-Ulmus</i> woodland and it is the only site selected for yew woodland on magnesian limestone in</b></p>

	<b>north-east England.</b>
Vulnerability	Yew woodlands are distributed throughout the site in a matrix of other woodland types. The site is managed as a National Nature Reserve and the Management Plan provides for regeneration of this special woodland type.
Potential for adverse effects	Castle Eden Dene SAC is situated some 4km from Hartlepool and is not directly connected to it via transport or other links. However part of the SAC is located some 200m from the A19 and an increase in road traffic and associated pollution might potentially have an adverse effect on site integrity if it were of sufficient magnitude to affect the yew woodlands.
<b>Site Name</b>	<b>Thrislington SAC</b>
List of interest features	<b>Annex I habitats that are a primary reason for selection of this site: Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>)</b> Thrislington is a small site but nonetheless contains the largest of the few surviving stands of CG8 <i>Sesleria albicans</i> – <i>Scabiosa columbaria</i> grassland. This form of calcareous grassland is confined to the Magnesian Limestone of County Durham and Tyne and Wear, north-east England. It now covers less than 200 ha and is found mainly as small scattered stands.
Vulnerability	These grasslands are dependent upon continuous management by seasonally-adjusted grazing and no fertilizer input. The site is now a National Nature Reserve and management on these traditional lines has been reintroduced.
Potential for adverse effects	Thrislington SAC is situated 10km away from Hartlepool and is not particularly well connected with transport links. Any adverse effect on site integrity could only potentially arise through a major increase in air pollution, of such magnitude that it would increase the fertility of the soils. Given the distances involved and the prevailing winds, any such pollution would likely be of such magnitude that it also had a severe adverse effect on human health and such increases in pollution would not be permitted under other legislation.

## Screening Analysis of the Hartlepool Rural Neighbourhood Plan Policies

5.11 The Teesmouth and Cleveland Coast SPA/ Ramsar, Northumbria Coast SPA/ Ramsar, Durham Coast SAC, Castle Eden Dene SAC and Thrislington SAC need to be assessed under this HRA, particularly in relation to housing policies. The interest features and site vulnerabilities are set out above.

- 5.12 It is assessed that the potential for increased atmospheric pollution from vehicles to affect European Sites, caused as a result of Neighbourhood Plan policies, is *de minimus* and therefore is not considered further.
- 5.13 The Teesmouth and Cleveland Coast SPA/ Ramsar have been notified because of the breeding population of little terns, passage sandwich terns and common redshank, and populations of wintering red knot plus an assemblage of wintering waterfowl. Bird numbers have been recorded over a number of years, across 26 sectors via the monthly BTO Wetlands Bird Survey (WeBS). This data underpins the designations. . The European designated site abuts the boundary of the plan area. There is the potential for increased recreational disturbance due to the increased use of public footpaths by walkers however, the proposal for a visitor centre near Greatham Village will mitigate this by improving the understanding of the wildlife importance of the area. The number of additional visits which could lead to Likely Significant Effects and which could be attributed to new housing in Hartlepool RNP area is assessed as insignificant. For this reason the SPA/ Ramsar is not considered further in this assessment.
- 5.14 The Northumbria Coast SPA / Ramsar sites have been classified because of the populations of wintering purple sandpiper and turnstone and breeding little tern that they support. The nearest breeding little tern colony within the SPA / Ramsar is in Northumberland and is sufficiently distant that impacts are not likely to arise from the proposed development. Surveys also indicate that the Durham Coast is poor for purple sandpiper, with no birds recorded in the nearest sections of the Northumbria Coast SPA / Ramsar (Cadwallender & Cadwallender, 2012 & 2013). The same surveys also indicated that the nearest section of the SPA / Ramsar utilised by ruddy turnstone is Blackhall Rocks, which is not as easily accessible to people as the section of beach at Crimdon Dene. Crimdon is the closest section of beach, there is good parking and there is an extensive section of beach that is readily accessible. It is therefore concluded that residents of new housing sites are unlikely to have a significant effect on populations of purple sandpiper, turnstone and little tern within the Northumbria Coast SPA / Ramsar. For this reason these European Sites are not considered further in this assessment.
- 5.15 The Durham Coast SAC covers the vegetated sea cliffs and an area of shore that extends beyond the Mean High Water mark. It abuts the Hartlepool boundary in the north. A public footpath runs along the top of the cliffs but outside the SAC boundary and for this reason trampling of sensitive cliff vegetation is considered very unlikely. The area is already well used by dog walkers and the potential adverse biological effects of dog faeces are managed by a series of Council run dog waste bins. Trampling impacts on intertidal areas are unlikely to be significant given the dynamic nature of this environment. For these reasons the SAC is not considered further in this assessment.
- 5.16 Castle Eden Dene SAC is 5.2 km away from the nearest of the housing proposals. This site is within the town of Peterlee and therefore has a high potential for local recreational visits and indeed is promoted as a site which the public can visit and enjoy. It has clear signposting, site interpretation panels and a good network of well-maintained paths. The number of additional visits which could lead to Likely Significant Effects and which could be attributed to new housing in Hartlepool RNP

