



Hartlepool Local Planning Framework

Local Plan Preferred Options

Habitat Regulations Assessment Consultation Document



May 2016



1. Introduction

The Hartlepool Local Development Framework (HLDF) brings together and integrates policies for the use and development of land with other policies and programmes which influence the nature of places and how they function. Documents within the HLDF will ensure the most efficient use of land by balancing competing demands in accordance with a clear, distinctive and realistic vision of how the area will develop and change within a demonstrable context of sustainable development.

The Local Development Framework will comprise a number of documents:

- A Local Plan setting out the spatial vision, spatial objectives and core strategic policies for the area;
- DPDs containing waste and minerals policies; and
- A Proposals Map.

2. Habitat Regulations Assessment (HRA)

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.

These sites have been combined to form the Natura 2000 network and are collectively known as European sites.

The Habitats Directive is translated into UK legislation through The Conservation of Habitats and Species Regulations 2010 also known as the Habitats Regulations. Regulation 61(1) of the Habitats Regulations require that;

“A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which -

(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,

- must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.”

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 co-incide with the respective SPAs

though the Ramsar designation cites some additional species as interest features. 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.

This document is a Habitats Regulations Assessment of the Local Plan of the Hartlepool Local Development Framework.

2.1 HRA - the four stages

A Habitats Regulations Assessment is a step-by- step process.

- Stage 1 – Screening: To test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site;
- Stage 2 – Appropriate Assessment: To determine whether, in view of an international site’s conservation objectives, the plan (either alone or in combination with other projects and plans) would have an adverse effect (or risk of this) on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
- Stage 3 – Assessment of alternative solutions: Where a plan is assessed as having an adverse impact (or risk of this) on the integrity of an international site, there should be an examination of alternatives (e.g. alternative locations and designs of development); and,
- Stage 4 – Assessment where no alternative solutions remain and where adverse impacts remain: In exceptional circumstance (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

The first stage in this process is screening for a Likely Significant Effect (LSE). Screening evaluates the potential for a plan, in this case the Local Plan of the Hartlepool Local Development Framework, to have a significant effect on the interest features for which a European Protected Site (hereafter referred to as European Sites) is designated. A significant effect is 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’.

2.2 The Hartlepool Local Plan - HRA Stage 1 Screening - European Sites considered

In carrying out the screening process all internationally designated sites, which may be affected either directly or indirectly by the Local 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 10- 15km of the geographical boundary to which a plan pertains. This practice has been followed in this assessment and therefore all internationally designated sites within 15km of the boundary of Hartlepool Borough have been considered in the screening process for likely significant effect from the Hartlepool Local Plan. The internationally designated sites to be considered in this assessment are listed in Table 1.

Table 1. European Sites considered in the screening process

Site Name	Primary reason for designation	Distance from Hartlepool Borough boundary
Teesmouth and Cleveland Coast SPA / Ramsar	Total wintering populations of waterbirds; populations of migratory species of Redshank, Knot and Ringed Plover; populations of Annex 1 species, Little Tern and Sandwich Tern.	Part of the SPA/ Ramsar is situated within the borough of Hartlepool with the remainder immediately adjacent or within 15km
North York Moors SPA	Breeding populations of Golden Plover and Merlin	13km.
North York Moors SAC	European Dry Heath; North Atlantic Wet Heath.	13km
Castle Eden Dene SAC	The most northerly occurrence of Yew Woods in the UK	4km
Thrislington SAC	Semi-natural dry grasslands and scrublands on calcareous substrates	10km
Durham Coast SAC	Para-maritime vegetated sea cliffs on magnesian limestone exposures	1km
Northumbria Coast SPA/ Ramsar	Breeding Little Tern; wintering Turnstone and Purple Sandpiper.	1km.

In carrying out the screening process on the sites in Table 1 it is necessary to assess any potential effects 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 2 (NB vulnerabilities are not stated for Ramsar sites but as their qualifying interest features are similar to those of their respective SPAs then these are considered to be the same for the purposes of this assessment).

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 Local Plan and from that the likelihood that the Hartlepool Local Plan will have an adverse effect on each of the sites. In making this assessment an important factor to take in to 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.

Of the internationally designated sites listed in Table 2, only the Teesmouth & Cleveland Coast SPA/Ramsar is partially situated within the borough of Hartlepool.

2.2 HRA – Stage 1 Screening - European Sites – interest features and vulnerabilities

In order to properly assess the Local Plan, the impact of policies on the ‘interest features’ (habitats and species) of each European Site needs to be analysed. Natural England has provided an account of the vulnerabilities of each European Site to aid this process. Table 2 gives the interest features and the vulnerabilities of the European Sites covered by this HRA.

Table 2 interest features and the vulnerabilities of the European Sites covered by this HRA.

Site Name	Teesmouth and Cleveland Coast SPA
List of interest features	<p>ARTICLE 4.1 QUALIFICATION (79/409/EEC) During the breeding season the area regularly supports: <i>Sterna albifrons</i> (Eastern Atlantic - breeding) 1.7% of the population in Great Britain Four year mean for 1995 to 1998 On passage the area regularly supports: <i>Sterna sandvicensis</i> (Western Europe/Western Africa) 6.8% of the population in Great Britain Five year mean for 1988 to 1992 ARTICLE 4.2 QUALIFICATION (79/409/EEC) Over winter the area regularly supports: <i>Calidris canutus</i> (North-eastern Canada/Greenland/Iceland/Northwestern Europe) 1.6% of the population Five year peak mean for 1991/92 to 1995/96 On passage the area regularly supports: <i>Tringa totanus</i> (Eastern Atlantic - wintering) 1.1% of the East Atlantic Flyway population 5 year peak mean, 1987 - 1991 ARTICLE 4.2 QUALIFICATION (79/409/EEC): AN INTERNATIONALLY IMPORTANT ASSEMBLAGE OF BIRDS Over winter the area regularly supports: 21312 waterfowl (5 year peak mean 01/03/2000) Including: <i>Calidris canutus</i></p>
Vulnerability	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

	<p>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-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. Housing and increased recreational disturbance is a potential issue.
Site Name	Teesmouth & Cleveland Coast Ramsar
List of interest features	<p>Ramsar criterion 5</p> <p>Assemblages of international importance:</p> <p>Species with peak counts in winter:</p> <p>9528 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p>Ramsar criterion 6 – species/populations occurring at levels of international importance.</p> <p>Qualifying Species/populations (as identified at designation):</p> <p>Species with peak counts in spring/autumn:</p> <p>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>Species with peak counts in winter:</p> <p>Red knot , <i>Calidris canutus islandica</i>, W & Southern Africa (wintering)</p> <p>2579 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. Housing and increased recreational disturbance is a potential issue.
Site Name	North York Moors SPA
List of interest features	<p>ARTICLE 4.1 QUALIFICATION (79/409/EEC)</p> <p>During the breeding season the area regularly supports:</p> <p><i>Falco columbarius</i> at least 2.7% of the GB breeding population 1996</p>

	<i>Pluvialis apricaria</i> (North-western Europe - breeding) at least 2.3% of the GB breeding population 1996
Vulnerability	The value of the North York Moors in providing suitable habitat for breeding merlin and golden plover is dependent on the moorland management that is carried out by farmers and gamekeepers to maintain the moorland plant communities and grouse populations. The most vulnerable plant communities are the heaths and mires which are susceptible to overgrazing, gripping and too frequent heather burning leading to species impoverishment and a loss of structural diversity. A lack of keeping and undergrazing on some moors has resulted in large areas of undermanaged old heather lacking structural diversity which reduces the suitability of the habitat for merlin and golden plover. This is being addressed by looking at payments for positive heather management, such as cutting and burning. The majority of the site is being managed in a desirable way with pressures being largely restricted to small areas.
Potential for adverse effects	The North York Moors SPA is situated a minimum of 13km away from Hartlepool and is not particularly well connected with transport links. Any adverse effect on site integrity from the Hartlepool Local Plan could only potentially arise through a major increase in air pollution that was sufficient to affect the habitats that the SPA birds are dependent on. 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.
Site Name	North Yorks Moors SAC
List of interest features	<p>Annex I habitats that are a primary reason for selection of this site</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>This site in north-east Yorkshire within the North York Moors National Park contains the largest continuous tract of upland heather moorland in England. M16 <i>Erica tetralix</i> – <i>Sphagnum compactum</i> wet heath is the second most extensive vegetation type on the site and is predominantly found on the eastern and northern moors where the soil is less free-draining. Purple moor-grass <i>Molinia caerulea</i> and heath rush <i>Juncus squarrosus</i> are also common within this community. In the wettest stands bog-mosses, including <i>Sphagnum tenellum</i>, occur, and the nationally scarce creeping forget-me-not <i>Myosotis stolonifera</i> can be found in acid moorland streams and shallow pools.</p> <p>European dry heaths</p> <p>This site in north-east Yorkshire within the North York Moors National Park contains the largest continuous tract of upland heather moorland in England. Dry heath covers over half the site and forms the main vegetation type on the western, southern and central moors where the soil is free-draining and has only a thin peat layer. The principal NVC type present is H9 <i>Calluna vulgaris</i> – <i>Deschampsia flexuosa</i>, with some H10 <i>Calluna vulgaris</i> – <i>Erica cinerea</i> heath on well-drained areas throughout the site, and large areas of H12 <i>Calluna vulgaris</i> – <i>Vaccinium myrtillus</i> heath on steeper slopes.</p>

	Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site Blanket Bogs
Vulnerability	The North York Moors supports an intimate mosaic of dry and wet heath interspersed in parts with smaller amounts of blanket bog, mainly on the higher plateau, between river valley catchments. The majority of the moorland is managed for both sheep farming (by farmers) and for the sporting shooting of grouse (by estates and their gamekeepers). Most of the moors are grazed, as well as burnt (on a rotational basis), and this provides a diversity of heather which favours high numbers of grouse, moorland waders and merlin. Overgrazing is generally not a problem although localised winter-feeding and lack of traditional shepherding has led to some small losses of heather. The wetter communities, particularly blanket bog, are vulnerable to drainage and overburning, leading to the loss of structural diversity as well as the loss of mosses and lichens. The current poor economic return from sheep management is leading to a loss of sheep flocks from the moors, which is of concern. Various ongoing schemes are/have been in place to help support continued moorland management.
Potential for adverse effects	The North York Moors SAC is situated a minimum of 13km away from Hartlepool and is not particularly well connected with transport links. Any adverse effect on site integrity from the Hartlepool Local Plan could only potentially arise through a major increase in air pollution that was of sufficient scale to alter the plant communities. 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.
Site Name	Castle Eden Dene SAC
List of interest features	Annex I habitats that are a primary reason for selection of this site <i>Taxus baccata</i> woods of the British Isles Castle Eden Dene in north-east England represents the most extensive northerly native occurrence of yew <i>Taxus baccata</i> 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 north-east England.
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. Housing and increased recreational disturbance is a potential issue, although site visitors are encouraged and managed on site.
Site Name	Thrislington SAC
List of interest features	Annex I habitats that are a primary reason for selection of this site

	<p>Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>)</p> <p>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.</p>
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 from the Hartlepool Local Plan 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.
Site Name	Durham Coast SAC
List of interest features	<p>Annex I habitats that are a primary reason for selection of this site</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts</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 phylogeographic 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. Housing and increased recreational disturbance is a potential issue.
Site Name	Northumbria Coast SPA
List of interest features	<p>ARTICLE 4.1 QUALIFICATION (79/409/EEC)</p> <p>During the breeding season the area regularly supports:</p>

	<p><i>Sterna albifrons</i> Little tern (Eastern Atlantic - breeding) 1.7% of the GB breeding population 5 year peak means 1992/3-1996/7 ARTICLE 4.2 QUALIFICATION (79/409/EEC) Over winter the area regularly supports:+ <i>Arenaria interpres</i> – turnstone (Western Palearctic - wintering) 2.6% of the East Atlantic Flyway population 5 year peak means 1992/3-1996/7 <i>Calidris maritima</i> Purple sandpiper (Eastern Atlantic - wintering) 1.6% of the East Atlantic Flyway population 5 year peak means 1992/3-1996/7</p>
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. This includes housing with its associated increase in recreational use of the coast.
Site Name	Northumbria Coast Ramsar
List of interest features	<p>Ramsar criterion 6 – species/populations occurring at levels of international importance. Qualifying Species/populations (as identified at designation): Species regularly supported during the breeding season: 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) Species with peak counts in winter: 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 & 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. This includes housing with its associated increase in recreational use of the coast.

2.3 HRA – Stage 1 screening – Hartlepool's relationship to European Sites

The Teesmouth and Cleveland Coast SPA/ Ramsar, Northumbria Coast SPA/ Ramsar, Durham Coast SAC, Castle Eden Dene SAC, Thrislington SAC and North York Moors SPA need to be assessed under this HRA, particularly in relation to housing policies. The interest features and site vulnerabilities are presented earlier in the report.

This HRA follows Durham County Council in using a distance of 6 km from a European Site as a reasonable distance within which to assess for Likely Significant Effect. The 2011 national census gives the population of Hartlepool as 92,000. Due to the geographical location of the town, the majority of the population lives within 6 km of the coast. It is assessed that the potential for increased atmospheric pollution from vehicles to effect European Sites, caused as a result of Local Plan policies, is *de minimus* and therefore is not considered further.

Lying within the borough of Hartlepool, the Teesmouth and Cleveland Coast SPA/ Ramsar needs to be assessed.

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 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.

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.

Castle Eden Dene SAC is 5.2 km away from the nearest of the housing applications. 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 LSE and which could be attributed to new housing in Hartlepool is assessed as insignificant. For this reason the SAC is not considered further in this assessment.

Thrislington SAC is 16.4 km away from the nearest of the housing applications. 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 LSE is assessed as very unlikely. For this reason the SPA is not considered further in this assessment.

The North York Moors SPA is 19.6 km away from the nearest of the housing applications and parts of the unitary council areas of Stockton-on-Tees, Middlesbrough and Redcar and Cleveland lie between. The Local Plan housing policies for those LPAs should have been or will be assessed with regard to the SPA and these should consider the cumulative impact of the Hartlepool Local Plan housing policies. From a Hartlepool Local Plan HRA perspective the distance involved and the fact that there are numerous closer areas of publically accessible greenspace means that LSE is assessed as very unlikely. For this reason the SPA is not considered further in this assessment.

3. HRA stage 1 screening

3.1 HRA stage 1 screening – initial analysis of the Hartlepool Local Plan policies for Likely Significant Effects (LSE)

Each of the policies in the Hartlepool Local Plan 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 Local Plan on internationally designated sites is presented in Table 3.

Table 3. Screening Analysis of Local Plan 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

Policy (84 in total)	Purpose of the Policy	Potential for effects on site integrity based on all interest features).	Assessment category (see notes from NE Appx 1)	Any in-combination LSE triggered for this Plan (for As & Bs)?	Is Appropriate Assessment Required?
SUS1 The Presumption In Favour of Sustainable Development	To ensure that a positive approach is taken towards development proposals that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.	Sustainable development by definition cannot have an adverse on site integrity	A2	No	No
LS1	To determine the location of	The location of development could have	C4	-	Yes

Locational Strategy	development in the borough in relation to a series of material considerations.	an adverse on site integrity			
CC1 Minimising and Adapting to Climate Change	To outline ways in which the Council will work with partner organisations to help minimise and adapt to climate change.	Encouraging adaptation to climate change could have a positive effect on site integrity. Conversely, inappropriately located renewable energy generation developments could have an adverse effect on site integrity	C1	-	Yes
CC2 Reducing and Mitigating Flood Risk	To focus new development in areas of lower flood risk.	The location of new development could have an adverse effect on site integrity	A2	-	Yes
INF1 Sustainable Transport Network	To work with partners to deliver an effective, efficient and sustainable transport system which improves connectivity within and beyond Hartlepool and improves accessibility for all.	The policy focuses on strategic aims rather than specific objectives or projects. More specific guidance on how this policy's aims will be achieved is given in Policy INF2.	B	No	No
INF2 Improving Connectivity in Hartlepool	To improve access via a sustainable transport network.	The location and operation of transport links could impact on the SPA	C4	-	Yes
INF3 University Hospital of Hartlepool	To retain the existing hospital site for health services and provision.	None. The site is some distance from all European Sites.	B	No	No
INF4 Community facilities	To ensure access to a community services by improving existing facilities and providing new facilities as part of new developments.	Community facilities (education, leisure, health) are unlikely to have an adverse effect on site integrity, either directly or indirectly.	B	No	No
INF5 Telecommunications	To list criteria which proposals for telecommunications criteria should meet.	Works to upgrade infrastructure or introduce new infrastructure could have an adverse effect on international designated sites	C1	-	Yes
INF6 Renewable and Low Carbon Energy Generation	To encourage new renewable energy developments.	Inappropriately located renewable energy generation developments could have an adverse effect on site integrity	C1	-	Yes

INF7 Strategic Wind Turbine Developments	To identify areas suitable for wind turbine developments and set out the criteria for considering planning applications.	Wind turbines could have a direct effect on the bird features of the SPA and Ramsar by causing bird strike and making foraging habitat un-usable.	C1	-	Yes
INF8 Large Scale Solar Photovoltaic Developments	To provide criteria for considering planning applications for solar photovoltaic developments.	Glare from panels is assessed as being 'de-minimis'.	B	No	No
QP1 Planning obligations	To identify the planning obligations that may be required from developers to ensure that a development can be made acceptable and mitigates or compensated for any impacts.	This policy relates to design or other qualitative criteria.	A1	No	No
QP2 Compulsory Purchase Orders	To use compulsory purchase powers if necessary to facilitate proper planning and address amenity issues arising from vacant and derelict land and buildings.	No development could occur through this policy itself.	A5	Yes – eg Jackson's Landing, linked to Marina policy	Yes
QP3 Location, Accessibility, Highway Safety And Parking	To ensure that new development reflects sustainable design principles and is in a sustainable location	This policy relates to design or other qualitative criteria.	A1	No	No
QP4 Layout and Design of New Development	To ensure that all developments are designed to high quality and enhance location and setting.	This policy relates to design or other qualitative criteria.	A1	No	No
QP5 Safety and Security	To ensure that all developments adhere to national security standards, incorporate Secured by Design principles, and protect users from climatic effects.	This policy relates to design or other qualitative criteria.	B	No	No
QP6 Technical Matters	To ensure that new development satisfactorily addresses external influences and the presence of features and services on site.	This policy relates to design or other qualitative criteria.	A1	No	No
QP7 Energy Efficiency	To ensure high levels of energy efficiency in all development, including	This policy relates to design or other qualitative criteria.	A1	No	No

	minimising energy consumption through layout, orientation etc., optimising green infrastructure, and sustainable construction.				
QP8 Advertisements	To ensure that advertisements are appropriate taking in to consideration size, location and potential for impact on public safety.	The policy relates to the nature of advertisements and does not allocate locations for them.	A1	No	No
HSG1 New Housing Provision	To identify locations for new housing provision	The location of new housing could have an adverse effect on site integrity.	D3	-	Yes
HSG2 Overall Housing Mix	To ensure that the range of new housing stock meets local needs.	The policy confines itself to the broad types of housing to be provided and does not include factors that could potentially affect site integrity such as locations or access.	A1	No	No
HSG3 Urban Local Plan Sites	To covers housing opportunities in locations within the existing urban area.	This includes three greenfield locations, all of which are adjacent to the SPA and could hold birds which are features of the SPA and Ramsar.	C1	-	Yes
HSG4 The South West Extension Strategic Housing Site	To identify criteria which development on the South West housing site must meet.	Development could have an indirect adverse effect on site integrity in-combination with other housing developments.	D3	-	Yes
HSG5 High Tunstall Strategic Housing Site	To allocate High Tunstall for housing development and identify the key features of the development to be taken into account in determining the planning application.	Development could have an indirect adverse effect on site integrity in-combination with other housing developments.	D3	-	Yes
HSG6 Wynyard Housing Developments	To identify land for further housing development at Wynyard and identify the key features of the development to be taken into account in determining planning applications.	Due to the distance from European Sites any adverse effect on site integrity is de-minimis.	B	No	No
HSG7 Elwick Village Housing	To identify land for housing development at Elwick village and identify the key	Due to the distance from European Sites any adverse effect on site integrity is de-	B	No	No

