

BY EMAIL ONLY to:

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**The Hartlepool Borough Council Local Plan – Examination
Submission of Hearing Statements**

MATTER 13: Natural Environment

Issue 2: Internationally designated sites [there is some overlap with the procedural matter 1 on HRA – see also questions 6-11 under Matter 1]

Question 4: Is there agreement that the HRA process and the suggested amendments to policy wording (notably Policy LS1 and various retail, leisure and employment policies) that the appropriate assessment has been undertaken at the plan-making stage? (recognising that further project level assessment may be required for individual developments).

Please see below the RSPB's assessment of the HRA screening process regarding **Combined Retail, Leisure and Tourism Policies**. Our assessment regarding the HRA screening process regarding combined Employment policies is provided in **Hearing Statement: Matter 4: Jobs Growth, Employment Policies and Employment Land Supply**

The policies detailed below have all been the subject of assessment within the HRA Stage 1 screening and have individually been assessed as having no likely significant effect (LSE) on the SPA/Ramsar/pSPA. It is our opinion that these policies require further assessment.

The general purpose of these policies is to develop some areas as major retail, tourist and leisure attractions. Thus it can reasonably be expected that the number of people visiting as a result of these policies would increase – leading to a potential increase in recreational disturbance of SPA interest features - due to the proximity of some of the areas allocated by these policies to the SPA.

Policy RC14 Trincomalee Wharf and Retail Park (page 65)

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The RSPB is part of BirdLife International,
a partnership of conservation organisations
working to give nature a home around the world.

The RSPB welcomes wording in policies that seek to provide facilities for the observation and interpretation of wildlife, habitats and the environment. However, we do not consider that these facilities alone would negate the risk of a LSE arising from these policies. It is incumbent upon HBC to use all available evidence to consider the potential impacts of these policies and to mitigate for them accordingly. To that end, it would be useful for HBC to provide details of the assessment undertaken to calculate the likely percentage increase of footfall within the SPA arising from **any policy** designed to increase visitor numbers. Stronger policy wording leading to clear actions that direct potentially damaging development/activities away from sensitive areas should be part of a suite of mitigation measures considered by HBC as part of a wider strategy designed to mitigate for the combined impacts (i.e. recreational disturbance) of housing, retail, leisure and tourism policies.

Policy LT1 Leisure and Tourism (page 65-66)

Table 21 (page 84) details the relative importance of Summerhill Country Park compared to other green spaces – being the most popular site for over half of residents surveyed.

It would be helpful for HBC to provide further detail regarding the promotion of Summerhill Country Park (and other sites) as alternative green spaces. In particular, whether measures are proposed that would increase the efficacy of these sites to divert recreational pressure away from coastal designated e.g. improving access to and facilities within sites. We can see no evidence that such measures have been costed or form part of the strategic mitigation framework to which developer contributions can be targeted. If such sites have are to be promoted, it is important that HBC undertake an assessment of the capacity for these sites to accommodate an increase in footfall.

Policy LT3 Development of Seaton Carew (page 68-69)

Whilst we welcome the commitment of HBC to provide clarity as to actions required to protect, conserve and enhance European sites, those that require contribution from development should be fully detailed within HBC's strategic mitigation plan. It would be helpful for HBC to provide evidence to support the statement that common tern do not represent a constraint with regards to activities promoted by this policy.

In summary, the RSPB considers LSE cannot be ruled out for leisure and tourism policies and require further assessment within the AA and within the Strategic Mitigation Plan.

Question 6: The submitted HRA refers to the RSPBs pathway-receptor model and Natural England [representation Pub00129] refers to a 6km 'buffer zone'. In practical terms is it agreed that all housing proposals within the Borough would result in a likely significant effect on Coastal SPAs and SAC from recreational disturbance?

It would be useful for the Council to provide clarification on this point. We note that **Policy HSG1 New Housing Provision** (page 52) states:

"However, the policy allows for housing within 6km of the SPA/ Ramsar and the cumulative number of new dwellings will lead to a significant increase in the recreational use of land on or adjacent to the T&CC SPA/ Ramsar and this could have a LSE".

Other than this reference, the HRA seems to suggest that all Housing proposals are accepted as resulting in LSE. Therefore, Clarification is required as to whether HBC intends to apply a 6km buffer and, if so evidence is required to support its application.

Question 5: Does the Plan include appropriate avoidance and mitigation measures to ensure no adverse effects on integrity from recreational disturbance arising from development?

Question 7: Are SANGS accepted as part of a wider package for mitigation for recreational disturbance? Is there any merit in undertaking further research specific to the habitats here?