area is assessed as insignificant. For this reason the SAC is not considered further in this assessment.

- 5.17 Thrislington SAC is 16.4 km away from the nearest of the housing proposals. This SAC is small and has public access via a car park and internal footpaths. The distance involved and the fact that there are numerous closer areas of publically accessible greenspace means that Likely Significant Effects is assessed as very unlikely. For this reason the SPA is not considered further in this assessment.

### **HRA stage 1 screening – initial analysis of the Hartlepool Rural Neighbourhood Plan policies for Likely Significant Effects (LSE)**

- 5.18 Each of the policies in the Hartlepool RNP has been screened as to its potential to have a significant effect on each of the internationally designated sites listed in Table 1. In carrying out this initial screening the precautionary principle has been followed such that policies are taken forward for assessment if there is any likelihood of any aspect of the policy having a direct or indirect effect on internationally designated sites, even if it was considered that the likelihood of the effect or the magnitude of its impact was low. This analysis of the potential impacts of the Hartlepool Rural Neighbourhood Plan on internationally designated sites is presented in Table 3.

Each of the policies in the HRNP has been screened as to its potential to have a significant effect on each of the internationally designated sites listed in Table 3.

**Table 3. Screening Analysis of Hartlepool RNP policies for potential adverse effects on the integrity of internationally designated sites.**

A=No negative effect

B=No significant effect

C=Likely significant effect alone

D=likely significant effect in combination

<b>Policy</b>	<b>Purpose of the Policy</b>	<b>Potential for effects on site integrity based on all interest features).</b>	<b>Assessment category (see notes from NE Appx 1)</b>	<b>Any in combination LSE triggered for this Plan (for As &amp; Bs)?</b>	<b>Is Appropriate Assessment Required?</b>
GEN1 Village Envelopes and Green Gaps	To focus most development within the villages; to safeguard the countryside and maintain the areas of open countryside between the villages and the adjacent urban area.	None. The policy concentrates new dwellings within development limits and safeguards the countryside. Subsequent policies give more detail on locations of development.	A	No	No
GEN2 Design Principles	To set out general design principles to be considered in all forms of development.	None. This policy relates to design or other qualitative criteria. The policy includes a criteria that requires the safeguarding and where possible	A	No	No