Development	features of the development to be taken into account in determining planning applications.	minimis.			
HSG8 Hart Village Housing Developments	To identify land for housing development at Hart village and identify the key features of the development to be taken into account in determining planning applications.	Development could have an indirect adverse effect on site integrity in-combination with other housing developments.	D3	-	Yes
HSG9 Affordable Housing	To set a figure for affordable housing provision.	The policy confines itself to housing types and does not include factors that could potentially affect site integrity such as locations or access	A1	No	No
HSG10 Housing Market Renewal	To tackle the imbalance of supply and demand in the existing housing stock.	The policy prioritises development in existing housing regeneration areas in central Hartlepool. This would locate the housing renewal away from European Sites and with no significant linkages to them	A4	No	No
HSG11 Extensions to Existing Dwellings	To set conditions which extensions to existing dwellings must meet.	The policy is limited to existing dwellings and there are no existing dwellings on or immediately adjacent to European Sites, such that an extension might affect site integrity	A1	No	No
HSG12 Residential Annexes	To set conditions which residential annexes to existing dwellings must meet.	The policy is limited to existing dwellings and there are no existing dwellings on or immediately adjacent to European Sites, such that a residential annexe might affect site integrity	A1	No	No
HSG13 Gypsy and Traveller Provision	To set criteria which proposals for gypsy and traveller sites must meet.	The location of gypsy and traveller sites could have an adverse effect on site integrity	D3	-	Yes
EMP1 Prestige employment Site Wynyard Business Park	To safeguard land at Wynyard for development as a prestige business park.	The site at Wynyard may have a functional role for SPA birds (notably lapwing and golden plover) outside of the SPA.	B	No	No

EMP2 Queen's Meadow Business Park	To reserve Queens Meadow as higher quality employment sites.	The potential for Queen's Meadow to have a functional role for SPA birds outside of the SPA needs to be assessed	C2	-	Yes
EMP3 General Employment Land	To identify sites for business use and warehousing.	All of these sites are currently being operated for such uses although there are some vacant lots within some of the sites. Due this and the distance from European Sites, any adverse effect on site integrity is de-minimis.	B	No	No
EMP4 Specialist Industries	To accommodate various specialist industries.	The location and operation of the specialist industries could have an adverse effect on site integrity	C1	-	Yes
EMP5 Safeguarded Land for new Nuclear Power Station	To safeguard land in SE Hartlepool for the potential construction of a new nuclear power station, including consideration of impact on the SPA/Ramsar site; site identified in the National Policy Statement for Nuclear Power Generation.	The location of the specialist industries would directly damage a European site.	C5	-	Yes
EMP6 Underground Storage	To set out criteria to protect amenity and safety when considering proposals for the use of the former brine cavities for underground storage.	The retention of brine cavities is likely to ensure the retention of the surface land and habitat of the 'Brinefields' (Greenabella Marsh), which are within the SPA and Ramsar.	B	No	No
RUR1 Development in the Rural Area	To protect the open countryside from unnecessary development and to provide criteria for assessing development proposals in the rural area.	This is a policy which seeks to protect the natural environment.	A2	No	No
RUR2 New Dwellings Outside of Development Limits	To restrict the construction of new dwellings outside of development limits.	The policy concentrates new dwellings within development limits defined by other policies, therefore it will not of itself have an adverse effect on site integrity. The policies dealing with development limits will be assessed on their own merits.	A1	No	No
RUR3 Farm	To support the rural economy and	Farm diversification may have an adverse	B	No	Yes

Diversification	identify criteria for the consideration of farm diversification proposals.	effect on site integrity, but this will be minor and insignificant.			
RUR4 Equestrian Development	To support the rural economy through equestrian schemes and set out the criteria for consideration of proposals.	Equestrian development along the coast may have an adverse effect on site integrity.	C2	-	Yes
RUR5 Rural Tourism	To support proposals for rural tourist and leisure attractions and identify criteria for the consideration of such proposals.	As the coast is predominantly a European Site, and tourist and leisure developments are attracted to the coast, there is the likelihood of a direct negative impact.	C1	-	Yes
RC1 Retail and Commercial Centre Hierarchy	To define the hierarchy of existing retail and commercial centres.	The policy is concerned with establishing the hierarchy of existing centres rather than establishing new centres therefore it would not produce adverse effects on site integrity	A1	No	No
RC2 The Town Centre	To identify the town centre as the primary commercial centre in the Borough.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC3 Innovations and Skills Quarter	To promote the development of an Innovation and Skills Quarter.	The policy is only concerned with promoting development of an area already identified as an innovation and skills quarter, which is located away from European sites and with no linkages to them.	B	No	No
RC4 Avenue Road / Raby Road Edge of Town Centre Area	To support and protect appropriate retail, business and other uses at the edge of the town centre.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC5 The Brewery and Stranton Edge of Town Centre Area	To support and protect appropriate retail, business and other uses at the edge of the town centre.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC6 East of Stranton Edge of Town Centre Area	To support and protect appropriate retail, business and other uses at the edge of the town centre.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the	B	No	No

		integrity of European Sites is anticipated.			
RC7 Lynn Street Edge of Town Centre Area	To support and protect appropriate retail, business and other uses at the edge of the town centre.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC8 Mill House Edge of Town Centre Area	To support and protect appropriate retail, business and other uses at the edge of the town centre.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC9 Park Road West Edge of Town Centre Area	To support and protect appropriate retail, business and other uses at the edge of the town centre.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC10 West Victoria Road Edge of Town Centre Area	To support and protect appropriate retail, business and other uses at the edge of the town centre.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC11 York Road South Edge of Town Centre Area	To support and protect appropriate retail, business and other uses at the edge of the town centre.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC12 The Marina Retail and Leisure Park	To develop the Marina area as a major tourist and leisure attraction, and encourage tourist related development; also identifies acceptable uses at Jacksons Landing and Trincomalee Wharf.	The policy encourages commercial development at an existing site and therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC13 West of Marina Way Retail and Leisure Park	To identify and support suitable retail and leisure uses at Marina Way.	The policy encourages commercial development in the existing town centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC14 Trincomalee Wharf Retail and Leisure Park	To identify and support suitable retail and leisure uses at Trincomalees Wharf.	The policy encourages commercial development in an existing area, therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No

RC15 Tees Bay Retail and Leisure Park	To identify and support suitable retail and leisure uses at Tees Bay.	The policy encourages commercial development in an existing site, therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC16 The Local Centres	To protect, support and diversify local centres in providing a service to local communities.	The policy is concerned with regulating the types of activity within the existing Local Centres therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC17 Late Night Uses Area	To limit night time economy activities to specific locations.	The policy confines these activities to existing locations centre therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
RC18 Hot Food Takeaway Policy	To promote opportunities for more healthy lifestyles and to protect amenity of residents, by identifying criteria for consideration of proposals for hot food takeaways in all retail and commercial centres.	No likelihood of a significant adverse effect on European sites.	B	No	No
RC19 Main Town Centre Uses on Employment Land	To protect and enhance the role of the town centre by restricting development of main town centre uses on land identified for industrial uses.	No likelihood of a significant adverse effect on European sites.	B	No	No
RC20 Business Uses in the Home	To protect amenity of neighbours and neighbouring properties by setting out criteria for consideration of proposals by residents who wish to run businesses from home.	No development could occur through this policy itself.	B	No	No
RC21 Commercial Uses in Residential Areas	To protect the amenity of residents by specifying when commercial or businesses will be acceptable in residential areas.	No development could occur through this policy itself.	B	No	No
LT1 Leisure and Tourism	To encourage major leisure and tourism developments in the town centre, Marina, Seaton Carew and the	The Headland is within the SPA and Seaton Carew is within 1 km of the SPA and therefore there is the potential for	C2	-	Yes

	Headland, subject to environmental and other amenity considerations.	LSE on the European Site.			
LT2 Tourism Development in the Marina	To identify the type of tourism and related uses acceptable in the Marina, including Jacksons Landing.	The policy encourages tourism related development at an existing site and therefore no adverse effect on the integrity of European Sites is anticipated.	B	No	No
LT3 Development of Seaton Carew	To promote tourism and leisure developments that are in keeping with the character of the area and its role as a seaside resort.	Seaton Carew is within 6 km of the SPA and therefore there is the potential for an indirect effect on the European Site.	C2	-	Yes
LT4 Tourism Accommodation	To encourage further tourism accommodation in the key tourist centres – town centre, Marina, Seaton Carew, Headland, and also the rural area.	No likelihood of a significant adverse effect on European sites.	B	No	No
LT5 Caravan Sites and Touring Caravan Sites	To set out criteria for the consideration of proposals for touring caravan and camping sites.	Coastal sites could have the potential for an indirect effect on the European Site.	C2	-	Yes
LT6 Business Tourism, Events and Conferencing	To promote new, and improvements to existing, facilities for conferences and events.	No likelihood of a significant adverse effect on European sites.	B	No	No
HE1 Heritage Assets	To protect and enhance all heritage assets; provide guidance for the assessment of proposals affecting a heritage asset; protect and enhance archaeological heritage, and provide guidance for proposals likely to affect archaeology or its setting.	This policy is concerned with conserving or enhancing archaeological heritage and therefore is not likely to lead to an adverse effect.	A3	No	No
HE2 Archaeology	To protect, enhance and improve archaeological sites, and to seek an assessment when development proposals may affect sites.	No likelihood of a significant adverse effect on European sites.	B	No	No
HE3 Conservation Areas	To conserve the distinctive character of Conservation Areas through a constructive conservation approach, setting out criteria to achieve this.	The policy is concerned with maintaining the character of Conservation Areas rather than encouraging new development therefore no adverse effect on the	A3	No	No

