

171106

Rough summary of HBC responses to RSPB Reps.

See significant changes (marked in red) in HRA Rev 4.

Issue	HBC comment
Matter 1, Issue 1	Several policies have been re-assessed as suggested – these now go to AA (see HRA Rev 4).
Legal	HBC is working towards protecting the SPA under existing legal obligations. New pressures (esp recreational disturbance) are mitigated by the Mitigation Strategy & Delivery Plan – funding formula and plan agreed by Committee.
HRA	Agree that SSSI condition status (non-birds) is irrelevant & removed from HRA Rev 4.
RC12, Marina & Retail Park RC14, Trincomalee wharf & retail park	HBC has not assessed the likely increase in footfall or the impact on SPA of these policies. The only SPA area is the West Harbour roost island which is never affected by people as it is protected by high tides. The pSPA will mean that the West Harbour is included, but this is for foraging common terns and these will not be affected by people. Should boat trips be introduced the impact on the island or low tide shore will be negligible due to lack of access. Wording has already been added to Local Plan text to say that there will be a requirement for natural history interpretation. HBC is satisfied.
LT1, Leisure & Tourism	The HRA Rev 4 introduces the concept that mitigation may also be required from leisure and tourism developments. The principle of increased footfall is accepted. However, dog walking (which is one aspect of recreational disturbance) is not an issue closely linked to leisure & tourism development. HBC supports actively promoting Summerhill CP as a walking & dog walking destination and agree it is added to the Mitigation Strategy & Delivery Plan and Monitoring programme, inc research into the carrying capacity of this + other HBC owned sites. LT1 encourages recreation mainly to the town centre, Marina & coast – HBC is satisfied that there is strong enough policy wording in LT1 – ‘...only approved where recreational disturbance (eg walkers with dogs) is not identified as an issue...’
LT3, Development of Seaton Carew	HBC is satisfied that the common tern breeding colony is 5.4km away and so unaffected and common + little terns foraging at sea are unaffected (no written evidence but G Megson pers obs).
6km zone	HBC has used the more effective, actual travel distance and the source-pathway-receptor model. Housing up to 11km away is screened in. Use of 6km in HRA was an error & is changed in Rev 4.
SANGS	HBC supports the development of a bespoke Hartlepool SANGS (now added to HRA Rev 4) rather than using the NE Thames Basin Heaths one which focuses more on large, Council run alternative sites with car parking – a model that does not fit Hartlepool well. In effect Summerhill is a SANGS that HBC created/ funded /provided for existing and new residents.
Mitigation Strategy & Delivery Plan + monitoring programme	HBC satisfied that the Local Plan informs developers of what is expected of them. Satisfied that HBC Committee has agreed the MS&D Plan, so it is sound.

	<p>Income does not need to match expenditure – HBC will monitor S106s, funding received, and money spent.</p> <p>It is a 15-year plan (not 10) to match Local Plan period – plan has been amended.</p> <p>GIS officer reports that it is too complicated to show financial cost zones based on actual driving routes, on a map.</p> <p>HBC agrees that there needs to be a bespoke monitoring programme, which will be robust and proportional, with the aim of triggering a review if SPA condition worsens.</p>
Functional land	<p>Wording added into 16.16: ‘Some sites are close to internationally important sites and are used by birds which are an interest feature. These sites are functionally important to protected birds and development affecting them may need to be mitigated’.</p>
Three HSG3 sites	<p>Britmag S (30) & Seaton Coach Park (30) sites have been removed. Coronation Drive housing site – the number has been dropped from 100 to 65. This site has housing on three sides and is currently unmanaged rank grass. It has been screened out as it is unsuitable for SPA birds. GM has never observed curlew on there. HBC satisfied with the finding of no LSE for this policy.</p>
Existing legislation, additional AEOI	<p>HBC is working towards protecting the SPA under existing legal obligations, and new AEOI site pressures (esp recreational disturbance) are resolved by the Mitigation Strategy & Delivery Plan – a funding formula and plan approved by committee.</p>
Causes of SPA bird declines	<p>There is evidence that loss of sewage outfalls has reduced food abundance (BTO) this ref has been added to HRA Rev 4.</p> <p>Coal arisings on beaches is still common, despite Durham Coast clean up. These are believed to come from the sea bed.</p> <p>HBC bird monitoring surveys have shown that birds favour certain feeding and roosting areas (within the SPA) and HBC is focusing more effort on these, which the Council believes is a proportional response. The HRA Rev 4 includes maps of these key sites.</p>
Northumberland SPA (NSPA)	<p>Bird surveys for the Durham coast and recreation survey of H’pool residents have been studied and confirm that recreational pressure from H’pool is not an issue for NSPA.</p> <p>The NSPA species all occur much further N due to within-site habitat requirements e.g. there is no major foraging area or roost site immediately to the N of Crimdon Dene.</p> <p>The NSPA little tern colony is about 100km to N.</p> <p>The NSPA has been screened out.</p>
EMP policies	<p>See significant changes (marked in red) in HRA Rev 4.</p> <p>Victoria dock – HBC agrees it is functional land so any <u>indirect</u> impact must be assessed. NE satisfied there is no direct impact. Lapwing counts referred to in REV 1 were actually in the Marina (G Megson 1999).</p> <p>EMP6 can be reached from non-SPA land – agree it should be shown on a map.</p> <p>EMP 4 (Philips) is functional and some will become pSPA. HBC satisfied with dual allocation, if an IROPI application comes in, it will go through necessary procedure.</p> <p>Information regarding Greenabella Marsh and its designations has been simplified in HRA Rev 4.</p> <p>See also ‘Functional land’ box above.</p>

TEP	HBC believes that the commitment shown to TEP and INCA by businesses is noteworthy, as it demonstrates nature conservation credentials and provides trust.
Sports fields	The casual use of verges and sports pitches by SPA birds is irrelevant to the HRA and this wording has been removed in HRA Rev 4.

Key
Adverse Effect On [Site] Integrity (AEOI)
Imperative Reasons of Overriding Public Interest (IROPI)

Draft 1, Monitoring Plan

Mitigation Monitoring Plan	Notes	Org
Conservation Condition of T&CCSPA	5 yearly?	NE
Map showing all developments where App Assessment was needed.	Source-pathway-receptor. Inc new housing sites and number of dwellings.	HBC
Spatial location of mitigation actions		HBC
Type and scale of mitigation action		HBC
Receipt of payments		HBC
Audit of expenditure		HBC
Review of baseline bird data		HBC
Population and distribution of birds over plan period	Appropriate survey months, annually. Build up trend data	HBC
Baseline user survey	Most effective may be an electronic counter on N Gare access road?	HBC
Capacity survey of Summerhill CP		HBC
Capacity survey of other HBC managed recreation sites		HBC
On-going user survey	Annual? Electronic counter at N Gare access road. Needs to test the effectiveness of mitigation actions.	HBC
Triggers. To trigger a review of the Mitigation Plan.	tbc	HBC

End