		enhancing of biodiversity features.			
H1 Housing Development	The policy allocates small sites for housing development.	Potential for increased public access and disturbance through an increase in population in the new housing developments. However, the sites are small and the impacts assessed as <i>de minimis</i> .	B	No	No
H2 Affordable Housing	The policy sets a figure for affordable housing provision and criteria for its implementation.	None. The policy confines itself to housing types and does not include factors that could potentially affect site integrity such as locations or access.	A	No	No
H3 Rural Exceptions Housing for Local Needs	The policy makes provision for the identification of small sites on the edges of villages for rural exceptions housing development.	See H1. The potential sites are likely to be small sites within or on the edge of villages. The potential impacts are similar to those of Policy H1	B	No	No
H4 Housing in the Countryside	The policy sets out the limited circumstances where new housing development will be permitted in the countryside.	See H1. The policy provides limited opportunities for new development. The potential impacts are similar to those of Policy H1	B	No	No
H5 Housing development on the edge of Hartlepool	The policy sets out design principles to be used in the consideration of proposals for urban extensions on the	None. This policy is only concerned with design principles.	A	No	No

	edge of Hartlepool. The policy promotes the enhancement of wildlife corridors.				
EC1 Development of the Rural Economy	The policy supports the development of small scale enterprises appropriate to the rural area.	None. The policy provides limited opportunities for new development. The policy seeks the enhancement of nature conservation.	A	No	No
EC2 Retention of shops, public houses and community facilities	The policy sets out the criteria to be used in considering the change of use of shops, public houses and community facilities.	None. The policy relates to existing buildings.	A	No	No
EC3 Former RHM site to the south of Greatham Station	The policy sets out proposals for the redevelopment of this site for community and leisure uses including a visitor centre to promote the importance of the local environmental habitat. It identifies the need to undertake appropriate mitigation measures to address any effects identified arising from the development on the local	Potential effect via increased public access and disturbance. Reason:  The site is close to the Teesmouth and Cleveland Coast SPA / Ramsar. It was a previously developed employment site. The inclusion of a visitor centre providing educational facilities will encourage greater recreational use. However, educational programmes and interpretation at the visitor centre will largely mitigate this by providing greater understanding of the importance of the habitats for wildlife.	B	No	No

	habitats.	The policy includes the need for mitigation measures to address any effects on local habitats if necessary.			
EC4 Service Stations and Travel Related Development	The policy safeguards the existing service station adjacent to the A19 and includes factors to be considered in the improvement.	None. The policy provides limited opportunities for new development adjacent to existing development sites at some distance from designated sites and will not affect the integrity of sites.	A	No	No
T1 Improvements to the Highway Network	The policy provides support to the Highways Authority to improve the highway network in the area.	None. These measures are focused on the improvement of existing roads. The proposals are considered to be de minimus in view of the distance from internationally designated sites.	A	No	No
T2 Improvements to Public Transport	The policy supports the reopening of the railway stations at Greatham and Hart with park and ride facilities.	None. The site at Greatham is close to the Teesmouth and Cleveland Coast SPA / Ramsar. The proposed park and ride site was a previously developed employment site. The site is linked to proposals under Policies EC3 and T3.	A	No	No
T3 Rights of Way Network	The policy promotes improvements and extensions to bridleways, cycleway and footpaths. It includes a proposal for a cycleway and footpath from Greatham to Tees Road at	Potential effect via increased public access and disturbance. Reason:  The proposal supports the improvement of the rights of way network throughout the rural area which would result in the increase of opportunities for walking, horse riding	B	No	No

	Greatham Creek to link to the RSPB at Saltholme	and cycling away from the designated coastal and estuarine areas, but, there is the potential to increase the number of visitors to the Teesmouth and Cleveland Coast SPA / Ramsar making use of the network of footpaths and cycleways linked to the RSPB site at Saltholme. However, the inclusion of a visitor centre providing educational facilities will largely mitigate any adverse impact through greater understanding of the importance of the habitats for wildlife.			
C1 Safeguarding and improvement of play areas, sports and recreation facilities and allotments	The policy seeks to safeguard existing community buildings and open spaces used for play, sport and recreation and allotments. Proposals for the improvement of facilities are included.	None. The policy provides limited opportunities for new development and will not affect the integrity of sites.	A	No	No
NE1 Natural Environment	The policy seeks to protect, manage and actively enhance nature conservation sites of international, national and local importance.	None. The policy is specifically concerned with avoiding or reducing issues that could have an effect on site integrity. The policy states the development that would affect internationally important sites will not be permitted unless it meets relevant	A	No	No