Overall, we consider that the mitigation strategy proposed is too heavily reliant on the use of SANGs. We foresee considerable problems with this approach. We note that an amount of SANGs has been applied to a number of housing allocations and that the provisional funding formula (detailed in Table 3) is based on the amount of SANGs that an individual developer proposes. The SANGs approach has been accepted as part of an avoidance and mitigation package for lowland heaths in the south of England. It is important to note that the use of SANGs in this context is still experimental, and subject to ongoing evaluation. SANGs were designed to provide the user with an experience similar to that of being on a lowland heath: they were not originally intended to mitigate for recreational impacts on coastal sites. Consequently, a key question is whether the mitigation proposed here will work to attract people away from the SPA. If local users of the SPA are choosing to do so because of its coastal character then the alternative open space being offered would need to mimic that character. If, however, the local users are choosing the coast because it offers the nearest conveniently accessible local space then there is a prospect that the use of SANGs may work. We are not aware that the Council has any evidence to help answer this question.

We also note that the financial contribution expected per dwelling is based upon the area of SANGs the developer proposes to provide as part of the development proposal and/or the degree of reliance upon a Council run SANGs site. We consider that this approach presents difficulties for the Council in terms of calculating the predicted financial contributions it will receive across all housing developments, which raises doubts over the overall financial deliverability of the strategy. In order for the efficacy of the mitigation strategy to be assessed it is important that HBC specify the sites that it intends to promote as alternative green spaces. We consider it important for HBC to consider measures that would increase the efficacy of such sites to divert recreational pressure away from coastal designated e.g. improving access to and facilities within sites. We can see no evidence that such measures have been costed or form part of the strategic mitigation framework to which developer contributions can be targeted. If such sites have are to be promoted, it is important that HBC undertake an assessment of the capacity for these sites to accommodate an increase in footfall.

A rigorous monitoring package will need to be put in place to ensure that the levels of usage at the SANGs go up (on existing sites) but that the levels of usage on the SPA stay the same or reduce: it is only through such monitoring that the necessary confidence in the effectiveness of the mitigation measures can be obtained. In the event that the monitoring did not show such a pattern of use it would be essential to undertake further research work and put in place alternative mitigation measures that would ensure that the integrity of the SPA is protected. The provision of SANGs, in itself, is not the solution. Please see our further comments regarding monitoring of the mitigation strategy.

In our previous (3rd February 2017) response, the RSPB recommended that HBC develop a cohesive, evidenced, package of measures which form a wider mitigation strategy - designed to include account of

the combined impacts arising from (if applicable) employment, housing, leisure, tourism and retail policies. In order for the strategy to be effective, a clear audit trail is required which provides a link between the potential impacts from Plan policies (through the HRA process) and appropriate mitigation measures. Therefore, it must be based on a robust assessment of the mitigation requirements; be designed and delivered to ensure that the mitigation is fit for purpose and secured in ways that ensure long term management and protection of the SPA and its interest features.

HBC will need to evaluate the cost of providing mitigation measures over the lifetime that the adverse effects will occur and provide evidence that it can secure the source of that funding before the deliverability of the Plan can be assessed. This includes information on the range of Plan policies to which the requirement to contribute to mitigation measures applies and, crucially, how the proposed funding formula will ensure that those measures can be delivered.

We consider that HBC has gone some way to achieving this but some further detail/clarity is still required as follows:

We note from **Table 1 - Local Plan Mitigation Strategy– ten year plan-** that the financial cost of delivering the mitigation strategy (£386,780) has been assessed over the first ten years of the plan. As stated above, HBC should be satisfied that this sum assures delivery of mitigation measures for the lifetime that impacts to the SPA will occur.

Table 2 - Contributing housing developments (including recent windfall sites) - details the number of dwellings assessed as liable for financial contributions – that is 3,693 houses contributing an average £117 per house – giving a total of £431,650. If HBC is confident that the total detailed in Table 1 is sufficient, an explanation is required as to why the contributions are £44,870 more than the outgoings (or, at an average £117/house, 84 houses more). What appears to be a 10.4% overcharge needs to be justified clearly.

We note the summary states that tourism and retail policies are likely to have an adverse effect on European sites through recreational disturbance but also note that developments arising from these policies are not currently expected to contribute to mitigation measures. As stated previously, we foresee problems with this.

Table 3 provides a funding formula per house, in part, based on the travel distance from the development site to the coast. We consider this approach to be sensible but would welcome further explanation as to how the differing contribution bands have been calculated. We also advise that a map would be useful to indicate which dwellings fall into a contribution zone (or not) – assuming that the number is actually based on spatial distribution.

Notwithstanding the above, we appreciate that the mitigation strategy and associated action plan will develop year upon year and the case for the implementation for some measures will be made commensurate with the number of new dwellings occupied and to deal with increases in residential and tourism-promoted activity. It is therefore, vital that a robust monitoring strategy be implemented to support the mitigation strategy.

Please also refer to the RSPB's submitted Hearing Statement: **MATTER 1: Legal and Procedural Matters – including the Duty to Cooperate**

Question 11: Are employment land proposals under EMP4c and EMP6 deliverable in terms of the pSPA and other local ecological designations?

Please refer to the RSPB's submitted **Hearing Statement: Matter 4: Jobs Growth, Employment Policies and Employment Land Supply**

END