		integrity of European Sites is anticipated.			
HE4 Listed Buildings and Structures	To seek to conserve the town's listed buildings by preventing unsympathetic alterations and restoration.	There are no existing listed buildings on or immediately adjacent to European Sites	A3	No	No
HE5 Locally Listed Buildings and Structures	To provide a level of protection for locally listed buildings.	The policy only deals with protection to such buildings rather than encouraging physical works therefore it would produce no adverse effects on site integrity	A3	No	No
HE6 Historic Shopping Parades	To support the retention of historic shop fronts at Stranton, Seaton Carew and Church Street.	This policy is concerned with conserving or enhancing historic shopping parades including at Seaton Carew. It is not likely to lead to an adverse effect.	B	No	No
HE7 Heritage at Risk	To retain and improve heritage assets identified as 'at risk'.	This policy is concerned with conserving or enhancing at risk heritage features and therefore is not likely to lead to an adverse effect.	A3	No	No
NE1 Natural Environment	To protect, manage and actively enhance the biodiversity, geodiversity, landscape character and green infrastructure assets of the Borough.	The policy is specifically concerned with avoiding or reducing issues that could have an effect on site integrity	A2	No	No
NE2 Green Infrastructure	To safeguard green infrastructure from inappropriate development. To address the identified shortfall in the amount or quality of green infrastructure. To improve the quality and quantity of green infrastructure.	Green Infrastructure is likely to have a positive effect on site integrity	A3	No	No
NE3 Green Wedges	To identify and protect green wedges within existing and new development and ensure that they are retained for open land uses.	Green wedges are likely to have a positive effect on site integrity	A3	No	No
NE4 Ecological Networks	To develop an ecological network throughout the Borough by enhancing/creating habitats that connect existing wildlife site allowing species to move and migrate and adapt to changing	Ecological networks are likely to have a positive effect on site integrity	A3	No	No

	conditions.				
NE5 Playing Pitches	To protect playing conditions and identify conditions where any loss would be acceptable.	Some shorebirds forage on playing fields so this policy will mainly have an indirect benefit to European Site features.	A1	No	No
NE6 Protection of Open Amenity Space	To protect amenity open space, identify where any loss might be acceptable and seek compensatory provision if necessary.	Some shorebirds forage on amenity open space so this policy will have an indirect benefit to European Site features.	A1	No	No

3.2 HRA stage 1 screening – further analysis of the Hartlepool Local Plan policies for Likely Significant Effects (LSE)

The initial screening stage of this Habitats Regulations Assessment identified 22 policies that might potentially have a significant effect on one or more European Sites. These are further screened in Table 4, based on a closer review of the policy detail and/ or an assessment of mitigation and applying the precautionary principal. Narrative is provided for each policy after the table. Policies are looked at alone but also in-combination. In some cases a neutral or negative policy may become a positive one when combined. Suggestions are made, where appropriate, as to how the policy could be changed to avoid LSE. Where a LSE cannot be ruled out, the policy will go to a HRA stage 2, Appropriate Assessment.

Four of the policies, SUS1 the Presumption In Favour of Sustainable Development, CC2 Reducing and Mitigating Flood Risk, RUR1 Development in the Rural Area and NE2 Natural Environment are assessed as having a positive effect on European Sites.

Table 4 Further screening of Hartlepool Local Plan Policies identified as having a Likely Significant Effect (LSE) on European Sites.

Policy N ^o	Policy name	Review policy in more detail &/ or assess mitigation. Look at combined policies where a neutral or negative policy becomes a positive one. Suggest how the policy could be changed to avoid LSE See table below for main points & text below for reasoning.	Can an AA be ruled out? See below for discussion
LS1	Locational Strategy	Has a positive guiding principal. In combination with other positive policies will negate potential LSE.	Yes
CC1	Minimising and Adapting to Climate Change	In combination with Locational strategy policy will negate potential LSE.	Yes
CC2	Reducing and Mitigating Flood Risk	Development guided away from the coast.	Yes
INF2	Improving Connectivity In Hartlepool	Has a positive guiding principal. Any disturbance caused by projects will be given a HRA and mitigation agreed if necessary.	Yes

INF5	Telecommunications	Has a positive guiding principal. Any disturbance caused by projects will be given a HRA and mitigation agreed if necessary.	Yes
INF6	Renewable and low carbon energy generation	In combination with Locational strategy policy will negate potential LSE.	Yes
INF7	Strategic wind turbine developments	In combination with Locational strategy policy will negate potential LSE.	Yes
QP5	Safety and Security (in-comb)	Ensure that when scheme planning applications are assessed, the policies guiding them refer to minimising adverse impacts of lighting where European Sites, their features or functional land may be effected.	Yes
HSG1	New Housing Provision	Allows for some housing within 6km of the SPA	No
HSG3	Urban Local Plan Sites	Encourages new housing within the existing urban area but includes three Greenfield sites which could lead to a LSE.	Yes
HSG5&8	Two locational housing policies	See HSG1	No, see HSG1
HSG13	Gypsy and Traveller Provision	In combination with Locational strategy policy will negate potential LSE.	Yes
EMP2	Queen's Meadow Business Park	Part of site is a LWS. Minimal use by SPA birds.	Yes
EMP4	Specialist Industries	The location and operation of the specialist industries could have an adverse effect on site integrity	Yes
EMP5	Safeguard Land for New Nuclear Power Station	The land for a potential new nuclear power station is safeguarded rather than allocated. It will not be progressed in the Plan period, but must be kept in reserve for a possible future Government decision.	Yes
RUR3	Farm diversification	In combination with Locational strategy policy will negate potential LSE.	Yes
RUR4	Equestrian development	In combination with Locational strategy policy will negate potential LSE. Possibility of increased disturbance at coastal locations, but this would be ver low and not significant.	Yes
RUR5	Rural tourism	In combination with Locational strategy policy will negate potential LSE.	Yes
LT1	Leisure and Tourism	Increased activity at the Headland is unlikely to significantly increase adverse impacts on the SPA as changes are likely to be relatively minor compared to existing use. The Headland is relatively robust in that the rocky shores favoured by SPA birds are not very accessible to people. Increased activity at Seaton Carew will be focussed in the existing core area within the town.	Yes
LT3	Development of Seaton Carew	Increased activity at Seaton Carew will be focussed in the existing core area within the town. However, there is likely to be some increased pressure on SPA features.	Yes
LT5	Caravan Sites and Touring Caravan Sites	Coastal sites could have the potential for an indirect affect on the European Site through recreational disturbance.	Yes

3.3 HRA stage 1 screening – policy and LSE - discussion

Policy LS1 Locational Strategy

This policy is principally concerned with outlining the preferred location for various types of development. The policy also supports the protection and enhancement of built and natural heritage assets and the development of renewable energy schemes. No allocations for development are on any area of land designated as an internationally designated site. However the allocations for development or for renewable energy schemes have the potential to have an adverse effect on site integrity of internationally designated sites through direct effects such as disturbance from the proximity of development or through indirect effects such as causing increased visitor disturbance or the use of land that is outside of such sites but which has functional use for the interest features of those sites.

Each of the issues or types of development outlined in LS1 is covered by its own, more detailed, policy within the Local Plan and effects on site integrity are therefore considered for each of those policies where this has been flagged up in the screening exercise in Table 3. The Locational Strategy itself contains the guiding principle that: “New development will be located or designed so as not to have either directly or indirectly an adverse impact on the integrity of internationally designated nature conservation sites. The impact of a development must be considered both alone as well as in combination with other plans and programmes. Where impacts would otherwise have an adverse effect, mitigation measures will be required in advance of the development that meet the Habitats Regulations.”

Given the inclusion of the above statement, the policy of itself is assessed as not having an adverse effect on the integrity of any internationally designated sites.

AA conclusion	Likely Significant Effect
Locational Strategy	No

Policy CC1 Minimising and adapting to Climate Change

The policy outlines a number of ways in which the Council will work with partner organisations to help minimise and adapt to climate change.

One of the policy’s aims is “encouraging environments that are resilient and adaptive to the effects of climate change and protect, promote and enhance biodiversity, including maintaining and enhancing habitat networks and green infrastructure, and preventing coastal squeeze.” This aspect of the policy will have a positive effect on the Teesmouth & Cleveland Coast SPA/Ramsar by helping to facilitate its adaptation to climate change.

Although one aspect of the policy is to encourage developments that generate renewable energy or utilise such technologies, the policy does not address locations for such developments or for associated infrastructure or other operational factors. As such the policy of itself would not have an effect on site integrity, rather the policy states that any proposals for developments that generate renewable energy would need to be in line with Policy CC3.

AA conclusion	Likely Significant Effect
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Minimising and adapting to Climate Change	No

Policy CC2 Reducing and Mitigating Flood Risk

The policy focuses development in the area of Flood Zone 1, as identified in the borough's Strategic Flood Risk Assessment (SFRA). Flood Zone 1 is the majority of the inland area of the borough, away from the coast and riparian corridors. As this policy focuses development away from the coast it is likely to have a positive effect on the Teesmouth & Cleveland Coast SPA/Ramsar as those sites are situated in Flood Zone areas other than Zone 1.

AA conclusion	Likely Significant Effect
Reducing and Mitigating Flood Risk	No

Policy INF2 Improving Connectivity in Hartlepool

The policy refers to the package of measures that will be required to achieve the aims of Policy INF1. Most of these measures are concerned with improvements to specified existing roads and to improved pedestrian and cycling links between key locations. None of these links are in an internationally designated site. Only one link, Hartlepool to Durham Heritage Coast, is adjacent to the Teesmouth & Cleveland Coast SPA/Ramsar site but this particular link is considered to have the potential to divert visitor pressure from the SPA/Ramsar, rather than increase it. Two new developments are proposed; a western distributor road and park and ride facilities at Greatham in association with a new rail halt as part of the Tees Valley metro development.

The western distributor road would run through the South West strategic housing site, which is the subject of Policy HSG4. The road would run from the A689 to Brierton Lane and would be 2km from the Teesmouth & Cleveland Coast SPA/Ramsar site at its nearest point so would not have a direct effect on those sites. The land that it would cross is currently arable and is not used by birds that form the interest features of the SPA/Ramsar.

The policy also reserves corridors of land along three roads, for road improvements and a corridor of land for a rail link from Seaton Snook Branch Line to Seal Sands. The corridors of land along the roads have no value for SPA birds and none are adjacent to the SPA where construction works might cause disturbance. However the rail link does run immediately adjacent to part of the Teesmouth & Cleveland Coast SPA for part of its length. There is the possibility that disturbance could be caused due to construction activities but this could be mitigated for by timing any works to avoid the periods when SPA birds would be present. The reserved route also crosses land outside of the SPA that might have functional value for SPA birds. This is the same area of land at the rear of Huntsman Tioxide that is assessed under Policy EMP4 Specialist Industries, where it is considered that suitable mitigation would be possible.

In any case, Policy INF2 is assessed in-combination with Policy LS1 Locational Strategy with its positive connotations for the SPA. Policy LS1 contains the guiding principle "New development will be located or designed so as not to have either directly or indirectly an adverse impact on the integrity of

internationally designated nature conservation sites. The impact of a development must be considered both alone as well as in combination with other plans and programmes. Where impacts would otherwise have an adverse effect, mitigation measures will be required in advance of the development that meet the Habitats Regulations.” Therefore no adverse effect on site integrity is anticipated

AA conclusion	Likely Significant Effect
Improving Connectivity in Hartlepool	No

Policy INF5 Telecommunications

The policy includes the wording: ‘Where appropriate, and having regard to any technical and operational constraints and the significance of the proposal as part of the national network, the Borough Council will seek to protect areas of environmental importance , including conservation areas, areas of Special Landscape Value, and nature conservation sites, particularly sites designated of international or national importance. Where the operator can demonstrate that there are no suitable alternative locations, proposals within areas of environmental importance should be designed and located to minimise visual and other impacts. Where there is likely to be an adverse impact on an internationally designated nature conservation site, either directly or indirectly, suitable mitigation measures will be required in advance of the development that meet current habitat regulations’. With this wording in place, the policy is assessed as not having an adverse effect on site integrity.

AA conclusion	Likely Significant Effect
Telecommunications	No

Policy INF6 Renewable and Low Carbon Energy Generation

The policy gives a presumption in favour of renewable energy developments provided that their effects, including cumulative effects, are assessed. It does not allocate any sites for renewable energy developments but states that it will encourage renewable energy developments that are in accordance with Policy LS1 Locational Strategy contains the guiding principle that: “New development will be located or designed so as not to have either directly or indirectly an adverse impact on the integrity of internationally designated nature conservation sites. The impact of a development must be considered both alone as well as in combination with other plans and programmes. Where impacts would otherwise have an adverse effect, mitigation measures will be required in advance of the development that meet the habitats regulations.”

To comply with Policy LS1, 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. Therefore this policy would not have an adverse effect on the integrity of any internationally designated sites.

AA conclusion	Likely Significant Effect
Renewable and Low Carbon Energy Generation	No

Policy INF7 Strategic Wind Turbine Developments

Policy INF7 identifies an area in the north-west of the borough and the industrial area around Brenda Road as suitable for wind turbines. The former is in a rural, farmed landscape and could have an adverse impact on SPA birds such as lapwing and curlew. Similarly, loss of foraging or roosting habitat on industrial land in the Brenda Road area could have a negative impact. Further there is the potential for bird strike in turbines having a direct effect on SPA birds, particularly for those which would be closer to the SPA. The risk of bird strike has, however, been explored as part of the Environmental Statement for the three separate 175m wing turbine planning applications in the Brenda Road area. The Borough Council was satisfied with the conclusion of the surveys and analysis that there was only a minimal impact, which was not of significance to the integrity of European Protected Sites. The three proposals are now subject to a call in by the Secretary of State and an inquiry is to be held in October 2016, however nature conservation is not a key issue.

The policy states that proposals in the Brenda Road area will be subject to consideration of the 'impact, either individually or cumulatively, on internationally, nationally or locally important species and habitats'. It is considered that there is enough evidence and that with this wording in place, the policy is assessed as not having an adverse effect on site integrity.

AA conclusion	Likely Significant Effect
Strategic Wind Turbine Developments	No

Policy HSG1 New Housing Provision

The policy identifies a number of locations for new housing and allows for a total of 5,382 new homes over the next 15 years. Of these, 1,269 are existing permissions, which will have been subject to a Habitats Regulations Assessment where appropriate. A further 1,123 houses would be situated within the existing urban area. A number of new housing sites are proposed on Greenfield land. The vast majority of the housing on Greenfield land, comprising almost half of the total housing allocations, is the South West extension. The other main areas of housing on Greenfield sites are at Wynyard Park and Wynyard Woods, with allocations for 200 and 100 houses respectively and a North West extension of 150 houses. Both Wynyard sites are west of the A19 and several kilometres away from the Teesmouth & Cleveland Coast SPA/Ramsar. Wynyard Park is a mixture of woodland and arable and Wynyard Woods is currently arable. Neither site is used by birds that form part of the interest feature of the SPA/Ramsar site. The North West extension is on an area of land that is currently arable and which is situated immediately west of an existing housing estate. It is also not used by birds that form part of the interest feature of the Teesmouth and Cleveland Coast SPA/Ramsar site. However, the cumulative number of new dwellings will lead to a significant increase in the recreational use of land on or adjacent to the SPA and this could have a LSE.

AA conclusion	Likely Significant Effect
New Housing Provision	Yes

Policy HSG3 Urban Local Plan sites

To complement existing planning permissions which exist within the urban area and to protect green spaces, other potential sites for development have been proposed. These include three sites which are adjacent or close to the SPA:

- Britmag South - approximately 30 dwellings
- Coronation Drive - approximately 100 dwellings
- Seaton Coach Park - approximately 30 dwellings

There is potential for an indirect impact through the building on land used by SPA birds for foraging and roosting. There is no formal bird data on the use of these three areas of land by SPA birds. The Britmag South is located in the north of the borough and lies to the south of the Britmag housing estate which is on the former Steetley industrial site. This small site is an unkempt, rough grassland plateau with regular disturbance and anti-social behaviour including fly tipping. Seaton Coach Park (Seaton Carew) is at the top of the beach and adjacent to an existing beach car park, which is an area that is heavily disturbed.

The Coronation Drive site is at the northern end of Seaton Carew close to existing housing. Close by, the area of short, windswept grassland with an open aspect on both sides of the A178 road between Seaton Carew and Newburn Bridge is used by foraging oystercatcher, turnstone and redshank as well as two species of gull. This especially occurs at high tide and provides additional feeding time for SPA birds when their preferred feeding habitats of rock, mud or sand are covered by the tide. However, there is no published bird data for use by birds on the Coronation Drive housing allocation site and this evidence would be useful.

There is the potential for all of these housing sites to add additional recreational pressure leading to indirect LSE. This policy is therefore combined with HSG1 and triggers the need for a HRA stage 2 Appropriate Assessment.

AA conclusion	Likely Significant Effect
Urban Local Plan sites	Yes

Policy HSG5 High Tunstall Strategic Housing Site

See HSG2

AA conclusion	Likely Significant Effect
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High Tunstall Strategic Housing Site	Yes

Policy HSG8 Hart Village Housing Developments

See HSG2

AA conclusion	Likely Significant Effect
Hart Village Housing Developments	Yes

Policy HSG13 Gypsy and Traveller Provision

The policy does not identify a specific site(s) for Gypsy and Traveller provision but does commit to allocating a site(s). Among the criteria that such a site(s) must meet is that it should comply with Policy LS1, the Location Strategy. The Locational Strategy contains the guiding principle that: "New development will be located or designed so as not to have either directly or indirectly an adverse impact on the integrity of internationally designated nature conservation sites. The impact of a development must be considered both alone as well as in combination with other plans and programmes. Where impacts would otherwise have an adverse effect, mitigation measures will be required in advance of the development that meet the habitats regulations." Therefore this policy is assessed as not having an adverse effect on site integrity.

AA conclusion	Likely Significant Effect
Gypsy and Traveller Provision	No

Policy EMP2 Queen's Meadow Business Park

Queens Meadow is situated on the south west urban fringe of Hartlepool. Most of the site is covered in 'Open mosaic habitats on previously used land', notably grassland but towards its southern end a number of shallow pools have formed; these pools are generally full of jointed rush and there is relatively little open water. This southern end of the site is designated as a Local Wildlife Site on account of its amphibian populations. It supports very small numbers of birds for which the Teesmouth & Cleveland Coast SPA/Ramsar site is designated, typically low single figures of snipe and duck. The scarcity of open water and the lack of short grassland or open mud render the site largely unsuitable for other species for which the Teesmouth & Cleveland Coast SPA/Ramsar is designated.

AA conclusion	Likely Significant Effect
Queen's Meadow Business Park	No

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Policy EMP4 Specialist Industries

This policy allocates land for port-related development and for chemical, potentially polluting and hazardous industry. While new development will largely replace existing plants and will be more efficient in terms of environmental issues, new and additional plants cannot be ruled out. However, these will be controlled by strict regulations imposed and monitored by the Environment Agency, Local Planning Authority and others. Further evidence will be collected, such as environmental pollution data from the regulatory authorities.

The land at Hartlepool Port (Victoria Harbour area) can hold a flock of lapwing ranging from around 50-300 birds during the winter in periods when the land is not being used for operational reasons. The birds merely rest on the large open area of tarmac and as they only use the tarmac area they do not feed on the site. Their use of this site is not considered to be integral to the functionality of internationally designated sites as the land is only intermittently available to flocks of birds when not operational. Nevertheless it is recognised that compensatory provision needs to be made should this land be further developed and it has been discussed with Natural England that a suitable compensatory measure would be to enhance the bird island which forms a small, isolated compartment of Teesmouth & Cleveland Coast SPA.

The allocated West of Seaton Channel site around Huntsman Tioxide takes in the majority of Greenabella Marsh. It extends to the boundary with the part of Greenabella Marsh that is within the Teesmouth & Cleveland Coast SPA/Ramsar but excludes the SPA/Ramsar itself. The habitats in the areas of Greenabella Marsh that are not within the SPA/ Ramsar are mainly rank grassland or swamp comprising dense stands of reedmace (*Typha latifolia*) or common club-rush (*Schoenoplectus lacustris*) and as such are not of use to the bird species that form part of the interest feature of Teesmouth & Cleveland Coast SPA/Ramsar however there are four large ponds within the site that are used by such birds to some extent. Hartlepool Borough Council has conducted surveys of those ponds to establish the extent to which they are used by SPA/ Ramsar birds. Results indicate that they are used by relatively low numbers of duck with one pond in particular being used by northern shoveler, which is one of the individual species for which the Ramsar site is designated.

Any development in proximity to the SPA/ Ramsar could therefore have an adverse effect on site integrity. Any development will need to accommodate and where possible enhance the SPA/ Ramsar bird interest of the site as identified in the above surveys. The policy itself states in this respect: "Where appropriate, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European designated nature conservation sites, either alone or in combination with other plans and programmes. Any necessary mitigation measures must be secured in advance of the development in order to meet the requirements of the Habitat Regulations." With this proviso in place the policy for this site is assessed as not having an adverse effect on the integrity of internationally designated sites.

Phillips Tank Farm is land allocated approximately 600m from the Teesmouth and Cleveland Coast SPA/Ramsar at its nearest point. The southern part of the allocated land, ie: that outside the perimeter of the current operational site has been set aside to be managed as mitigation for the loss of habitat for SPA birds, as part of a development of a Liquefied Natural Gas (LNG) plant in the neighbouring borough of Stockton. It currently has some functional use for birds for which the Teesmouth & Cleveland Coast SPA/ Ramsar is designated and this is anticipated to increase significantly once mitigation proposals are

implemented. Any proposals for development on this part of the site allocated under this policy would therefore need to provide mitigation not only for its current use by SPA/ Ramsar birds but also provide such alternative mitigation for the development of the LNG plant as is allowed under that permission.

South Works is in an area containing existing steel works. North Graythorp and Graythorp Waste Management sites are industrial in nature, but relatively close to the SPA/ Ramsar or could accommodate SPA birds. Able Seaton Port is the existing Able UK site and is industrial but adjacent to the SPA/Ramsar.

The recognition that development at any of the sites allocated under this policy has the potential to have an adverse effect, either directly or indirectly on the Teesmouth & Cleveland Coast SPA/Ramsar is addressed in the wording of the policy which states: "All proposals for specialist industry will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European designated nature conservation sites, either alone or in combination with other plans and programmes. Any necessary mitigation measures must be secured in advance of the development in order to meet the requirements of the Habitat Regulations." With the inclusion of this wording this policy is assessed as not having an adverse effect on the integrity of internationally designated sites.

AA conclusion	Likely Significant Effect
Specialist Industries	No

Policy EMP5 Safeguard Land for New Nuclear Power Station

The land for a potential new nuclear power station is safeguarded rather than allocated. It will not be progressed in the Plan period, but must be kept in reserve for a possible future Government decision.

AA conclusion	Likely Significant Effect
Safeguard Land for New Nuclear Power Station	Not Applicable in Plan period

Policy RUR3 Farm Diversification

The policy encourages activities that support the rural economy. 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. Part of Hartlepool's rural area supports bird species that form part of the interest feature of the Teesmouth & Cleveland Coast SPA/ Ramsar. In particular flocks of wintering Lapwing, numbering several hundred birds, regularly roost in fields immediately east of Newton Bewley and in fields adjacent to the A179, immediately west of Hart village.

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 the policy also seeks to ensure that the open countryside is protected and enhanced and that its natural habitat is not lost. In addition it states that any development must be in conformity with Policy LS1.

Developments which are controlled by this policy, which are adjacent or close to the European Site, could lead to increased recreational disturbance and subsequently a LSE on the interest features of the site. This would particularly be the case for shorebirds. However, the Natural Environment policy (NE1) refers to minimising adverse impacts of recreational disturbance where European Sites, their features or functional land may be affected in the section: 'A precautionary approach will be taken towards developments that may have indirect impacts on internationally designated sites and appropriate mitigation measures or contributions to avoid detrimental impacts will be sought'. Therefore the policy is assessed as not having an adverse effect on site integrity.

AA conclusion	Likely Significant Effect
Farm Diversification	No

Policy RUR4 Equestrian Development

The policy encourages activities that support the rural economy. 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. Part of Hartlepool's rural area supports bird species that form part of the interest feature of the Teesmouth & Cleveland Coast SPA/ Ramsar. In particular flocks of wintering Lapwing, numbering several hundred birds, regularly roost in fields immediately east of Newton Bewley and in fields adjacent to the A179, immediately west of Hart village.

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 the policy also seeks to ensure that the open countryside is protected and enhanced and that its natural habitat is not lost. In addition it states that any development must be in conformity with Policy LS1.

Developments which are controlled by this policy, which are adjacent or close to the European Site, could lead to increased recreational disturbance and subsequently a LSE on the interest features of the site. This would particularly be the case for shorebirds. However, the Natural Environment policy (NE1) refers to minimising adverse impacts of recreational disturbance where European Sites, their features or functional land may be affected in the section: 'A precautionary approach will be taken towards developments that may have indirect impacts on internationally designated sites and appropriate mitigation measures or contributions to avoid detrimental impacts will be sought'. Therefore the policy is assessed as not having an adverse effect on site integrity.

AA conclusion	Likely Significant Effect
Equestrian Development	No

Policy RUR5 Rural Tourism

The policy encourages activities that support the rural economy. 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. Part of Hartlepool's rural area supports bird species that form part of the interest feature of the Teesmouth & Cleveland Coast SPA/ Ramsar. In particular flocks of wintering Lapwing, numbering several hundred birds, regularly roost in fields immediately east of Newton Bewley and in fields adjacent to the A179, immediately west of Hart village.

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 the policy also seeks to ensure that the open countryside is protected and enhanced and that its natural habitat is not lost. In addition it states that any development must be in conformity with Policy LS1.

Developments which are controlled by this policy, which are adjacent or close to the European Site, could lead to increased recreational disturbance and subsequently a LSE on the interest features of the site. This would particularly be the case for shorebirds. However, the Natural Environment policy (NE1) refers to minimising adverse impacts of recreational disturbance where European Sites, their features or functional land may be affected in the section: 'A precautionary approach will be taken towards developments that may have indirect impacts on internationally designated sites and appropriate mitigation measures or contributions to avoid detrimental impacts will be sought'. Therefore the policy is assessed as not having an adverse effect on site integrity.

AA conclusion	Likely Significant Effect
Rural Tourism	No

Policy LT1 Leisure and Tourism

The policy confirms the locations for major leisure and tourism facilities as being the existing ones of the Town Centre; the Marina; Seaton Carew and The Headland. The policy will also promote and encourage green tourism through the provision of facilities 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 all developments must be in conformity with Policy LS1 Locational Strategy. Therefore the effects of the part of the policy regarding green tourism are likely to have a positive effect on internationally designated sites.

Concentrating major leisure and tourism facilities in the existing centres will in general draw people away from internationally designated sites however it is acknowledged that both the Headland and Seaton Carew are in close proximity to parts of the Teesmouth & Cleveland Coast SPA/Ramsar. Under this policy, tourism on the Headland would focus on its historic value rather than its natural environment and in any case the main areas used by SPA birds are not very accessible to the public. Therefore increased tourism on the Headland is not considered to have an adverse effect on the SPA/ Ramsar site.

AA conclusion	Likely Significant Effect
Leisure and Tourism	No

Policy LT2 Tourism Development in the Marina

See Policy LT1 Leisure and Tourism (above). The Marina is already a busy area and to some extent birds using the area have become habituated to activity, such as boat traffic and quay based tourism activities.

AA conclusion	Likely Significant Effect
Tourism Development in the Marina	No

Policy LT3 Development of Seaton Carew

At Seaton Carew the emphasis of the policy is on the bathing beaches and the existing centre. The bathing beach, Seaton Sands extends for approximately 1km in front of Seaton Carew and has no designations for nature conservation interests but at its southern end it meets an inter tidal component of the SPA/Ramsar and at its northern limit it merges with Carr House Sands, which is designated for supporting a proportion of the birds which form the interest feature of the Teesmouth & Cleveland Coast SPA/ Ramsar. An increase in number of visitors to Seaton Carew could increase the visitor pressure on the adjacent areas. However any increase in tourism based around the bathing beaches is likely to be during the summer periods when SPA shorebirds are not present. The promotion of specific activities which might take place during the winter, such as wind surfing, sand yachting etc is not a feature of this policy and any promotion of such activities would need to be the subject of a separate strategy, given the potential for conflict with other users. The adjacent NNR has byelaws covering some forms of recreation, such as paragliding, which cause disturbance and SSSIs have lists of 'Operations likely to damage the special interest' which require NE written approval. In-combination with Policy LS1 Locational Strategy means that developments resulting from this policy would be required to demonstrate no adverse impact on internationally designated nature conservation sites.

AA conclusion	Likely Significant Effect
Development of Seaton Carew	No

Policy LT5 Caravan Sites and Touring Caravan Sites

The policy encourages activities that support the rural economy. Part of Hartlepool's rural area supports bird species that form part of the interest feature of the Teesmouth & Cleveland Coast SPA/Ramsar. In particular flocks of wintering Lapwing, numbering several hundred birds, regularly roost in fields immediately east of Newton Bewley and in fields adjacent to the A179, immediately west of Hart village.

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 the policy also seeks to ensure that the open countryside is protected and enhanced and that its natural habitat is not lost. In addition it states that any development must be in conformity with Policy LS1 Locational Strategy.

Developments which are adjacent or close to the European Site, could lead to increased recreational disturbance and subsequently a LSE on the interest features of the site. This would particularly be the case for shorebirds. However, this policy should be looked at in-combination with the Natural Environment policy (NE1), which refers to minimising adverse impacts of recreational disturbance where European Sites, their features or functional land may be affected in the section: 'A precautionary approach will be taken towards developments that may have indirect impacts on internationally designated sites and appropriate mitigation measures or contributions to avoid detrimental impacts will be sought'.

Therefore the policy is assessed as not having an adverse effect on site integrity.

AA conclusion	Likely Significant Effect
Caravan Sites and Touring Caravan Sites	No

3.4 HRA Stage 1 - findings

Any policies where LSE cannot be ruled out need to be taken to stage 2 in the Habitats Regulations Assessment. This is an Appropriate Assessment (AA) of the potential impacts on the integrity of the relevant European or Ramsar sites either alone or in combination with other plans or projects.

Following on from the comprehensive screening process, the following four policies are assessed as needing a stage 2 Appropriate Assessment.

HSG1 - New Housing Provision

HSG3 - Urban Local Plan sites

HSG5 - High Tunstall Strategic Housing Sites

HSG8 - Hart Village Housing Developments

The potential cause of LSE is the same for all four policies and they are further assessed in-combination.

4. HRA Stage 2 - Appropriate Assessment of Policies HSG1, 3, 5 and 8

4.1 Direct LSE on European Sites

There will be no loss of SPA habitat as a result of any of the housing allocations in policies HSG1, 3, 5 and 8.

The two sites allocated in Hart Village (HSG8) are Glebe Farm and Nine Acres. These are approximately 3 km from the Teesmouth & Cleveland Coast SPA/ Ramsar in a direct line. Urban sites in policy HSG3 are within 6 km of the European Sites but are mostly within or adjacent to existing built up areas.

The High Tunstall site (HSG5) is a greenfield site which is 4 km in a direct line from the European Sites at the closest point. This rural site is currently larger arable farmland. It has some European Site interest in the form of breeding and feeding/ roosting lapwings and feeding curlew.

The South West extension strategic housing site (HSG4) is an area of land immediately adjacent to the south west of the existing urban area and about 4 km from the European Sites. The land is currently almost entirely used for arable production though until recently parts of the land have been under various environmental stewardship options including the creation of one pond and large margins and headlands. This area has been the subject of a report by Teesmouth Bird Club 'Brierton Area, Hartlepool – Ornithological Data' prepared for WSP consultants in March 2010. The report highlights the importance that this area has had for birds. In particular it has supported a range of breeding farmland birds and also wintering populations of farmland birds such as grey partridge and various passerine species. The report makes no mention of the use of the site by birds for which the Teesmouth & Cleveland Coast SPA/ Ramsar is designated. Being immediately adjacent to the urban fringe, the site is quite well observed and anecdotally there are no records of SPA/ Ramsar birds using the site.

It is concluded that no site has a direct LSE.

4.2 Indirect LSE on European Sites

4.3 Issue - Atmospheric pollution

The increase in the number of dwellings would lead to an increase in traffic growth and a resulting increase in air pollution.

4.3.1 Evidence – increase in traffic growth is based on the assumption that an increase in the number of households is automatically followed by an increase in the number of vehicle journeys in the area.

4.3.2 Analysis – it should be born in mind that if people are simply moving location, then the number of journeys would be the same or very similar. The boundaries of the European Sites all lie a considerable distance from the major road network. Pollutants from roads are considered to have localised effects up to 200 metres from the roadside. Something of the order of less than one percent of the area of any of the European Sites would be subject to a slight increase in air pollution.

4.3.3 Conclusion – the increase is considered to be minor in comparison to existing levels and therefore to be *de minimus* in terms of an adverse effect on any European Site. It is assessed as having no significant effect.

4.4 Issue – Increased recreational disturbance

The increase in the number of dwellings will lead to an increased number of people and dogs and as these will be living within 6 km of a European Site there is a potential indirect effect likely to occur through a single impact pathway – namely increased recreational pressure leading to increased disturbance of features of the Teesmouth and Cleveland Coast SPA, Northumbria SPA and Durham Coast SAC, with particular reference to dog walking impacting on qualifying bird species of the two SPAs. Planning applications for individual dwellings and extensions to existing properties have not been considered as they will not result in a significant change in baseline conditions, either alone or in combination with other proposals.

Policy HSG2 New Housing Provision - Future Housing Supply over the Next 15 Years

Housing Site Source	Approximate Additional Dwelling Capacity	Land Type	% Provision
Existing Urban Area			
Extant Planning Permissions	1446	Mixed	23.9%
Urban Local Plan Sites	336	Mixed	5.5%
Existing Urban Area Sub Total	1782		29.4%
Urban Edge Extensions			
Existing Planning Permissions	1950	Greenfield	32.1%
High Tunstall Extension	1200	Greenfield	19.8%
Urban Edge Extensions Sub Total	3150		51.9%
Wynyard			
Existing Permissions	475	Greenfield	7.8%
Wynyard Park Sites	500	Greenfield	8.2%
Wynyard Extension Sub Total	975		16%
Villages			
Existing Permissions	80	Mixed	1.3%

Elwick Sites	35	Greenfield	0.6%
Hart Sites	50	Greenfield	0.8%
Villages Sub Total	165		2.7%
Total Dwelling Delivery	6,072		100%

4.4.1 Evidence

Housing applications from County Durham and Hartlepool Borough Council which have been granted or are currently working through the application process have been studied and this issue considered in combination. A number of Environmental Statements have included ecology chapters and have assessed the recreational disturbance issue both alone and in-combination.

A list of 65 housing developments in Hartlepool along with a further 18 developments within the Durham CC area has been produced (Andrews, 2016) The information in the table indicates that historically HRA and in-combination HRA was not routinely undertaken for individual housing applications. The one application which triggered an Appropriate Assessment was for the Britmag site (north of Hartlepool Headland). This is a development on a brownfield site (former Steetley works) adjacent to the Teesmouth and Cleveland Coast SPA/ Ramsar. Planning permission was granted at appeal and the site is currently being developed.

Family size has been considered using data from the Office for National Statistics

<http://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2015-11-05#household-size> [accessed 24/04/2016] This gives the following household make up for 2015: 1 person = 29%, 2 people = 35%, 3 people = 16% and 4+ people = 20%. The average number of people per household in the Tees Valley (2013) is 2.3.

The following website for the Tees Valley Combined Authorities provides Tees Valley wide statistics.

<https://teesvalley-ca.gov.uk/partners-portal/>

Population tab and the Instant Atlas tab [accessed 21/04/2016].

The policy HSG1 covers the building of 5,382 new dwellings. The average number of people per household in the Tees Valley (2013) is 2.3 and therefore there will be approximately 12,379 people living in them when they are all occupied. The Hartlepool Borough Council Strategic Housing Market Assessment 2015 says that 80.1% of new housing take-up will be Hartlepool people re-locating (rather than population growth). This radically alters the initial precautionary principal position that was used, which assumed increased population growth. If 80.1% of houses are occupied through re-location, this equates to approximately 9,916 people. This gives a growth figure of 2,463 people. This is a population increase of 2,463, from 96,000 to 98,463 – an increase of 2.6%.

Tees Valley Internal Migration – (moves to and from Tees Valley to the rest of the UK) are as follows: inflows of 22,300, outflows of 23,700, so an overall net flow out of the Tees Valley of 1,400. (Source: Office of national statistics (ONS) using NHS Central Register incorporating Student Adjustment). This statistic is contrary to the one in the paragraph above, which may be relate more to inflow into Hartlepool from the rest of the Tees Valley.

Dog ownership has been considered using the 2014 Pet Population Report: <http://www.pfma.org.uk/pet-population-2014> [accessed 24/04/2016]. This indicated that 24% of home owners have a dog.

Recent guidance on Suitable Alternative Natural Green Space (SANGS) by Hampshire County Council, reports that dog owners travel up to an average distance of 400-500m to reach greenspace for dog-walking, where a suitable space is available as opposed to travelling by car to the coast (Hampshire County Council 2013).

Recreational walking. The following statement is made by the Ramblers Association <http://www.ramblers.org.uk/advice/facts-and-stats-about-walking/participation-in-walking.aspx> [accessed 21/04/2016]. 'According to Britain's most comprehensive survey of sport and recreation participation, 9.1million adults in England, or 22% of the population, walk recreationally for at least 30 minutes in four weeks'. This would appear not to account for children.

The walk for life website suggests that people on average walk at a speed of 3mph (4.8kmh) <http://www.walk4life.info/> [accessed 21/04/2016].

Information has been taken from the Hartlepool Borough Council Open Space, Sport & Recreation Assessment Report (Ashley Godfrey Associates, 2015) – accessed from Hartlepool Borough Council website: https://www.hartlepool.gov.uk/downloads/file/417/open_space_sport_and_recreation_assessment_-_january_2015 [accessed 29/04/2016].

Hartlepool Borough Council undertook a bird and recreational disturbance study on North Sands, Hartlepool in 2014 (Bond 2014). This study was carried out by Hartlepool Borough Council over the winter of 2014-15 to determine the current levels of use of an area of the Hartlepool Coast by SPA birds as part of the S106 for the application to develop Britmag Magnesia Works. The study also recorded recreational activity and disturbance of SPA birds. Results were broadly compared with a similar study carried out over the winter of 2005-6. The survey area was split into a northern sector and a southern sector, with the northern extent of this area lying approximately 2km to the south of the proposed Nelson Farm site. Eighty three survey hours were carried out between November and March, and identified that SPA bird numbers had notably declined since 2005-6. Levels of recreational use were broadly similar between the study periods, with disturbance event rates of 1/hour in the north sector and 1.1/hour in the south sector during the 2014-15 study. Dog walking was by far the most common recreational activity recorded during the study, with all but two dogs recorded as being off lead. This indicates that an existing Dog Control Order is currently not being complied with. Even where this is complied with, one record of dogs on lead was noted as causing three separate disturbance events. Surveys found that neither section of the survey area was used by significant numbers of SPA birds at low tide. Where birds were present in the northern sector, this was typically low numbers of oystercatcher. Both sectors were used for high tide roosting, although numbers of SPA birds were typically in single figures. It was concluded that disturbance is unlikely to be the primary reason for low SPA bird numbers on this part of the coast.

The little tern colony at Crimdon Beach has been present since 1995 and the level of breeding success has fluctuated since this time, thought largely due to egg theft, human disturbance, insufficient food and mammal and avian predation. The nesting site is fenced between April and September every year and guarded by a warden and volunteers.

Further evidence which would be useful:

Data on the behaviour of children with regard to walking to coastal sites and playing in sand dunes and on beaches.

4.4.2 Mitigation considered

Dog Control Orders (DCO) [now replaced with Public Open Space Orders (POSO)] have been put in place by Hartlepool BC to manage recreational disturbance.

Hartlepool Borough Council put in place a Dog Control Order in 2010 to control existing levels of disturbance to SPA birds. It covers the foreshore from the northern end of Marine Drive to the northern end of the Britmag site. It stipulates that dogs should be on leads in this area during the months of September to March inclusive.

There are current Dogs on Leads Orders covering Seaton Common LNR (NB: this should be titled Seaton Dunes and Common LNR), Spion Kop LNR, Lower Promenade, Headland and Headland Fish Quay gates.

There are Dogs Exclusion Orders, for Seaton Carew Beach (May to September inclusive), Headland Fish Sands (May to September inclusive) and Headland Block Sands, Lower Promenade and Paddling Pool (all year).

There are a number of locations where dogs are permitted to exercise freely and these include Hart to Haswell LNR, Greatham Beck LNR, Summerhill Visitor Centre and Family Wood (Burn Valley).

Further management through a DCO (now POSO) has been agreed for an area of the shore adjacent to the Britmag housing development as part of a planning Section 106 agreement. This will be implemented if SPA bird disturbance incidences increases from a baseline bird survey completed in 2015. A second disturbance survey will be undertaken once 75% of the new houses are occupied and this is anticipated to be in 2019 or 2020.

The following mitigation has been proposed by a number of applicants who have inquired about or submitted pre-application and planning applications to HBC and Durham CC.

- Creation of SANGS within housing schemes.
- Little tern warden funding.

- Household information packs to inform new house owners of the European Sites and to tell them about alternative recreational options.
- Information boards at strategic locations along the European Sites.

4.4.3 Analysis

It is widely acknowledged that the coast provides a strong attraction for recreation. The most accessible coastal locations in Hartlepool borough are already significantly used, particularly during favourable periods of weather and longer daylight hours (mainly spring to autumn). [See the Hartlepool Borough Council Open Space, Sport & Recreation Assessment Report]. These include Seaton Carew beaches, Newburn Bridge, Hartlepool Headland and Crimdon Dene. Recreational disturbance is near 100% already in certain periods (pers comm.).

The Durham County Council Local Plan HRA found that increased human recreational disturbance within Natura 2000 sites can impact on bird assemblages either directly or indirectly through behavioural changes such as changes to feeding behaviour and physiological changes resulting from movement responses generated from disturbance which may have an impact on the local population. As such, increased visitor numbers within the Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA has the potential to cause adverse indirect effects on the qualifying species recorded there. This will particularly be an issue during the breeding season, when a colony of little terns breed at Crimdon Dene and during the winter when disturbance can reduce feeding opportunities for other SPA qualifying species. Species which utilise sandy beach and mud habitats, such as sanderling and redshank are likely to be at particular risk, given these areas will be most easily accessed by members of the public.

Based on the population statistics above, a population increase of 2,463 will lead to 542 adults walking for 30 minutes every four weeks. This does not account for children. It is reasonable to assume that this does not include dog exercising. With household dog ownership at 24%, then 1,292 of the 5,382 new households will own one or more dogs. Of these, 80.1% will be re-locations and 19.9% will be new. This suggests that there would be approximately 257 new dog-owning households. This is based on accepting the figure for the number of re-locations and it could be argued that unless the houses from which people have moved are made inaccessible, they will in turn be occupied by new owners. Over the 15 year Local Plan period, 5,382 new houses are planned. HBC is planning 35 demolitions/year for the 15 year Local Plan period = 525. It is reasonable to assume that Hartlepool is not a significant growth area and that the Tees Valley wide statistics are robust for this assessment.

It is considered likely that residents of new housing where there are convenient walking routes with which to access the beach, or those where there is convenient vehicular access to a parking area near the shore, will walk and/or exercise dogs regularly on cliffs and beaches.

While the beach undoubtedly has an attraction to some people, others will find inland sites just as attractive and/ or more convenient, depending on where they live, the time they have and site accessibility. There are a number of alternative recreational sites within a few kilometres of each of the preferred housing application sites. These will absorb a proportion of the new recreational demand, probably comparative to the proportion of existing recreational use they attract.

Alternative recreational areas away from European Sites

- Hart to Haswell LNR
- Greatham Beck LNR
- Summerhill Visitor Centre
- Family Wood (Burn Valley)
- The Public Right of Way (PROW) network.

Some parts of European Sites are promoted for visiting, including:

- Teesmouth National Nature Reserve
- Durham Coast NNR
- Castle Eden Dene NNR
- Seaton Dunes and Common LNR
- Hart Warren Dunes LNR
- Many other areas within the European Sites are open to public access and serviced by the Coastal path which is a National Trail.

4.4.4 Conclusion

The housing policies deal with allocations. The only new, major allocation is for 1,200 dwellings at High Tunstall. Two smaller allocations are at Hart Village.

Adequate mitigation is built into Policy HSG5 High Tunstall Strategic Housing Site which says 'Approximately 13.50ha of multifunctional green infrastructure will be provided including formal and informal leisure, education related sports provision and recreational facilities will be allocated, developed and managed as a strategic green wedge'

Adequate mitigation is built into Policy HSG8 Hart Village Housing Developments which states that of 3.06ha at the Nine Acres site, no more than 2.2ha of land will be developed for residential and that of 1.47ha of the Glebe Farm site, no more than 1.1ha will be developed for residential. The remaining land on both sites is to be developed as green infrastructure, informal open space and recreational and leisure land.

This will absorb a significant proportion of the daily dog walking and human exercising demand. In addition, other mitigation will be negotiated when the applications are submitted and assessed. These will include developer contributions to wardening at sensitive ecological receptors on the European Sites, especially the little tern colony, currently at Crimdon Dene.

5. The Tees Valley Joint Minerals & Waste DPD

The Hartlepool Local Plan should be read in conjunction with the Tees Valley Joint minerals & Waste DPD, as this provides the policy guidance for the borough of Hartlepool on mineral and waste issues.

5.1 Policy EC4 Waste Transfer and Treatment

Land has already been allocated, through the Tees Valley Joint Minerals & Waste DPD, for large scale waste management facilities at Graythorpe and this DPD has itself been the subject of a Habitats Regulations Assessment. Policy EC4 confirms that no new waste management facilities will be approved beyond that allocation. The policy then sets out conditions that new facilities within the allocated area must meet including being contained within buildings and adequate screening. The policy also contains the condition that: "Where appropriate, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European designated nature conservation sites, either alone or in combination with other plans and programmes. Any necessary mitigation measures must be secured in advance of the development in order to meet the requirements of the policy".

No in-combination effect has been found.

6. In-combination Assessment with Neighbouring Local Authority Local Plans

HRA requires that other relevant plans and projects should be assessed and this includes the Local Plans of neighbouring authorities.

As direct LSE has been ruled out for all policies, there can be no in-combination effect with similar policies in other Local Authorities. However, indirect causes of LSE do need to be assessed with similar policies in other Local Authorities, to assess their combined outcomes.

Each of the earlier Core Strategies of Stockton-on-Tees, Middlesbrough and Durham CC have been subject to a Habitats Regulations Assessment which have concluded, in each case, no adverse effect on internationally designated sites, either alone or in-combination, subject to mitigation within the plans which includes policies to encourage sustainable transport. Their in-combination assessments have taken into consideration the effects from the Hartlepool Local Plan (2006) which preceded the current Hartlepool Local Plan. These HRAs probably did not take into account the issue of indirect recreational disturbance on European Sites and none of these authorities have current Local Plans (see below).

Durham CC

At a recent Duty to Cooperate meeting between HBC and DCC it was noted that DCC has had to return to Regulation 18 stage and as a consequence there is no current information to assess.

Stockton-on-Tees

Following a Duty to Cooperate meeting between HBC and SBC it was noted that SBC has begun to review its evidence base with the intention to consult on preferred options later in 2016 and therefore there is no information to assess.

Middlesbrough

MBC is to review its Local Plan and so there is no information to assess.

Redcar and Cleveland

It is noted that R&BC is currently reviewing its evidence base with the intention to consult on preferred options later in 2016 and therefore there is no information to assess.

5. Overall Conclusion

All policies in the Hartlepool Local Plan have been assessed for the potential to have a likely significant effect on internationally designated sites. Where it has not been possible to rule out a likely significant effect from a particular policy then each of those policies has been assessed in further detail. Policies which allocate types of development in particular locations are subject to a condition which requires that they are in conformity with Policy LS1, Locational Strategy. Policy LS1 states, "New development will be located or designed so as not to have either directly or indirectly an adverse impact on the integrity of internationally designated nature conservation sites. The impact of a development must be considered both alone as well as in combination with other plans and programmes. Where impacts would otherwise have an adverse effect, mitigation measures will be required in advance of the development that meet the Habitats Regulations." In addition certain policies, such as EMP4 Specialist Industries explicitly state the wording of this part of Policy LS1.

No direct Likely Significant Effect was identified.

An indirect effect of the Local Plan policies has been identified, which is an increase in air pollution due to the increase in road traffic which is predicted to occur as a result of Policy HSG1, New Housing Provision, and which might potentially have an adverse effect on Castle Eden Dene SAC due to its proximity to the A19 road. However this effect is assessed as being *de minimus*, both alone and in-combination with similar policies in the Core Strategies of neighbouring Local Authorities.

An indirect effect of the Local Plan policies has been identified, which is, increased disturbance caused by increased recreational use. However, this impact can be adequately mitigated through the encouragement of SANGS on housing sites and this is built into each relevant policy. In addition, other mitigation will be negotiated when the applications are submitted and assessed. These will include developer contributions to wardening at sensitive ecological receptors on the European Sites, especially the little tern colony, currently at Crimdon Dene.

The Hartlepool Local Plan is assessed as not having an adverse effect on the integrity of internationally designated sites. This ends the HRA process and there is no need for the Local Plan to go to stage 3. The Local Plan can be authorised by the competent authority Hartlepool Borough Council.

Bibliography

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Cadwallender, T. & Cadwallender, M. (2013). 'A second year review of over-wintering waterbirds of the Durham coast – December 2012 to March 2013'. Prep for Durham CC.

Hampshire County Council. (2013). 'Planning for Dog Ownership in New Developments: Reducing Conflict – Adding Value'. Hampshire County Council.
Hartlepool Borough Council Strategic Housing Market Assessment

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.