		legal requirements. The policy is likely to have a positive effect on nature conservation interests in the Plan area.			
NE2 Renewable and low carbon energy	The policy provides the framework for considering proposal for renewable and low carbon energy. It includes consideration and mitigation of any effects on international nature conservation sites.	None. To comply with the policy, any proposals for renewable energy developments would have to be located and designed so as not to have, either directly or indirectly, an adverse impact on the integrity of internationally designated sites.	A	No	No
HE1 Conservation of Heritage assets	The policy supports proposals to safeguard, conserve and/or enhance the area's heritage assets.	None. The policy is concerned with maintaining the character of heritage assets. It does do not affect the integrity of sites.	A	No	No
HE2 Enhancement of Heritage Assets	The policy supports proposals to enhance the heritage assets	None. The policy is concerned with enhancing the character of heritage assets. It does do not affect the integrity of sites.	A	No	No
INF1 Contributions towards meeting community infrastructure priorities	The policy identifies the means of funding community infrastructure priorities identified in various policies in the Neighbourhood Plan	None. The proposals are identified under other policies. Those at the RHM site are discussed above. They do not affect the integrity of sites.	A	No	No

## Discussion on the Likely Significant Effects of Neighbourhood Plan Policies

### Protecting the Natural Environment

- 5.19 This overarching policy approach to protecting internationally important nature conservation sites is enshrined in national planning policy. One of the aims of the HRNP is to “protect and enhance the network of habitats that are important to biodiversity and geology including the designated nature conservation sites and priority habitats.” Policy NE1 of the Neighbourhood Plan sets out the policy for protecting internationally and nationally designated sites requiring that any development that may affect them satisfying the relevant legal requirements.

### Housing

- 5.20 The Hartlepool RNP proposes housing development of a minimum of 170 dwellings. These include sites with planning permission and sites within village envelopes. Proposals are included to allocate sites at Elwick, Greatham and Hart. Those at Greatham are all within the existing village envelope of the 2006 adopted Local Plan. Those at Elwick and Hart consist of two small sites capable of accommodating about 48 dwellings in total. Policies H3 and H4 allow for a small amount of housing development in the countryside outside the village envelopes in exceptional circumstances.

### The Rural Economy

- 5.21 The Neighbourhood Plan policy encourages activities that support the rural economy including farm diversification. Included in this is the potential for new development though the policy includes certain guidelines for new development such as re-using existing buildings and being located near to existing local service centres.
- 5.22 Anecdotal evidence suggests that parts of the rural area support bird species that form interest features of the Teesmouth & Cleveland Coast SPA/Ramsar, particularly curlew, lapwing and golden plover. However, there have not been any rural bird surveys and any functionality is not quantifiable.
- 5.23 Were development to take place on such sites that have functional use for birds for which the SPA/Ramsar is designated then there could be an adverse effect on site integrity. However Policy NE1 seeks to ensure that nature conservation is protected and enhanced. Therefore the policy is assessed as not having an adverse effect on site integrity.

### Leisure and Tourism

- 5.24 The Neighbourhood Plan promotes and encourages green tourism, including the provision of facilities at the former RHM site at Greatham under Policy EC3 for the observation and interpretation of wildlife, habitats and the natural environment. The provision of facilities for interpretation is expected to have a positive effect on the internationally designated sites through facilitating a greater understanding and appreciation of them. The provision of facilities for observation could also have a beneficial effect by directing visitors to areas where they would cause less

disturbance. Conversely inappropriately situated observation facilities could cause more disturbance, however the policy also states that appropriate mitigation measures will be required to address any effects arising from the development on the local habitats.

- 5.25 Policy EC1 supports environmentally sensitive schemes that capitalise on the tourism and recreation potential of the rural area including improvements to off road routes. These projects could have the potential to provide additional recreational areas that would divert visitors away from the Teesmouth & Cleveland Coast SPA/ Ramsar.

### **Renewable Energy Developments**

- 5.26 The policy gives a presumption in favour of renewable energy developments provided that their effects, including cumulative effects, are assessed. It directs any further medium and large wind turbines to the area around the existing wind turbines at High Volts and Red Gap. To comply with Policy NE2, any proposals for renewable energy developments would have to be located and designed so as not to have, either directly or indirectly, an adverse impact on the integrity of internationally designated sites or include appropriate mitigation measures. Therefore this policy would not have an adverse effect on the integrity of any internationally designated sites.

### **Improving Connectivity**

- 5.27 The policy refers to a number of measures that are concerned with improvements to existing roads and to improved pedestrian and cycling links between key locations. None of these links are in an internationally designated site.
- 5.28 The park and ride facilities at Greatham would need to be situated next to the existing railway line. This site is not used by SPA birds and is approximately 0.5km from the closest point of Teesmouth & Cleveland Coast SPA/Ramsar. The road layout is such that the site would have to be accessed from the opposite direction to the SPA/Ramsar site therefore no disturbance is anticipated from the operation of park and ride facilities in that location. Therefore no adverse effect on site integrity is anticipated.

### **Assessment of in-Combination Effects**

- 5.29 The Hartlepool RNP proposes the allocation of housing sites for about 170 new dwellings, which represents a very small proportion of the emerging Local Plan proposal for over 6000 new homes. It is considered that the proposed RNP housing allocations in combination are unlikely to have any significant effects on the integrity of European sites in view of their distance from the Teesmouth and Cleveland Coast SPA/Ramsar site.
- 5.30 The additional housing may give rise to an increase in population and demand for recreational opportunities. However the proposals to improve community facilities, open space and footpaths and cycleways within the plan area are likely to result in greater use of facilities close to home and a lower level of demand for recreation within the Teesmouth and Cleveland Coast SPA/Ramsar area potentially reducing the impact of recreational use on the international habitats.

- 5.31 The strategic housing extensions to the north-west and south west of Hartlepool will be subject to HRA as part of their allocation in the Local Plan or through planning applications. The Local Plan will assess the potential in-combination effects of all the proposed housing development in the Borough as a whole.

### **Screening Outcome**

- 5.32 The HRA assesses that there will be no likely significant effect arising from the HRNP on European sites. As such, the HRNP does not require an Appropriate Assessment under the Habitats Directive.

## **6.0 Conclusions of the Screening Assessments**

- 6.1 The HRNP does not require an Appropriate Assessment under the Habitats Directive.

## Appendix 1

### Natural England guidance on scoring policies from The Habitats Regulations Assessment of Local Development Documents (2009).

#### **Category A: No negative effect**

Only negative effects are considered here because the European Court of Justice ruled that only effects that could undermine the conservation objectives of a European site are considered likely to have significant effects. There are likely to be five types of options, policies and proposals in the plan that could have **no negative effect at all** on any European site, either alone or in combination with other policies, plans or projects, as shown in Table 1 below. Deciding which policies, if any, can be assigned to A4 in Table 1 will be a matter of judgement on a case by case basis, where the assessor is sure that they would not have an adverse effect on any European site. Examples of such policies may be those that steer development away from the coast, or from rivers and their floodplains, or away from other concentrations of European sites and associated sensitive areas. Elements of the plan can only be assigned to A5 in Table 1 where no development could occur through the policy itself, because the development is implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their potential effects on European Sites. These kinds of policies may be found in a plan's Strategy, for example, where it states that there is a need for a broad quantity of housing or employment development but makes no proposal as to how or where the development is to be provided, delegating this to a more specific policy in a later chapter or section of the plan, which of course, will be subject to more detailed appraisal.

#### **Table 1**

Category A: No negative effect

**A1** Options / policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.

**A2** Options / policies intended to protect the natural environment, including biodiversity,

**A3** Options / policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site,

**A4** Options / policies that positively steer development away from European sites and associated sensitive areas

**A5** Options / policies that would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.

#### **Category B: No significant effect**

Secondly, the screening process may identify an option or policy or proposal that could have an effect but would not be likely to have a significant (negative) effect on a European site (alone or in combination with other plans or projects) because the effects are trivial or 'de minimis', even if combined with other effects. Identifying such policies or proposals needs to be approached with caution, so as to ensure compliance with the requirements for 'in-

combination' effects and the application of the precautionary principle, but such policies may be identified.

### **Category C: Likely significant effect alone**

Thirdly, the screening process identifies any options, policies or proposals that would be likely to have a significant effect alone. Once identified, such options, policies or proposals should be removed from the plan, or the plan otherwise changed, to avoid the likelihood of significant effects, see further below. If not, the plan must be taken forward for an appropriate assessment. The reasons why options, policies or proposals may affect a European site alone are shown in Table 2. As indicated in C5 in Table 2, this analysis will check for any proposals that could have the effect of **blocking options or alternatives** to future proposals that would then have a negative effect on a European site, which could have been avoided if the option or alternative was still available, for example a development allocation that may eliminate a possible alternative route for a new road or pipeline. The assessor should ask a question along these lines where a development proposal is anywhere in the vicinity of a European site *“Are there any other known development or infrastructure projects, at any stage of consideration, that may need to be located on or close to this location, either as a preferred or alternative option, that could be blocked, precluded or impeded by this proposal?”*

#### **Table 2**

Category C: Likely significant effect alone

**C1** The option, policy or proposal could **directly affect** a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it

**C2** The option, policy or proposal could **indirectly affect** a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures

**C3** Proposals for a **magnitude of development** that, no matter where it was located, the development would be likely to have a significant effect on a European site

**C4** An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following **consideration of options in a later, more specific plan**. The consideration of options in the later plan will assess potential effects on European Sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information

**C5** Options, policies or proposals for developments or infrastructure projects that could **block options or alternatives** for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided

**C6** Options, policies or proposals which **depend on how the policies etc are implemented** in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site

**C7** Any other options, policies or proposals that would be **vulnerable to failure** under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning'

**C8** Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the **plan provides the imperative reasons** of overriding public interest to justify its consent despite a negative assessment

As indicated in C7 above, the analysis will check for any proposals that are doomed or vulnerable to failure at a later stage. The assessor should ask a question along these lines: *"is this proposal vulnerable to failure because of its actual or possible adverse effects on a European site and, if so, is it in the public interest to retain it in the plan, given the prospect of it being incapable of implementation?"*

#### **Category D: Likely significant effects in combination**

Fourthly, the screening process identifies any options, policies or proposals that would be likely to have a significant effect in combination. The policies or proposals should be removed from the plan, or the plan otherwise changed, to avoid the likelihood of significant effects. If not, the plan must be taken forward for an appropriate assessment, including the relevant combination. The combination could be the cumulative effects of proposals, in the plan itself, and/or in other plans or projects. Any element of the plan that could have an effect but would not be likely to have a significant effect alone should be assessed in combination with other elements of the plan (internally) for its cumulative effects and other relevant plans and projects (externally) that may add to the effects of the plan in a relevant way. Reasons why policies or proposals may affect a European site in combination are shown in Table 3.

#### **Table 3**

Category D: Likely significant effect in combination

**D1** The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals **provided for or coordinated by** the LDD (internally) the **cumulative** effects would be likely to be significant

**D2** Options, policies or proposals that alone would not be likely to have significant effects but if their effects are **combined with the effects of other plans or projects**, and possibly the effects of other developments provided for in the LDD as well, the combined effects would be likely to be significant

**D3** Options or proposals that are, or could be, part of a **programme or sequence of development** delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites