

# Habitats Regulations Assessment for Hartlepool Local Plan 2016 to 2031



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#### Revision history

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# 1. Summary

Hartlepool Borough Council (HBC) is currently preparing a new Local Plan which, once adopted, will replace the 2006 Local Plan. Hartlepool BC is currently at the Consultation on Main Modifications stage. A public consultation which invited comment on the Local Plan Preferred Options document /Proposal Map and associated Sustainability Appraisal and Habitats Regulations Assessment was conducted between Friday 27 May and Friday 22 July 2016.

Comprehensive responses were received from Natural England and the RSPB and this version of the HRA has addressed many of the issues raised.

This document is an amended version of the stage 1 Habitat Regulations Assessment and a stage 2 Appropriate Assessment on the consultation draft Hartlepool Local Plan. The Local Plan has been assessed for its impact on 11 European Sites (Nature 2000 Sites, referred to as N2K sites).

All of the 86 emerging Local Plan policies have been screened using the 'Natural England guidance on scoring policies from The Habitats Regulations Assessment of Local Development Documents (2009)'. A total of 55 policies were screened out, leaving 31 policies requiring further assessment. The RSPB proposal of examining Likely Significant Effect (LSE) through the source-pathway-receptor method was used.

Each of the 31 policies were assessed in more detail, examining proposed mitigation and with regard to the precautionary principle, to test for Likely Significant Effect (LSE). ~~Ten~~ **Twelve** policies could not be ruled out of causing LSE.

~~Ten~~ **Twelve** policies were subjected to a stage 2 Appropriate Assessment. The possibility of a direct Adverse Effect On Integrity (AEOI) of sites was ruled out for all policies and all N2K sites (either Special Protection Area (SPA) under the Birds Directive (2009/147/EC) or Special Area of Conservation (SAC) under the Habitats Directive (92/43/EEC)). The possibility of indirect AEOI was examined. For each issue, evidence is presented and analysed and the Council's conclusions given. The following indirect issues are ruled out for all N2K sites: atmospheric pollution and nutrient enrichment from dog faeces.

An indirect adverse impact - land functionally linked to N2K sites - was identified **for two allocated sites – EMP3a Employment land at Oakesway and EMP4c Specialist Industry at Phillips Tank Farm.**

The most complex issue was the impact of indirect AEOI through recreational disturbance. All N2K sites other than the Teesmouth and Cleveland Coast (T&CC) SPA/ Ramsar were ruled out for this. Evidence and analysis regarding the T&CC SPA/ Ramsar are discussed. In line with neighbouring local authority areas, the likelihood of adverse impacts through increased disturbance as a direct result of new housing is accepted.

Mitigation is required for indirect recreational disturbance and the report demonstrates that these will be delivered through three pathways:

- Strategic policy guidance from Hartlepool BC
- Hartlepool BC day to day Foreshore Services provision
- Developer contributions

Changes to policy wording has ensured that developers know that mitigation is required through Planning Obligations (QP1). Developers will be expected to provide mitigation and

this will mainly be in the form of provision of Suitable Alternative Natural Green Space (SANGS) within the application site (following Hartlepool SANGS guidance) and/ or a financial developer contribution. Both are determined by and will be delivered through the Mitigation Strategy and Delivery Plan referred to in Section 7.4 and Appendix 5. Mitigation measures are linked to the impacts and a funding formula for housing developments has been established. Amongst other projects, delivery will be through the Durham Heritage Coast Management Plan, the Teesmouth and Cleveland Coast European Marine Site Management Scheme and the HBC foreshore services programme. A costed 2018 Delivery Plan is presented. Key bird areas are identified and these will be protected through a Public Space Protection Order (PSPO) (following PSPO consultation).

In addition to LS1, other textual and policy wording additions have been introduced.

Hartlepool BC assesses that with the above precautions and mitigation in place, the risk of an adverse effect for N2K sites arising from the draft Plan is negated.

The report reviews neighbouring Local Authority and sub-regional plans and policies in terms of in-combination assessment. Each of the coastal Local Planning Authorities have identified LSE through indirect recreational disturbance and each is developing a mitigation plan to deal with it.

The Hartlepool Local Plan is assessed as not having an adverse effect on the integrity of internationally designated sites and is, therefore, consistent with achieving sustainable development in accordance with the NPPF. There is no need for the Local Plan to go to HRA stage 3.

HRA Stage 3 is an assessment of alternative solutions and stage 4 is the Imperative Reasons of Overriding Public Interest (IROPI) test.



## 2. Introduction

Hartlepool BC is currently preparing a new Hartlepool Local Development Framework (HLDF), which 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.
- A Sustainability Appraisal
- A Habitats Regulations Assessment

Once adopted, the new Local Plan will replace the 2006 Local Plan. Hartlepool BC has submitted **responses** from the consultation on Main Modifications Stage (**which ran from 15 December 2017 to 9 February 2018**). The public consultation, which invited comment on the Local Plan Preferred Options document /Proposals Map and associated Sustainability Appraisal and Habitats Regulations Assessment ran from 27 May to 22 July 2016.

**Three Four** comprehensive responses were received from the RSPB (dated 22/07/2016, 03/02/2017, 22/09/2017 **and 09/02/2018**) and this version of the HRA has addressed many of their issues raised. Other formal and informal comments have been noted, including from Local Authority Ecologists of neighbouring Councils and Natural England.

This document has been issued to Natural England for formal advice, as required by the Habitats Directive and has been assessed as sound.

## 3. Habitat Regulations Assessment (HRA)

### 3.1 Legislation

The EC Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC) 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 N2K network and are collectively known as European sites.

The Habitats Directive is translated into UK legislation through The Conservation of Habitats and Species Regulations 2017 also known as the Habitats Regulations.

Within the context of local planning, Regulation 102(1) applies (Chapter 8 - Land Use Plans)

Regulation 102(1) of the Habitats Regulations require that where a land use plan:

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

The plan-making authority for that plan must, before the plan is given effect, undertake an appropriate assessment of the implications in view of the site's conservation objectives."

In addition to SPAs and SACs, a suite of wetland sites of international importance has been designated under the Ramsar Convention. Although these are not European sites, as a matter of law, the UK Government has chosen to apply the same procedures to them as to European sites. In the case of the Ramsar sites considered in this assessment, Teesmouth & Cleveland Coast and Northumbria Coast, their boundaries coincide with the respective SPAs though the Ramsar designation cites some additional species as interest features. The assessment of Likely Significant Effect (LSE) 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.

The purpose of this document is to ensure that Hartlepool Borough Council complies with the requirement of the Habitat Regulations. This document is a Habitats Regulations Assessment of the Local Plan of the Hartlepool Local Development Framework. HRA provides an assessment of the effect of a plan or project, alone or in combination with other plans or projects, on sites considered to be of European importance for their nature conservation value.

Whilst many European sites overlap with Sites of Special Scientific Interest (SSSIs), HRA relates only to the qualifying interest features of the European site. HRA is only considered for plans that are not connected with or necessary to the management of European sites. The LDF Core Strategy is not connected with or necessary to the management of any European sites, and hence under Article 6 (3) of the Habitats Directive, requires consideration for its likely effects on such sites.

A HRA is required where *significant* effects upon the notified interest features of a European site are likely. Significance is defined in terms of the designated interest features and conservation objectives of the site. Natural England guidance indicates that any effect that compromises a site's ability to support and sustain the features for which it has been designated is likely to be considered significant, excluding trivial or inconsequential effects.

In determining the likely "significance" of an effect, the EC recommends considering "*the probability, of the impact; the duration, frequency and reversibility of the impact*". If it is not possible to clearly rule out a significant effect, based on objective information, then further assessment is required, in line with the precautionary principle. This view has been supported by recent European case law. That is, it is necessary to demonstrate that significant effects are *not* likely. 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'.

Plans should aim to avoid any adverse impacts on European sites. This can best be achieved by identifying sources of possible impacts early in the planning process, and modifying the plan to avoid these. Where adverse effects on European sites are identified during the HRA process, it is necessary to apply adequate mitigation measures to remove these.

Neither the Habitats Directive nor the Habitats Regulations specify how the stages of HRA should be undertaken, or the depth of analysis of issues that is required; it must, however, be fit for purpose.

### **3.2 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.

## 4. The Hartlepool Local Plan - HRA Stage 1 Screening

### 4.1 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 good practice to consider at the screening stage internationally designated sites linked to development policies by the source-pathway-receptor model. In this HRA all internationally designated sites to which this model applies, have been considered in the screening process for LSE from the Hartlepool Local Plan. However, it is better to work to ecological units and cause and effect relationships, rather than hypothetical boundaries and so some more distant sites have been included. This more closely follows the RSPB's preferred ecosystem method of following through each LSE in terms of 'source, pathway and receptor'. That is, LSE is 'development (source) and any adverse consequence (pathway) on a European Site (receptor)'. Local Plan policies must control these consequences to remove LSE.

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  | Possible pathways, from source to receptor   | 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. | Direct habitat loss.<br>Loss of functional land.<br>Recreational disturbance.<br>Downstream water pollution.<br>Air pollution.<br>Construction and operational disturbance, e.g. human movement, noise and dust. | 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  | Recreational disturbance.  | 13km.   |
| North York Moors SAC                       | European Dry Heath; North Atlantic Wet Heath.   | Recreational disturbance.<br>Air pollution when wind is in N quarter.  | 13km  |
| Castle Eden Dene SAC                       | The most northerly occurrence of Yew Woods in the UK  | Recreational disturbance.<br>Air pollution when wind is in S quarter.  | 4km   |

|                              |   |  |       |
|------------------------------|---|--|-------|
| Thrislington SAC             | Semi-natural dry grasslands and scrublands on calcareous substrates       | Recreational disturbance.<br>Air pollution when wind is in SE quarter. | 10km  |
| Durham Coast SAC             | Para-maritime vegetated sea cliffs on Magnesian limestone exposures       | Recreational disturbance.<br>Air pollution when wind is in S quarter.  | 1km   |
| Northumbria Coast SPA/Ramsar | Breeding Little Tern; wintering Turnstone and Purple Sandpiper.           | Recreational disturbance.  | 1km.  |
| North Pennine Moors SPA      | Breeding populations of Hen Harrier, Merlin, Peregrine and Golden Plover. | Recreational disturbance.  | 32 km |
| North Pennine Moors SAC      | Blanket bog, heath and grassland communities.                             | Recreational disturbance.<br>Air pollution when wind is in E quarter.  | 32 km |

NB: Northumbria Coast Ramsar, Northumbria Coast SPA and Durham Coast SAC, all stop 1 km north of HBC boundary. Teesmouth and Cleveland Coast Ramsar and Teesmouth and Cleveland Coast SPA extend 1km north of the borough boundary. NB: the Crimdon Dene little tern colony is within the T&CC SPA which at this point overlies the Durham Coast SSSI.

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 1, only the Teesmouth & Cleveland Coast SPA/Ramsar is partially situated within the borough of Hartlepool.

## 4.2 Useful supplementary information - underlying SSSIs and condition status of units

European sites are underlain by SSSIs and Natural England has split these into management units. The habitat of each unit is described and its condition assessed. The

condition status (using different colours) of units is displayed on the Magic mapping tool, see: <http://magic.defra.gov.uk/MagicMap.aspx> (accessed 23/09/2016).

Each N2K site is underpinned by one or more SSSIs. However, SSSIs are not always designated for the same ecological features and therefore this information should be used with caution and not relied upon to determine the condition of the N2K sites.

Natural England periodically undertakes an assessment of the condition status of SSSIs. In most cases the underpinning SSSIs are split into units and each is assessed separately. The condition status SSSI units has been noted. Selected data (mainly bird related) is given as Appendix 1. HBC has made an assesment based on geography, geology, distance and ecosystems, in order to decide which SSSIs it is reasonable to consider. Details of those that have been considered are included in Appendix 1. Some of the reports are long. All can be viewed via the Natural England website by searching for a named SSSI and then following the condition status link (accessed 23/09/2016).

### 4.3 HRA – Stage 1 European Sites – interest features, vulnerabilities & potential for adverse effects from Hartlepool Local Plan policies

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. Tables 2 to 12 give the interest features and the vulnerabilities of the European Sites covered by this HRA.

The Teesmouth and Cleveland Coast SPA/ Ramsar, Northumbria Coast SPA/ Ramsar, Durham Coast SAC, Castle Eden Dene SAC, Thrislington SAC, North York Moors SPA, North York Moors SAC, North Pennine Moors SPA and North Pennine Moors SAC need to be assessed under this HRA.

**Tables 2 to 12.** Interest features, vulnerabilities and potential for adverse effects from Local Plan policies of each European Site covered by this HRA.

**Table 2.**

| Site Name                 | <b>Teesmouth and Cleveland Coast SPA</b>  |
|---------------------------|---|
| List of interest features | <p>ARTICLE 4.1 QUALIFICATION (79/409/EEC)<br/> During the breeding season the area regularly supports:<br/> Little tern <i>Sternula albifrons</i> (Eastern Atlantic - breeding), 1.7% of the population in Great Britain, four-year mean for 1995 to 1998.<br/> On passage the area regularly supports:<br/> Sandwich tern <i>Sterna sandvicensis</i> (Western Europe/Western Africa), 6.8% of the population in Great Britain. Five-year mean for 1988 to 1992.<br/> NB: The 2001 SPA review identified an internationally important passage of Ringed plover <i>Charadrius hiaticula</i>.<br/> ARTICLE 4.2 QUALIFICATION (79/409/EEC)<br/> Over winter the area regularly supports:<br/> Knot <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<br/> On passage the area regularly supports:<br/> Redshank <i>Tringa tetanus</i> (Eastern Atlantic - wintering), 1.1% of the East Atlantic Flyway population, five-year peak mean, 1987 - 1991</p> |

|  |   |
|--|---|
|  | <p>ARTICLE 4.2 QUALIFICATION (79/409/EEC):<br/> AN INTERNATIONALLY IMPORTANT ASSEMBLAGE OF BIRDS<br/> Over winter the area regularly supports:<br/> 21,312 waterfowl (5-year peak mean 01/03/2000), including: Knot.</p>  |
| Vulnerability                              | <p>The natural incursion of coarse marine sediments into the estuary and the eutrophication of sheltered mudflats leading to the spread of dense Enteromorpha beds may impact on invertebrate density and abundance, and hence on waterfowl numbers. Indications are that the observed sediment changes derive from the reassertion of natural coastal processes within the context of an estuary much modified by human activity. An extensive long-term monitoring programme is investigating the effects of the Tees Barrage, while nutrient enrichment from sewage discharges should be ameliorated by the planned introduction of improved treatment facilities and the Environment Agency's acceptance of Seal Sands as a candidate Sensitive Area to Eutrophication. 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. 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              | <p>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.</p>  |
| Condition status of underlying SSSIs       | <p>Tees &amp; Hartlepool Foreshore &amp; Wetlands SSSI has 7 units (3 are in <b>Favourable</b> condition, 3 are <b>Unfavourable-Declining</b> and 1 is <b>Unfavourable-No change</b>). See Appendix 1.<br/> Seaton Dunes &amp; Common SSSI has 7 units (3 are <b>Favourable</b>, 3 are <b>Unfavourable-No change</b> and 1 is <b>Unfavourable-Declining</b>). See Appendix 1.<br/> Seal Sands SSSI has 5 units (2 are <b>Destroyed</b>, 1 <b>Favourable</b>, 1 <b>Unfavourable-No change</b> and 1 in <b>Unfavourable-Declining</b> condition). See Appendix 1.</p>   |
| Hartlepool's relationship to European Site | <p>Partially lying within the borough of Hartlepool, the Teesmouth and Cleveland Coast SPA needs to be assessed. In terms of human population, 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 and there is therefore a LSE caused by recreational disturbance. HBC has data on the distance that users travel to access the site and on their means of travel and this evidence is presented in the AA section.</p>   |

**Table 2a**

|                               |   |
|-------------------------------|---|
| Site Name                     | <b>Teesmouth and Cleveland Coast proposed pSPA</b>  |
| List of interest features     | Common tern <i>Sterna hirundo</i> , avocet <i>Recurvirostra avosetta</i> <b>and ruff</b> ( <i>Philomachus pugnax</i> ) as new 'qualifying features' within the extended SPA. <b>The 20,000 assemblage is to include gulls and terns.</b><br>Extend the boundary of the Teesmouth and Cleveland Coast SPA into the marine environment to protect foraging areas for little tern and common tern.<br>Include additional terrestrial areas within the SPA to protect breeding colonies of common tern and avocet, and non-breeding waterbirds. |
| Vulnerability                 | As for Teesmouth and Cleveland Coast SPA.   |
| Potential for adverse effects | As for Teesmouth and Cleveland Coast SPA.   |

**Table 3.**

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|--|--|
| Site Name                                  | <b>Teesmouth &amp; Cleveland Coast Ramsar</b>  |
| List of interest features                  | Ramsar criterion 5<br>Assemblages of international importance:<br>Species with peak counts in winter:<br>9528 waterfowl (5-year peak mean 1998/99-2002/2003)<br>Ramsar criterion 6 – species/populations occurring at levels of international importance.<br>Qualifying Species/populations (as identified at designation):<br>Species with peak counts in spring/autumn:<br>Redshank, 883 individuals, representing an average of 0.7% of the GB population (5 year peak mean 1998/9- 2002/3)<br>Species with peak counts in winter:<br>Knot, W & Southern Africa (wintering), 2,579 individuals, representing an average of 0.9% of the GB population (5 year peak mean 1998/9-2002/3) |
| 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.  |
| Condition status of underlying SSSIs       | Tees & Hartlepool Foreshore & Wetlands SSSI has 7 units (3 are in <b>Favourable</b> condition, 3 are <b>Unfavourable-Declining</b> and 1 is <b>Unfavourable-No change</b> - see Appendix 1).<br>Seaton Dunes & Common SSSI has 7 units (3 are <b>Favourable</b> , 3 are <b>Unfavourable-No change</b> and 1 is <b>Unfavourable-Declining</b> . See Appendix 1).<br>Seal Sands SSSI has 5 units (2 are <b>Destroyed</b> , 1 <b>Favourable</b> , 1 <b>Unfavourable-No change</b> and 1 in <b>Unfavourable-Declining</b> condition) – see Appendix 1.   |
| Hartlepool's relationship to European Site | Partially lying within the borough of Hartlepool, the Teesmouth and Cleveland Coast SPA needs to be assessed. In terms of human population, 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 and there is therefore a LSE caused by recreational disturbance. HBC has data on the distance that users travel to access the site or on their means of travel – covered below in the AA section.   |



**Table 4.**

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|--|--|
| Site Name                                  | <b>Durham Coast SAC</b>  |
| 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 phytogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft Magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water. 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.</p> |
| Vulnerability                              | Trampling and nutrient enrichment of accessible cliff top habitats through recreational use.   |
| Potential for adverse effects              | Part of the Durham Coast SAC is situated as close as 1km from Hartlepool borough's northern boundary. Major housing development on or near the northern boundary could potentially have an adverse effect on site integrity through increased dog fouling contamination and vegetation trampling.  |
| Condition status of underlying SSSIs       | It is underlain by one SSSI – Durham Coast, comprising of 37 units. 23 are in <b>Favourable</b> condition and 14 are in <b>Unfavourable-Recovering</b> condition. Internet link given in Appendix 1. The units are littoral sediment, littoral rock and calcareous grassland.  |
| Hartlepool's relationship to European Site | Site is 1km away from Hartlepool boundary. The Durham Coast SAC covers the vegetated sea cliffs and an area of shore that extends beyond the Mean High Water mark. A public footpath runs along the top of the cliffs but outside the SAC boundary and due to this site management trampling of sensitive cliff vegetation is minimised. Additional trampling from 'new' users will likewise be managed. Trampling impacts on intertidal areas are unlikely to be significant given the dynamic nature of this environment. 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. There are a number of regularly emptied dog waste bins at the Crimdon Dene car parking area (managed by Durham CC). LSE to habitats is assessed as unlikely. This issue is covered in more detail in the Appropriate Assessment below. No studies have been done to assess overall use by dog walkers or the split between on and off lead and on and off path.   |

Hartlepool BC assesses that the Durham Coast SAC cannot be screened out, due to the proximity of the designated site to the Hartlepool borough boundary. As it falls within the 6km buffer zone used to assess recreational disturbance it falls within the screening requirements.

While it is not possible for Hartlepool BC to wait for the Durham County Council (DCC) Local Plan to progress to the same stage, HBC will work with DCC to determine appropriate, cross administrative border mitigating strategies, which seeks to protect designated sites which are in common use by residents of both administrative areas for recreational purposes. Such collaboration includes, for example, both Authorities using the Durham Heritage Coast Management Plan as a mechanism for delivering mitigation actions. This approach applies for the other coastal Local Planning Authorities (LPA) and all of the European Sites where mitigation needs to be delivered.

**Table 5.**

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| Site Name                                  | <b>Northumbria Coast SPA</b>   |
| List of interest features                  | <p><b>ARTICLE 4.1 QUALIFICATION (79/409/EEC)</b><br/> <b>During the breeding season the area regularly supports:</b><br/> <i>Little tern</i> (Eastern Atlantic - breeding)<br/> 1.7% of the GB breeding population 5 year peak means 1992/3-1996/7</p> <p><b>ARTICLE 4.2 QUALIFICATION (79/409/EEC)</b><br/> <b>Over winter the area regularly supports:+</b><br/> <i>Turnstone Arenaria interpres</i> (Western Palearctic - wintering)<br/> 2.6% of the East Atlantic Flyway population 5 year peak means 1992/3-1996/7<br/> <i>Purple sandpiper Calidris maritima</i> (Eastern Atlantic - wintering)<br/> 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. The breeding little tern colony is situated 80km to the north and the preferred purple sandpiper areas are also in the northern sector. Some of these birds are likely to stop off in Hartlepool during periods of passage. Major housing and recreational developments on or near the northern boundary could have an adverse effect on passage birds via recreational disturbance.  |
| Condition status of underlying SSSIs       | Part of site is adjacent to Hartlepool district. The Northumberland Shore SSSI has 21 units, all littoral sediment or littoral rock. All 21 are in <b>Favourable</b> condition. Not in Appendix 1.   |
| Hartlepool's relationship to European Site | The site is 1km away from Hartlepool boundary. The Northumbria Coast SPA site 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 (80km) that breeding colony impacts are not likely to arise from any policy-led development. In the spring, adult little terns return rapidly to their breeding colony. Late summer dispersal is more leisurely and some of the Northumberland little terns stop in Teesmouth on their migration south. Cleveland Bird Report data and WeBS counts show that South Gare in Redcar and Cleveland is the favoured location for the congregation of terns from more northerly breeding colonies, including little terns. Increased recreation in Hartlepool will have only minor impact on the few birds roosting in Hartlepool. Surveys indicate that the Durham Coast is poor for purple sandpiper, with no birds recorded in the closest sections to Hartlepool |

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|  | <p>(Cadwallender &amp; Cadwallender, 2012 &amp; 2013). This is a SPA species based on historic and current populations that favour the northern end of the SPA. 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, which is the closest easily accessible public beach. It is therefore concluded that residents coming from 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.</p> <p>The condition assessment of the wintering bird features of Durham Coast SSSI &amp; co-located areas of SPAs: final report 2015-16 (Ecology Consulting 2016). The closest low tide foraging area was at Blackhall Rocks. The report gives Steetley's Beach and Steetley's Pier as roost sites – these are within Hartlepool)</p> <p>The key species is oystercatcher, which is one of the 20,000 waterbirds rather than a named species. The report concludes that 'It is clear from this winter's surveys that the southern part of the survey area (including within Hartlepool) held lower numbers of most waterbird species (apart from night-roosting gulls). This area of lower bird numbers is also an area of high disturbance. However, the northern part of the survey area has higher numbers of birds but also high disturbance, so it is difficult to conclude that disturbance alone is causing the low numbers. Rather the comparatively low numbers in the southern part of the survey area may be related primarily to resource availability'.</p> <p>The various bird disturbance reports all indicate that there is a residual high level of recreational use of the shore and by implication new users following the source to (Hartlepool) receptor pathway can only add to, rather than create, issues. It has been suggested that birds may be, to some degree, habituated to some disturbance.</p> <p>HBC has data on the distance that users travel to access the site or on their means of travel – covered below in the AA section.</p> |
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**Table 6.**

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|---------------------------|--|
| Site Name                 | <b>Northumbria Coast Ramsar</b>  |
| List of interest features | <p><b>Ramsar criterion 6 – species/populations occurring at levels of international importance.</b></p> <p><b>Qualifying Species/populations (as identified at designation):</b></p> <p><b>Species regularly supported during the breeding season:</b><br/> Little tern, W Europe, 43 apparently occupied nests, representing an average of 2.2% of the GB population (Seabird 2000 Census)</p> <p><b>Species with peak counts in winter:</b><br/> 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)<br/> Turnstone, NE Canada, Greenland/W Europe &amp; NW Africa, 978 individuals, representing an average of 1% of the population (5 year peak mean 1998/9- 2002/3)</p> |

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| Potential for adverse effects              | Part of Northumbria Coast Ramsar lies within 1km from Hartlepool's northern boundary. The breeding little tern colony is situated 80km to the north and the preferred purple sandpiper areas are also in the northern sector. Some of these birds are likely to stop off in Hartlepool during periods of passage. Major housing and recreational developments on or near the northern boundary could have an adverse effect on passage birds via recreational disturbance.  |
| Condition status of underlying SSSIs       | Part of site is adjacent to Hartlepool district. The Northumberland Shore SSSI has 21 units, all littoral sediment or littoral rock. All 21 are in <b>Favourable</b> condition. Not in Appendix 1.  |
| Hartlepool's relationship to European Site | <p>The site is 1km away from Hartlepool boundary. The Northumbria Coast Ramsar site has 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 (80km) that breeding colony impacts are not likely to arise from any policy-led development.</p> <p>Surveys indicate that the Durham Coast is poor for purple sandpiper, with no birds recorded in the closest sections to Hartlepool (Cadwallender &amp; Cadwallender, 2012 &amp; 2013). This is a Ramsar species based on historic and current populations that favour the northern end of the Ramsar. The same surveys also indicated that the nearest section of the Ramsar utilised by turnstone is Blackhall Rocks, which is not as easily accessible to people as the section of beach at Crimdon Dene (in Hartlepool).</p> <p>It is concluded that residents coming from 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.</p> |

**Table 7.**

|                               |   |
|-------------------------------|---|
| Site Name                     | <b>Castle Eden Dene SAC</b>   |
| List of interest features     | <p>Annex I habitats that are a primary reason for selection of this site</p> <p>Yew <i>Taxus baccata</i> woods of the British Isles</p> <p>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.</p>                    |
| 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. |

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| Condition status of underlying SSSIs       | There are 18 SSSI units - 15 woodland ones are <b>Unfavourable-Recovering</b> and 3 grassland ones are <b>Favourable</b> condition. Not in Appendix 1.  |
| Hartlepool's relationship to European Site | Site is within 4km of Hartlepool district. 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. See section 6.4.3. |

**Table 8.**

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| Site Name                                  | <b>Thrislington SAC</b>  |
| List of interest features                  | Annex I habitats that are a primary reason for selection of this site<br>Semi-natural dry grasslands and scrubland: on calcareous substrates ( <i>Festuco-Brometalia</i> )<br>Thrislington is a small site but nonetheless contains the largest of the few surviving stands of CG8 <i>Sesleria albicans</i> – <i>Scabiosa columbaria</i> grassland. This form of calcareous grassland is confined to the Magnesian Limestone of County Durham and Tyne and Wear, north-east England. It now covers less than 200 ha and is found mainly as small scattered stands.                                 |
| Vulnerability                              | These grasslands are dependent upon continuous management by seasonally-adjusted grazing and no fertilizer input. The site is now a National Nature Reserve and management on these traditional lines has been reintroduced.   |
| Potential for adverse effects              | Thrislington SAC is situated 10km away from Hartlepool and is not particularly well connected with transport links. Any adverse effect on site integrity 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. However, 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. |
| Condition status of underlying SSSIs       | Thrislington Plantation SSSI has two units, both in <b>Favourable</b> condition in 2013. Not in Appx 1.  |
| Hartlepool's relationship to European Site | 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. See section 6.4.3.  |

**Table 9.**

|                           |   |
|---------------------------|---|
| Site Name                 | <b>North York Moors SPA</b>   |
| List of interest features | ARTICLE 4.1 QUALIFICATION (79/409/EEC)<br>During the breeding season the area regularly supports:<br>Merlin, <i>Falco columbarius</i> at least 2.7% of the GB breeding population 1996<br>Golden plover <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 |

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|  | 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. However, 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.  |
| Condition status of underlying SSSIs       | NYMNP visitor details at too coarse a scale to identify Hartlepool visitors. Both bird species probably winter/ pass through Hartlepool district. Not in Appendix 1.   |
| Hartlepool's relationship to European Site | Site is 13km away. The North York Moors SPA is 19.6 km away from the nearest of the Hartlepool 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. Neither HBC nor the North York Moors National Park Authority (NYMNP) have any data on visitor statistics. This SPA is not considered further in this assessment. |

**Table 10.**

|                           |   |
|---------------------------|---|
| Site Name                 | <b>North Yorks Moors SAC</b>  |
| List of interest features | <p>Annex I habitats that are a primary reason for selection of this site</p> <p><b>Northern Atlantic wet heaths with <i>Erica tetralix</i></b></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><b>European dry heaths</b></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> |

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|  | Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site<br>Blanket Bogs  |
| Vulnerability                              | <p>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.</p> <p>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 over burning, leading to the loss of structural diversity as well as the loss of mosses and lichens.</p> <p>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.</p> |
| 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. However, 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.   |
| Condition status of underlying SSSIs       | No connection between ecosystems and Hartlepool district. NYMNPA visitor details at too coarse a scale to identify Hartlepool visitors. Not in Appendix 1.   |
| Hartlepool's relationship to European Site | <p>Site is 13km away. 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.</p> <p>Neither HBC nor the North York Moors National Park Authority (NYMNPA) have any data on visitor statistics. This SPA is not considered further in this assessment.</p>   |



**Table 11.**

|   |   |
|---|---|
| Site name                                   | <b>North Pennine Moors SPA</b>  |
|   | This site is 32 km to the west of Hartlepool boundary.  |
| List of interest features                   | Qualifying species: The site qualifies under article 4.1 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I, in any season:<br>Hen Harrier <i>Circus cyaneus</i> , 11 pairs - breeding season, count as at 1993 and 1994, 2.3% of GB pop.<br>Merlin 136 pairs - breeding season, estimated population during 1993 and 1994, 10.5% of GB pop. Peregrine <i>Falco peregrinus</i> , 15 pairs - breeding season, count as at 1991, 1.3% of GB pop.<br>Golden Plover 1,400 pairs – breeding season, minimum based on densities recorded 1960 – 1993, 6.2% GB pop. |
| Vulnerability                               | Persecution of raptors, especially of Hen Harrier and especially on driven grouse moor estates. Wild fire. Climate change (especially temperature and precipitation levels).  |
| Potential for adverse effects               | None or <i>de minimus</i> at most. Small possibility that increased recreational could cause disturbance to breeding birds of wildfire.   |
| Condition status of underlying SSSIs        | All four bird species probably winter/ pass through Hartlepool district. Not in Appendix 1.   |
| Hartlepool's relationship to European Sites | Site is 32km away. The likely number of additional visits (leading to increased risk) is low given the distance and the proximity of alternative recreational destinations.   |

**Table 12.**

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|---------------------------|--|
| Site name                 | <b>North Pennine Moors SAC</b>   |
|                           | This site is 32 km to the west of Hartlepool boundary.   |
| List of interest features | Qualifying Features:<br>H4010. Northern Atlantic wet heaths with <i>Erica tetralix</i> ; Wet heathland with cross-leaved heath H4030. European dry heaths.<br>H5130. <i>Juniperus communis</i> formations on heaths or calcareous grasslands; Juniper on heaths or calcareous grasslands H6130. Calaminarian grasslands of the <i>Violetalia calaminariae</i> ; Grasslands on soils rich in heavy metals.<br>H6150. Siliceous alpine and boreal grasslands; Montane acid grasslands.<br>H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates ( <i>FestucoBrometalia</i> ); Dry grasslands and scrublands on chalk or limestone.<br>H7130. Blanket bogs.<br>H7220. Petrifying springs with tufa formation ( <i>Cratoneurion</i> ); Hard-water springs depositing lime.<br>H7230. Alkaline fens; Calcium-rich springwater-fed fens.<br>H8110. Siliceous scree of the montane to snow levels ( <i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i> ); Acidic scree H8210. Calcareous rocky slopes with chasmophytic vegetation; Plants in crevices in base-rich rocks.<br>H8220. Siliceous rocky slopes with chasmophytic vegetation; Plants in crevices on acid rocks. |

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|--|---|
|  | H91A0. Old sessile oak woods with Ilex and Blechnum in the British Isles; Western acidic oak woodland.<br>S1528. Saxifraga hirculus; Marsh saxifrage.   |
| Vulnerability                              | Wild fire. Climate change (especially temperature and precipitation levels). Atmospheric pollution.   |
| Potential for adverse effects              | None or <i>de minimus</i> at most. NB: prevailing wind is SW meaning the likelihood of increased atmospheric pollution generated in Hartlepool is insignificant.  |
| Condition status of underlying SSSIs       | Site is 32km away. No connection between ecosystems and Hartlepool district. NPA visitor details at too coarse a scale to identify Hartlepool visitors. Not in Appendix 1.  |
| Hartlepool's relationship to European Site | Any development taking place will be downwind of prevailing wind direction (and downstream) so there will be little or no direct atmospheric or watercourse pollution. Any industrial development proposing atmospheric discharges will need permissions via existing consenting regimes and robust safeguarding rules. The chemical impacts caused by increased traffic from increased road use will be minimal given the distance and the proximity of alternative recreational destinations. |

Hartlepool BC had made the following statement: 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 likely to be minimal. 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. ~~Durham CC has been in contact with Natural England regarding the monitoring of nutrient enrichment.~~ 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.

Addendum: The following consultation advice was received from Natural England on 06/02/2017: *'Natural England disagrees with the vulnerability and mitigation provision assessment of the Durham Coast Special Area of Conservation (SAC). The proximity of the designated site to the boundary, being within the 6km buffer zone used to assess recreational disturbance is applicable here. Cross administrative border working, which seeks to protect designated sites which are in common use by residents of both administrative areas for recreational purposes should be considered in determining mitigation strategies'*. Hartlepool BC concurs that due to the increased likelihood of recreational disturbance created by the housing policies the Durham Coast SAC needs to be assessed.

## **5. HRA stage 1 screening**

### **5.1 HRA stage 1 screening – Part A: initial analysis of the Hartlepool Local Plan policies for Likely Significant Effects (LSE) on European Sites.**

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.

Hartlepool BC has followed Natural England scoring guidance in undertaking the initial screening, based on advice given in the Habitats Regulations Assessment of Local Development Documents (2009) document. Any policies not screened out in Part A are further assessed in part B (See 5.2).

In carrying out this initial screening the precautionary principle has been followed such that policies are taken forward for further 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. A development controlled by a policy may have an adverse consequence on one or more European Sites.

Analysis of the potential impacts of the Hartlepool Local Plan on internationally designated sites is presented in Table 13.

Key:

A=No negative effect

B=No significant effect

C=Likely Significant Effect alone

D=Likely Significant Effect in combination

NB: In some cases where no LSE is stated, this is based on a judgement that further research would not be proportionate to the geographical scope of the option and the nature and extent of any effects identified.

**Table 13. Screening Analysis of Local Plan policies for potential adverse effects on the integrity of internationally designated sites. See also Appendix 2.**

| <b>Policy (86 policies in total)</b>                      | <b>Purpose of the Policy</b>   | <b>Initial screening – does the policy prevent the development from causing LSE or is further assessment required?</b>  | <b>Assess ment category (see notes from NE Appx 1)</b> | <b>Any in-combination LSE triggered for this Plan (applies for A &amp; B)?</b> | <b>Is Appropriate Assessment Required?</b> |
|---|--|---|--|--|--|
| SUS1 The Presumption In Favour of Sustainable Development | To ensure that a positive approach is taken towards development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. | Sustainable development by definition cannot have an adverse effect on site integrity.  | A  | No   | No   |
| LS1 Locational Strategy                                   | To determine the location of development in the borough in relation to a series of material considerations.  | The location of development could have an adverse on-site integrity.  | C  | -  | Yes  |
| 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. | C  | -  | 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.   | A  | -  | Yes  |
| CC3 Renewable and Low Carbon Energy Generation            | To encourage new renewable energy developments.  | Inappropriately located renewable energy generation developments could impact on site integrity.  | C  | -  | Yes  |


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| CC4 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 an SPA/ Ramsar by causing bird strike and making functional land un-usable.   | C | -  | Yes |
| CC5 Large Scale Solar Photovoltaic Developments | To provide criteria for considering planning applications for large scale solar photovoltaic developments.   | Glare from panels could impact upon birds, especially if within the T&CC SPA/ Ramsar or on a flight path   | C | -  | 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 site integrity.  | C | -  | Yes |
| INF3 University Hospital of Hartlepool          | To retain the existing hospital site for health services and provision.  | No LSE. 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 impact on site integrity.  | C | -  | Yes |
| 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.            | No LSE. QP1 flags up that all developers need to be aware that there may be a requirement for recreational disturbance mitigation measures. This will be included in a SPD. Financial contributions include employment and tourism-related as well as housing development. | A | No | No  |

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|   |  | A number of housing developments already have planning approvals, based on HRAs (approved by Natural England) that did not require financial contributions to ensure mitigation. The majority of new housing covered in the housing policies is further away from the SPA than these. HBC believes that promoting a menu of options for mitigation is a proportionate response. |   |  |     |
| 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. This policy would lead to development that would be covered by other policies, such as EMP, RC or LT policies.   | D | Yes. In-combination with RC & LT policies. | Yes |
| QP3 Location, Accessibility, Highway Safety And Parking | To ensure that new development reflects sustainable design principles and is in a sustainable location   | No LSE. This policy relates to design or other qualitative criteria.  | A | No   | No  |
| QP4 Layout and Design of New Development                | To ensure that all developments are designed to high quality and enhance location and setting.   | No LSE. This policy relates to design or other qualitative criteria.  | A | 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.    | No LSE. 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.                               | No LSE. This policy relates to design or other qualitative criteria.  | A | No   | No  |

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| QP7 Energy Efficiency                                | To ensure high levels of energy efficiency in all development, including minimising energy consumption through layout, orientation etc., optimising green infrastructure, and sustainable construction.   | No LSE. This policy relates to design or other qualitative criteria.   | A   | No | No  |
| QP8 Advertisements                                   | To ensure that advertisements are appropriate taking in to consideration size, location and potential for impact on public safety.  | No LSE. The policy relates to the nature of advertisements and does not allocate locations for them.   | A   | 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.  | D   | -  | Yes |
| HSG2 Overall Housing Mix                             | To ensure that the range of new housing stock meets local needs.  | No LSE. 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. | A   | No | No  |
| HSG3 Urban Local Plan Sites                          | To cover four housing opportunities in locations within the existing urban area.<br>US1 – South of John Howe Gardens – approx 20 dwellings.<br>US2 – Carr and Hopps - approx 70 dwellings.<br>US3 – Briarfields - approx 14 dwellings.<br>US4 – Coronation Drive - approx 65 dwellings. | Re-screening: This includes four urban locations, one of which (US4) could be functional SPA land.   | C   | -  | 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 alone or in-combination with other housing developments.   | C,D | -  | Yes |

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| 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 alone or in-combination with other housing developments.  | C,D | -  | 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. | Development could have an indirect adverse effect on site integrity alone or in-combination with other housing developments (including within Stockton-on-Tees BC).   | C,D | -  | Yes |
| HSG7 Elwick Village Housing Development   | To identify land for housing development at Elwick 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 alone or in-combination with other housing developments.  | C,D | -  | Yes |
| 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.   | C,D | -  | Yes |
| HSG9 Affordable Housing                   | To set a figure for affordable housing provision.   | No LSE. The policy confines itself to housing types and does not include factors that could potentially affect site integrity such as locations or access.  | A   | No | No  |
| HSG10 Housing Market Renewal              | To tackle the imbalance of supply and demand in the existing housing stock.   | No LSE. 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. | A   | No | No  |



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| HSG11<br>Extensions to<br>Existing<br>Dwellings              | To set conditions which extensions to existing dwellings must meet.          | No LSE. 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   | A | No | No  |
| HSG12<br>Residential<br>Annexes                              | To set conditions which residential annexes to existing dwellings must meet. | No LSE. 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.  | A | No | No  |
| HSG13 Gypsy<br>and Traveller<br>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.  | C | -  | Yes |
| EMP1 Prestige<br>employment Site<br>Wynyard<br>Business Park | To safeguard land at Wynyard for development as a prestige business park.    | <p>No LSE. There is no bird data which suggests there may be birds functionally linking this site to European Sites. Aerial photo shows arable land use.</p>  | B | No | No  |

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| 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.  | C | -                                       | 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. There is the possibility that some sites are functionally linked to the SPA and this needs to be considered further.   | C | -                                       | Yes |
| EMP4 Specialist Industries                          | To accommodate various specialist industries.   | The location and operation of the specialist industries could have an adverse effect on site integrity.  | C | -                                       | 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. The site is identified in the National Policy Statement for Nuclear Power Generation. NB: EDF has said that the expected decommissioning date of 2024 is <u>not</u> linked to the need for a replacement power station on the site. | The location of a new nuclear power station would directly damage a European site. However, the policy is only to safeguard the land.  | C | -                                       | No  |
| 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.  | Underground brine cavities have the potential to be used for storage (non-toxic substances) without the need for large above ground structures on the 'Brinefields' (Greenabella Marsh), which are within the SPA and Ramsar. However, there could be above ground structures which while 'minimal in scale' would destroy SPA | B | Yes, alone & with SBC Local Plan policy | Yes |

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|  |   | habitat. The same applies in Stockton borough.  |   |    |     |
| RUR1<br>Development in<br>the Rural Area                     | To protect the open countryside from unnecessary development and to provide criteria for assessing development proposals in the rural area. | No LSE. This is a policy which seeks to protect the natural environment.  | A | No | No  |
| RUR2 New<br>Dwellings<br>Outside of<br>Development<br>Limits | To restrict the construction of new dwellings outside of development limits.  | No LSE. 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. | A | No | No  |
| RUR3 Farm<br>Diversification                                 | To support the rural economy and identify criteria for the consideration of farm diversification proposals.                                 | Farm diversification may have an adverse effect on site integrity, eg: through recreation.  | C | -  | Yes |
| RUR4<br>Equestrian<br>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.  | C | -  | Yes |
| RUR5<br>Sustainable<br>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.  | C | -  | Yes |
| RC1 Retail and<br>Commercial<br>Centre Hierarchy             | To define the hierarchy of existing retail and commercial centres.  | No LSE. 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.  | A | No | No  |
| RC2 The Town<br>Centre                                       | To identify the town centre as the primary commercial centre in the Borough.  | No LSE. The policy encourages commercial development in the existing town centre therefore no   | B | No | No  |

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|   |  | adverse effect on the integrity of European Sites is anticipated.  |   |    |    |
| RC3 Innovations and Skills Quarter                    | To promote the development of an Innovation and Skills Quarter.                                    | No LSE. 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. | No LSE. 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. | No LSE. 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. | No LSE. 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 |
| 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. | No LSE. 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. | No LSE. The policy encourages commercial development in the existing town centre therefore no  | B | No | No |

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|  |   | adverse effect on the integrity of European Sites is anticipated.   |   |    |     |
| 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.  | No LSE. 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.  | No LSE. 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.  | No LSE. 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 retail development. Increased recreational disturbance could result from this policy.  | C | -  | Yes |
| RC13 West of Marina Way Retail and Leisure Park  | To identify and support suitable retail and leisure uses at Marina Way.   | No LSE. The policy encourages commercial retail development and 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 Trincomalee's Wharf.  | The policy encourages commercial retail and leisure development and therefore an increased number of visitors is likely. This could lead to LSE.                | C | -  | Yes |

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| RC15 Tees Bay Retail and Leisure Park         | To identify and support suitable retail and leisure uses at Tees Bay.   | No LSE. The policy encourages commercial retail development and 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.  | No LSE. 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.   | No LSE. 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 LSE. No development could occur through this policy itself.   | B | No | No |
| RC21 Commercial Uses in                       | To protect the amenity of residents by specifying when commercial or businesses will be acceptable in residential areas.  | No LSE. No development could occur through this policy itself.   | B | No | No |

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| Residential Areas                             |   |   |   |     |     |
| LT1 Leisure and Tourism                       | To encourage major leisure and tourism developments in the town centre, Marina, Seaton Carew and the Headland, subject to environmental and other amenity considerations.         | The Headland is within the SPA and Seaton Carew is within 1 km of the SPA and therefore there is the potential for LSE on the European Site.    | C | -   | Yes |
| 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 which could have an adverse effect on the integrity of European Sites.    | C | -   | Yes |
| 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.                        | C | -   | 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.                                     | Encouraging tourist accommodation logically leads to greater recreational use of the coast and therefore to likely LSE.                         | B | Yes | Yes |
| 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.   | C | -   | Yes |
| LT6 Business Tourism, Events and Conferencing | To promote new, and improvements to existing, facilities for conferences and events.  | Negligible 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 | No LSE. This policy is concerned with conserving or enhancing archaeological heritage and therefore is not likely to lead to an adverse effect. | A | No  | No  |

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|   | guidance for proposals likely to affect archaeology or its setting.   |   |   |    |    |
| 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. | No LSE. The policy is concerned with maintaining the character of Conservation Areas rather than encouraging new development therefore no adverse effect on the integrity of European Sites is anticipated. | A | No | No |
| HE4 Listed Buildings and Structures         | To seek to conserve the town's listed buildings by preventing unsympathetic alterations and restoration.  | No LSE. There are no existing listed buildings on or immediately adjacent to European Sites   | A | No | No |
| HE5 Locally Listed Buildings and Structures | To provide a level of protection for locally listed buildings.  | No LSE. The policy only deals with protection to such buildings rather than encouraging physical works therefore it would produce no adverse effects on site integrity                                      | A | No | No |
| HE6 Historic Shopping Parades               | To support the retention of historic shop fronts at Stranton, Seaton Carew and Church Street.   | No LSE. 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'.  | No LSE. This policy is concerned with conserving or enhancing at risk heritage features and therefore is not likely to lead to an adverse effect.   | A | No | No |
| NE1 Natural Environment                     | To protect, manage and actively enhance the biodiversity, geodiversity, landscape character   | No LSE. The policy is specifically concerned with avoiding or reducing issues that could have an effect on site integrity   | A | No | No |



|                                      |   |  |   |    |    |
|--------------------------------------|---|--|---|----|----|
|                                      | and green infrastructure assets of the Borough.   |  |   |    |    |
| NE2 Green Infrastructure             | To safeguard green infrastructure from inappropriate development. To address the identified shortfall in the amount or quality of green infrastructure.<br>To improve the quality and quantity of green infrastructure. | No LSE. Green Infrastructure is likely to have a positive effect on site integrity   | A | 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.  | No LSE. Green wedges are likely to have a positive effect on site integrity  | A | 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 conditions.                      | No LSE. Ecological networks are likely to have a positive effect on site integrity   | A | No | No |
| NE5 Playing Pitches                  | To protect playing conditions and identify conditions where any loss would be acceptable.   | No LSE. Some functional usage by SPA birds of playing fields, so this policy will have an indirect benefit to European Site features.    | A | 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.  | No LSE. Some functional usage by SPA birds of amenity open space so this policy will have an indirect benefit to European Site features. | A | No | No |

## **5.2 HRA stage 1 screening – Part B: Further analysis of the Hartlepool Local Plan policies for LSE on European Sites.**

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.

HRA stage 1 screening, Part A, identified 31 policies that potentially have LSE on one or more European Sites. Part B involves a closer review of each, applying the precautionary principal. This examines policy detail, explores any mitigation that is planned and says whether the policy still has the potential to cause LSE. Policies are looked at alone, but also in-combination where appropriate. Policies are looked at in combination, to capture if neutral or negative policies become positive, or if neutral or positive ones become negative. For example, all of the Retail & Commercial Development policies and all of the Leisure & Tourism Development policies may have a negative impact through recreational disturbance when implemented together.

Where a LSE cannot be ruled out, the policy will go to a HRA stage 2, Appropriate Assessment.

### **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. 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'.

In order to substantially increase the robustness of this policy and following comments from Natural England and the RSPB, HBC has added additional wording to paragraph 6.26 of the Locational Strategy.

**WORDING:** Recreational disturbance can result from new retail, leisure and tourism opportunities as well as from housing. Mitigation, for the recreational disturbance of European site birds, needs to be effective and should be chosen from a range of diverse and flexible measures. These include, but are not limited to, SANGS, a financial contribution to the management of coastal issues and information packs. In delivering development, applicants should be required to demonstrate how this type of mitigation will be detailed and how costs have been identified for delivery. Mitigation will be delivered through the Mitigation Strategy and Delivery Plan'.

Hartlepool guidance for SANGS has been prepared and is presented in Appendix 7. The following have also been noted: Natural England SANGS Guidance and Accessible Natural Greenspace Standard (ANGSt) – see [http://webarchive.nationalarchives.gov.uk/20140605111422/http://www.naturalengland.org.uk/regions/east\\_of\\_england/ourwork/gi/accessiblenaturalgreenspacestandardangst.aspx](http://webarchive.nationalarchives.gov.uk/20140605111422/http://www.naturalengland.org.uk/regions/east_of_england/ourwork/gi/accessiblenaturalgreenspacestandardangst.aspx) Accessed on 24/10/2017.

Given the inclusion of the above statement, the policy in itself is assessed as not having an adverse effect on the integrity of any internationally designated sites. Hartlepool BC has provided clarity to developers through the Mitigation Strategy and Delivery Plan (Appendix 5), which ensures strategic avoidance of harm. Mitigation will be linked to specific measures and will be subject to a monitoring scheme.

Hartlepool BC has taken advice from the RSPB following consultation on version 1 of this report and has taken the emphasis off of this policy for mitigating LSE. In version 1 there was a general presumption that mitigation would be sought via the HRA process at the detailed development control planning application stage. The revised approach is that developers will be led by stronger policy wording and by a published Mitigation Strategy and Delivery Plan, which includes local guidance on SANGS requirements and a formula for financial contributions.

|                            |                            |
|----------------------------|----------------------------|
| LS1                        | Likely Significant Effect. |
| <b>Locational Strategy</b> | 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.

Section 8.7 looks at Policy CC1 in combination with the Shoreline Management Plan. Both documents talk about coastal squeeze and the need to manage it. Therefore, **Policy CC1 wording has been amended** to say '...and managing coastal squeeze' (as opposed to preventing it).

|  |                           |
|--|---------------------------|
| CC1  | Likely Significant Effect |
| <b>Minimising and adapting to Climate Change</b> | No                        |
| In combination with Shoreline Management Plan    | 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). See:

[https://www.hartlepool.gov.uk/downloads/file/455/sfra\\_level\\_1\\_-\\_volume\\_2\\_-\\_appendix\\_-\\_set\\_d\\_-\\_flood\\_risk\\_management\\_measures](https://www.hartlepool.gov.uk/downloads/file/455/sfra_level_1_-_volume_2_-_appendix_-_set_d_-_flood_risk_management_measures) Accessed 25/10/2017.

Flood Zone 1 covers most 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.

|   |                           |
|---|---------------------------|
| CC2                                       | Likely Significant Effect |
| <b>Reducing and Mitigating Flood Risk</b> | 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 there is no evidence that it is 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. These have no value for SPA birds and none are adjacent to the SPA where construction works might cause disturbance. LSE can be ruled out.

|   |                           |
|---|---------------------------|
| INF2  | Likely Significant Effect |
| <b>Improving Connectivity in Hartlepool</b> | 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.

|                           |                           |
|---------------------------|---------------------------|
| INF5                      | Likely Significant Effect |
| <b>Telecommunications</b> | No                        |
|                           |                           |

### **Policy CC3 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. Guidance is for small scale schemes (mainly associated with buildings), larger ones are dealt with in the following policies. 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 (see above). 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.

|   |                           |
|---|---------------------------|
| CC3   | Likely Significant Effect |
| <b>Renewable and Low Carbon Energy Generation</b> | No                        |
|   |                           |

#### **Policy CC4 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 was explored as part of the Environmental Statement for the three separate 175m wing turbine planning applications in the Brenda Road area and found to be insignificant. 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 Sites.

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.

|  |                           |
|--|---------------------------|
| CC4  | Likely Significant Effect |
| <b>Strategic Wind Turbine Developments</b> | No                        |
|  |                           |

#### **Policy CC5 Large Scale Solar Photovoltaic Developments**

Policy INF8 guides the development of large scale (over 0.5MW) ground based solar photovoltaic installations. Developments should use previously developed or non-agricultural land and as such may be within or close to the T&CC SPA/ Ramsar. There is a potential adverse impact of glint and glare on birds of the SPA/ Ramsar particular on flight lines. Large areas of reflected light may appear to be water to birds. Therefore the policy specifically references the need to avoid sites within the T&CC SPA/ Ramsar and to assess the impact of glint and glare on SPA/ Ramsar birds.

|  |                           |
|--|---------------------------|
| CC5  | Likely Significant Effect |
| <b>Large Scale Solar Photovoltaic Developments</b> | No                        |
|  |                           |

#### **Policy HSG1 New Housing Provision**

The policy identifies a number of locations for new housing and allows for a total of 6,072 new homes over the next 15 years. Of these, 3,951 are existing permissions, which will have been subject to a HRA stage 1 where appropriate. A further 1,782 houses will be situated within the existing urban area. A number of new housing sites are proposed on Greenfield land. The 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 the North-West extension of 150 houses. Existing site ecology reports show that none of the housing allocation sites are functionally linked to N2K sites.

However, the policy allows for housing which triggers LSE via the source-pathway-receptor model, as 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.

|                              |                           |
|------------------------------|---------------------------|
| HSG1                         | Likely Significant Effect |
| <b>New Housing Provision</b> | Yes                       |
|                              |                           |

### Policy HSG3 Urban Local Plan sites

To complement existing planning permissions which exist within the urban area, four other potential sites for development have been proposed. These include one site (US4) which is approximately 1km from the T&CC SPA:

US1 – South of John Howe Gardens – approximately 20 dwellings.

US2 – Carr and Hopps - approximately 70 dwellings.

US3 – Briarfields - approximately 14 dwellings.

US4 – Coronation Drive - approximately 65 dwellings.

The Coronation Drive site (US4) is flagged at stage 1 due to the potential for an indirect impact on the SPA through the loss of 'functional' land used by SPA birds for foraging and roosting.

There is the potential for the housing sites combined, 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.

|                               |                           |
|-------------------------------|---------------------------|
| HSG3                          | Likely Significant Effect |
| <b>Urban Local Plan sites</b> | Yes                       |
|                               |                           |

### Policy HSG4 The South West Extension Strategic Housing Site

See HSG1.

|  |                           |
|--|---------------------------|
| HSG4   | Likely Significant Effect |
| <b>The South West Extension Strategic Housing Site</b> | Yes                       |
|  |                           |

### Policy HSG5 High Tunstall Strategic Housing Site

See HSG1.

|   |                           |
|---|---------------------------|
| HSG5  | Likely Significant Effect |
| <b>High Tunstall Strategic Housing Site</b> | Yes                       |
|   |                           |

### Policy HSG6 Wynyard Housing Developments

See HSG1.

|                                     |                           |
|-------------------------------------|---------------------------|
| HSG6                                | Likely Significant Effect |
| <b>Wynyard Housing Developments</b> | Yes                       |
|                                     |                           |

**Policy HSG7 Elwick Village Housing Development**

See HSG1.

|   |                           |
|---|---------------------------|
| HSG7                                      | Likely Significant Effect |
| <b>Elwick Village Housing Development</b> | Yes                       |
|   |                           |

**Policy HSG8 Hart Village Housing Developments**

See HSG1.

|  |                           |
|--|---------------------------|
| HSG8                                     | Likely Significant Effect |
| <b>Hart Village Housing Developments</b> | Yes                       |
|  |                           |

Policies HSG3-8 could cause LSE either alone or in-combination.

**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 and Policy NE2, the Natural Environment. The policy also says that any site should avoid any detrimental impact upon the T&CC SPA/ Ramsar.

|                                      |                           |
|--------------------------------------|---------------------------|
| HSG13                                | Likely Significant Effect |
| <b>Gypsy and Traveller Provision</b> | 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 rough grassland. There are **at least** two Sustainable Urban Drainage Scheme (SUDS) ponds, though when inspected in June 2017 these were noted to be choked with emergent vegetation, especially lesser and jointed rush and had no open water. 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. **This site is not functionally linked to N2K sites.**

### Queen's Meadow Business Park.



|                                     |                           |
|-------------------------------------|---------------------------|
| EMP2                                | Likely Significant Effect |
| <b>Queen's Meadow Business Park</b> | No                        |
|                                     |                           |

### Policy EMP3 General Employment Land

The EMP3a site (Oakesway) site includes factories situated around the outer edge of the site, with amenity grassland in the central area. **As recent bird surveys have identified significant numbers of functionally linked birds, LSE cannot be ruled out.**

### Oakesway



Many of the Employment allocations are surrounded by existing Employment sites. The location and operation of businesses within what is called the Southern Business Zone (SBZ) is assessed as not leading to LSE. This is because most of the SBZ does not border the T&CC SPA/ Ramsar and none of the eight sites have an open aspect attractive to waders. Site EMP3b (Longhill Industrial Estate) attracts large numbers of gulls due to waste management operations. Gulls feed on-site and roost on bare, open land. Site EMP3j is the 3 Ha site at the eastern end of the Zinc Works Road and this site is currently 100% occupied by factories, with no replacement development planned. While this site is adjacent to the T&CC SPA/ Ramsar, there are no development opportunities and no strategic impacts. The assessment of no LSE for EMP3j is robust.



In general, the policy states that industrial development may be restricted or required to provide appropriate mitigation and/or compensation measures. ~~which negates any LSE.~~ Hartlepool BC acknowledges the importance of the precautionary principle, despite the need to provide a portfolio of options to drive inward investment. ~~and even in combination; these are screened out at HRA stage 1.~~

|                                |                             |
|--------------------------------|-----------------------------|
| EMP3                           | Likely Significant Effect   |
| <b>General Employment Land</b> | <del>No</del> Yes for EMP3a |
|                                |                             |

#### 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. These will be controlled by strict regulations imposed and monitored by the Environment Agency, Local Planning Authority and others. However, one site partially overlaps with the pSPA (leading to LSE through possible direct habitat loss) and some allocated sites are on land that is functionally linked to the T&CC SPA and could cause LSE.

|                              |                           |
|------------------------------|---------------------------|
| EMP4                         | Likely Significant Effect |
| <b>Specialist Industries</b> | Yes                       |
|                              |                           |

#### 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. NB: it is expected that the existing nuclear power station will be decommissioned in 2024. If this was to occur there could be a period of time when there is no active power station. Further, EDF Energy has said that the building of a new power station is not dependent on the decommissioning of the existing one, so a new one would not necessarily be a replacement.

|   |                               |
|---|-------------------------------|
| EMP5  | Likely Significant Effect     |
| <b>Safeguard Land for New Nuclear Power Station</b> | Not Applicable in Plan period |
|   |                               |

#### Policy EMP6 Underground Storage

Former brine extraction on an industrial scale has left many underground caverns which are suitable for large scale storage. However, these are beneath land designated as T&CC SPA/ Ramsar and land that is proposed by Natural England to be part of the SPA extension. For that reason, the policy points to NE1 (Natural Environment) and states that only non-toxic substances would be considered. There are further brinefield caverns to the west of Greatham Creek in Stockton-on-Tees borough. HBC has changed the wording to EMP6 to: 'In order to make any underground storage deliverable, access will need to be from the portion of Greenabella Marsh that has no Natural Environment allocation. There is such a piece of land which adjoins the A178 and the EMP6 sites'. This access point ~~will be~~ is shown on the Proposals Map. This will avoid the building of any structures that would result in loss of habitat (direct LSE) and the need for compensatory habitat, thus ensuring that there is no LSE.

|                            |                           |
|----------------------------|---------------------------|
| EMP6                       | Likely Significant Effect |
| <b>Underground Storage</b> | No                        |
|                            |                           |

### **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. This policy promotes the countryside rather than the coast.

HBC can find no published bird counts to provide evidence that particular rural areas are regularly used by SPA/ Ramsar birds. Therefore, no assessment can be made of the functionality of any land to the European Site.

Were development to take place on 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 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.

|                             |                           |
|-----------------------------|---------------------------|
| RUR3                        | Likely Significant Effect |
| <b>Farm Diversification</b> | No                        |
|                             |                           |

### **Policy RUR4 Equestrian Development**

The policy provides guidance for the equestrian industry, including commercial breeding and leisure, chiefly targeting the countryside rather than the coast.

HBC can find no published bird counts to provide evidence that particular rural areas are regularly used by SPA/ Ramsar birds. Therefore, no assessment can be made of the functionality of any land to the European Site.

There is a possibility of increased disturbance at coastal locations, especially in combination with the Durham Local Plan should that Plan encourage equestrian development in the Crimdon Dene area. There is already an established riding stable at Crimdon Dene with riders accessing the beach to the north and south, penetrating into two SPA/ Ramsar sites. The Hartlepool BC recreation study (Ashley Godfrey Associates, 2015) does not include horse riding as a significant factor. Linaker (2012) in her recreational disturbance study of the T&CC European Marine Site, logged 1,128 recreational events of which only seven involved horse riders (on North Gare Sands). This compares to 907 events involving dogs. Hartlepool BC assesses that any increased use of the shore of the SPA/ Ramsar by horse riders would not amount to a significant increase when combined with existing levels of recreational usage. The policy is assessed as not having an adverse effect on site integrity.

|                               |                           |
|-------------------------------|---------------------------|
| RUR4                          | Likely Significant Effect |
| <b>Equestrian Development</b> | No                        |
|                               |                           |

### **Policy RUR5 Sustainable Rural Tourism**

Sustainable Rural Tourism aims to provide opportunities within the countryside, rather than on the coast. There is a potential but un-quantified risk of areas with functional importance to SPA/ Ramsar birds being adversely impacted, but this is unlikely and would be minor given that HBC is not aware of any concentrations of relevant birds in the countryside. One of the most likely pathways to LSE is through proposals for caravan, holiday lodges and camp sites leading to increased recreational disturbance, should visitors choose to visit the

coast or inland European Sites. Tourism accommodation should accord with policies LT4 (Tourism Accommodation) and LT5 (Caravan Sites and Touring Caravan Sites). See Policies LT4 and LT5. In its own right, policy RUR5 does not lead to LSE.

|                                  |                           |
|----------------------------------|---------------------------|
| RUR5                             | Likely Significant Effect |
| <b>Sustainable Rural Tourism</b> | No                        |
| RUR3-5 in combination            | No                        |
|                                  |                           |

### RUR policies in-combination

When the three policies RUR3-5 are looked at in-combination, the scale of potential development and its associated risks to European Sites remains small and LSE is assessed as being insignificant.

### Policy RC12 The Marina Retail and Leisure Park

The Council seeks to diversify, support and protect The Marina Retail and Leisure Park. Visually improving the waterfront is one aim and businesses such as water taxis are mooted as acceptable. Policy RC12 covers the Marina and is outside of the pSPA. However, an increase in visitor numbers (brought in by the planned diverse attractions) and the possible use of water-borne vehicles could impact upon SPA birds using the marina water body. This could include disturbance in the outer marina (West Harbour) which is likely to become a pSPA (proposed extension) and the existing SPA bird roost island in the outer harbour. It is relatively difficult to mitigate impacts resulting from a deliberate policy to increase visitor numbers **and it is not possible to predict the projects which may come forward under this policy**. However, **the policy has been altered with the statement 'Where appropriate the Council will seek the provision of interpretation to increase public understanding of the Teesmouth and Cleveland Coast SPA and Ramsar'**. Hartlepool BC believes this to be a proportionate response for the following reasons:

- By their very nature, harbours are heavily used by boats and Natural England was aware of this when it selected the boundary of the pSPA.
- Policy RC12 does not directly promote an increased number of boats outside of the Marina. The suggestion of water taxis was illustrative and if introduced would be transport 'infrastructure' within the Marina and not out into the harbour, so they would not be operating in the pSPA.
- The pSPA, in this area, is for foraging common terns and HBC assesses that boats have no adverse impact on this species.
- The tidal area surrounding the West Harbour SPA roost island is now pSPA and shorebirds (autumn to spring) use the West Harbour shore only at low tide, when boats cannot access it.

Hartlepool BC has added the following wording into 13.99: '...particularly signs that are reflective of the area's history and/or function and that promote the area's internationally important birds'.

|   |                           |
|---|---------------------------|
| RC12                                      | Likely Significant Effect |
| <b>The Marina Retail and Leisure Park</b> | No                        |
|   |                           |

### Policy RC14 Trincomalee Wharf Retail and Leisure Park

The Council seeks to diversify, support and protect the Trincomalee Wharf Retail and Leisure Park. An increase in visitor numbers (brought in by the diverse attractions) could impact upon SPA birds using the marina water body. This could include disturbance in the outer marina (West Harbour) which is likely to become a pSPA (proposed extension) and the

existing SPA bird roost island in the outer harbour. It is relatively difficult to mitigate impacts resulting from a deliberate policy to increase visitor numbers, however, HBC assesses that this policy may lead to greater recreational footfall within the SPA. Therefore, the policy has been altered with the statement 'Where appropriate the Council will seek the provision of interpretation to increase public understanding of the Teesmouth and Cleveland Coast SPA and Ramsar'. Further, Hartlepool BC has added the following wording into 13.99: '...particularly signs that are reflective of the area's history and/or function and promoting the area's internationally important birds'.

|  |                           |
|--|---------------------------|
| RC14   | Likely Significant Effect |
| <b>Trincomalee Wharf Retail and Leisure Park</b> | 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 also promotes and encourages green tourism through the provision of facilities for the observation and interpretation of wildlife, habitats and the natural environment.

Hartlepool BC assesses that this policy could have an adverse effect on European Sites through increased recreational disturbance.

|                            |                           |
|----------------------------|---------------------------|
| LT1                        | Likely Significant Effect |
| <b>Leisure and Tourism</b> | Yes                       |
|                            |                           |

### Policy LT2 Tourism Development in the Marina

In combination with Policy LT1 Leisure and Tourism, RC12 The Marina Retail and Leisure Park and RC14 Trincomalee Wharf Retail and Leisure Park. 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. Hartlepool BC assesses that the reasoning and highlighted mitigation measures, discussed in the individual policy assessments, works for these policies both alone and in-combination and is robust enough to lead to a finding of no LSE.

|  |                           |
|--|---------------------------|
| LT2                                      | Likely Significant Effect |
| <b>Tourism Development in the Marina</b> | No                        |
|  |                           |

### Policy LT3 Development of Seaton Carew

Increased activity at Seaton Carew will be focussed in the existing core area within the town, particularly 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 European Site.

There is LSE through increased recreational disturbance.

|                                    |  |                           |
|------------------------------------|--|---------------------------|
| LT3                                |  | Likely Significant Effect |
| <b>Development of Seaton Carew</b> |  | Yes                       |
|                                    |  |                           |

### Policy LT5 Caravan Sites and Touring Caravan Sites

The Tourist Accommodation section states that there may be opportunities for a touring caravan site in the rural area. Hartlepool BC assesses that such a site is likely to create some LSE. The likely impacts are direct loss of functional land used by N2K species or, indirect, increased recreational disturbance to shorebirds when caravanners visit the beach. In terms of the former, Hartlepool BC can find no published bird counts to provide evidence those candidate rural sites are regularly used by SPA/ Ramsar birds. With respect to recreational disturbance, the additional number of additional visitors will be low and it is assessed as low significance but requiring mitigation. The LT5 policy mitigates adverse impacts by specifically saying: 'Where appropriate the Council will seek the provision of interpretation to increase public understanding of the Teesmouth and Cleveland Coast SPA and Ramsar'. Further, the policy demands that proposals are in line with a number of other policies including the Natural Environment ones. 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'.

Mitigation: The need for Planning Obligations for static caravans has been added to mitigate against increased recreational disturbance caused by holiday makers who have been encouraged to visit the coast, the policy wording in Policy QP1 - Planning Obligations has been strengthened so that a financial developer contribution is required. This will apply to static caravan site berths and will be used for management along the coast, including wardening where appropriate (see Section 7). While no static caravan site is being actively sought, it is possible that one may come forward during the lifetime of the Local Plan.

There are static caravan sites just to the north of the Hartlepool boundary at Crimdon Dene and towards Blackhall. While there is no space for such sites on the Hartlepool part of the coast (due to the Hart Warren golf course in the north and the protected Teesmouth National Nature Reserve in the south), there may be more capacity in the Crimdon to Blackhall area. There is currently no consultation Durham Local Plan, but this issue will need to be assessed in the HRA for that document. As it stands Hartlepool BC is not promoting a static caravan site and when assessed alone and mitigation is applied, this policy has no LSE.

|  |                           |
|--|---------------------------|
| LT5  | Likely Significant Effect |
| <b>Caravan Sites and Touring Caravan Sites</b> | <b>No Yes</b>             |
|  |                           |

### LT policies in-combination

Hartlepool BC recognises the need to balance leisure and tourism with nature conservation and has identified that mitigation is required to offset LSE. The Council has prepared a Hartlepool Local Plan Mitigation Strategy and Delivery Plan that will protect, conserve and enhance European Sites. A proportion of these activities will be financed by developer contributions.

|                            |                           |
|----------------------------|---------------------------|
| LT policies in-combination | Likely Significant Effect |
| In-combination             | Yes                       |
|                            |                           |

### 4.3 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) and its purpose is to ascertain that there are no Adverse Effects On Integrity (AEOI) on 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 ~~ten~~ 12 policies are assessed as needing a stage 2 Appropriate Assessment.

HSG1 - New Housing Provision

HSG3 - Urban Local Plan sites

HSG4 - The South West Extension Strategic Housing Site

HSG5 - High Tunstall Strategic Housing Site

HSG6 - Wynyard Housing developments

HSG7 - Elwick Village Housing Development

HSG8 - Hart Village Housing Developments

EMP3a - Oakesway

EMP4 - Specialist Industries

LT1 - Leisure and Tourism

LT3 - Development of Seaton Carew

LT5 - Caravan Sites and Touring Caravan Sites

The potential cause of LSE is the same for the Housing policies and the Leisure and Tourism policies and applies in combination.

While the above policies are identified as having a likely negative effect, the majority of Local Plan policies will have a neutral impact on European Protected Sites. A few have positive impacts, namely RUR1, and the six Natural Environment policies. RUR policies are concerned with protecting, managing and enhancing the rural area. RUR1 seeks to ensure that the rural area is protected and enhanced to ensure that its natural habitat is not lost. The six Natural Environment (NE) policies are positive. NE1 specifically targets internationally designated sites to be protected and enhanced. NE2 (green infrastructure) and NE3 (green wedges) will provide alternative destinations for outdoor recreation, which will reduce use of and potential disturbance of European protected habitats and species. They will also, along with NE4 (ecological networks), provide semi-natural and 'green' corridors which could be beneficial for designated species. NE5 (playing pitches) and NE6 (protection of incidental open space) are positive in that such sites provide functional land used by birds which are designated as N2K site qualifying features.

## 6. HRA Stage 2 - Appropriate Assessment of Policies HSG1, 3, 4, 5, 6, 7 and 8, **EMP3a**, EMP4, LT1, LT3 **and LT5**

These Appropriate Assessments apply to the Teesmouth and Cleveland Coast SPA/ Ramsar, Northumbria SPA/ Ramsar, Durham Coast SAC and Thrislington SAC. Possible source of AEOL, evidence, analysis and conclusions are presented.

### 6.1 Bird and recreation studies

The following studies have been sources by HBC to assist with the assessment.

**Table 14. Studies used to inform the HRA.**

| Report   | Author                      | Year |
|--|-----------------------------|------|
| Teesmouth & Cleveland Coast European Marine Site, English Natures Reg 33(2) advice (includes table of bird species at SPA designation). See below.         | English Nature              | 2000 |
| Wintering bird and disturbance survey, North Sands, Hartlepool, Co Durham.   | Tim Outlaw                  | 2006 |
| A study of over-wintering waterbirds of the Durham Coast.  | Cadwallender & Cadwallender | 2012 |
| Hartlepool SPA bird disturbance studies, 2009-13.  | Hartlepool BC               | 2013 |
| Recreational disturbance at the Teesmouth & Cleveland Coast European Marine Site, 2011-12.   | Rachel Linaker              | 2013 |
| A second-year review of over-wintering waterbirds of the Durham Coast.   | Cadwallender & Cadwallender | 2013 |
| Britmag site bird disturbance study.   | Bond. I, Hartlepool BC      | 2015 |
| Sunderland & South Tyneside Bird Surveys 2014-15, non-breeding season report.  | Arcus                       | 2015 |
|  |                             |      |
| Wintering bird survey to enable condition assessment of the wintering bird features of Durham Coast SSSI & co-located areas of SPAs: final report 2015-16. | Ecology Consulting          | 2016 |
| Durham Heritage Coast Coastal Visitor Survey.  | Bluegrass                   | 2016 |
| Little tern reports (various)  | INCA                        |      |

Hartlepool BC has undertaken a review of the above reports (Megson, 2016).

## 6.2 Bird populations – at designation (1995)

It is important to know what the qualifying species bird numbers were at the time the SPA/ Ramsar was designated. The Sites were designated in August 1995.

**Table 15. T&CC SPA/ Ramsar Conservation Objectives**

| Species       | Number  | %                            |
|---------------|---|------------------------------|
| Little tern   | 40 pairs  | 1.7% of GB pop               |
| Sandwich tern | 1,900   | 4.0% of GB pop               |
| Knot          | 5,509   | 1.6% of East Atlantic flyway |
| Redshank      | 1,648   | 1.1% of East Atlantic flyway |
| Assemblage    | 21,312 (excluding gulls & terns*). Including 5,509 knot, 1,228 shelduck, 1,351 teal, 1,133 redshank & 259 sanderling. |                              |

The latest publication of the BTO report 'Waterbirds in the UK 2015/16, The Wetland Bird Survey' (available on-line at [https://www.bto.org/sites/default/files/wituk-1516-optimised\\_0.pdf](https://www.bto.org/sites/default/files/wituk-1516-optimised_0.pdf) - accessed 24/10/2017) shows that the Tees Estuary has fallen out of the five-year rolling assemblage statistic of 20,000 waterbirds (page 13). Information given at <https://www.bto.org/volunteer-surveys/webs/publications/webs-annual-report/principal-sites> (both web sites accessed 24/10/2017) is copied in the table below and gives further detail on the total number of waterbirds in the Tees Estuary during the last five year period. While earlier data is not readily available, this data shows that the overall number of waterbirds has fallen since site designation. Further details and possible causes are discussed below. **NB: The Tees estuary WeBS count does not include North Sands (formerly counted as part of Durham WeBS, but not counted in recent years).**

**Table 15A. Total number of waterbirds in Tees Estuary during five-year period 2011/2012 to 2015/16.**

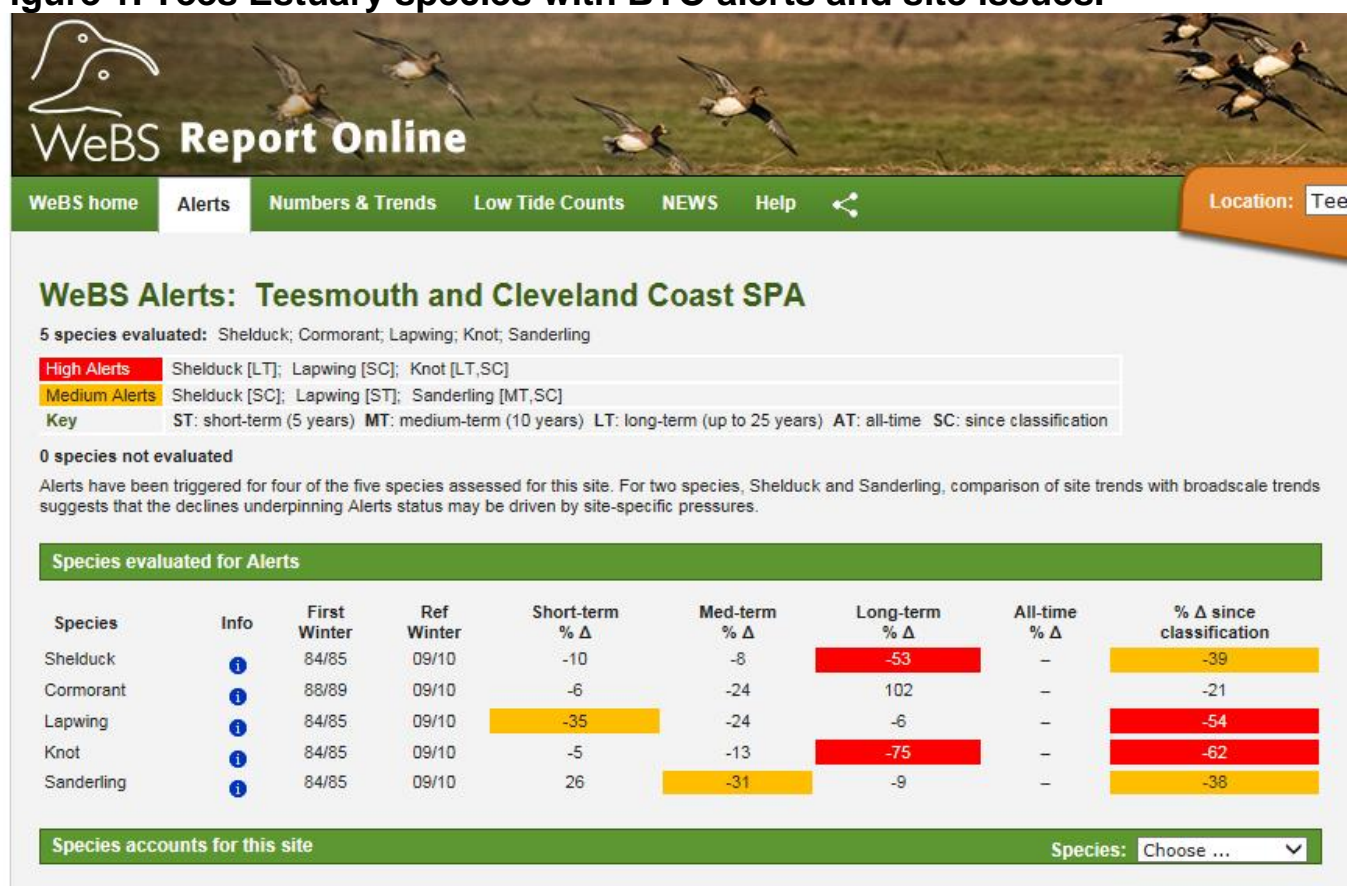
|                     | 2011-12 | 2012-13 | 2013-14 | 2014-15 | 2015-16 | Average |
|---------------------|---------|---------|---------|---------|---------|---------|
| <b>Tees estuary</b> | 20,478  | 17,230  | 19,266  | 14,741  | 19,736  | 18,290  |

**\*The proposed T&CC SPA extension includes gulls and terns in the 20,000 assemblage, which will increase the total back above the threshold.**

The BTO website at <https://app.bto.org/webs-reporting/?tab=alerts> shows alerts for the T&CC SPA, copied in the figure below (accessed 24/10/2017). Four species are flagged as having worrying declines – shelduck, lapwing, knot and sanderling. These may be linked to on-going and long-term adverse impacts caused by the Tees Barrage (see Site Issues box below).



Figure 1. Tees Estuary species with BTO alerts and site issues.



#### Site Issues

The natural incursion of coarse marine sediments into the estuary and the eutrophication of sheltered mudflats leading to the spread of dense *Enteromorpha* beds may impact on invertebrate density and abundance, and hence on waterfowl numbers. Indications are that the observed sediment changes derive from the reassertion of natural coastal processes within the context of an estuary much modified by human activity. An extensive long-term monitoring programme is investigating the effects of the Tees Barrage, while nutrient enrichment from sewage discharges should be ameliorated by the planned introduction of improved treatment facilities and the Environment Agency's acceptance of Seal Sands as a candidate Sensitive Area to Eutrophication. 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. 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).

HBC will use all available data for assessing changes in waterbird populations.

## 6.3 Direct AEOI

### 6.3.1 Direct AEOI on European Sites – habitat loss (EMP4c)

#### EMP4c – Phillips Tank Farm

The proposed T&CC pSPA creates a spatial area with overlying Special Industries and Natural Environment policies (EMP4c/NE1) on the site, owned by Phillips Petroleum. The site is a long-standing industrial site, which forms part of the owning company's portfolio. The company has spare capacity within the bundled area, including vacant spaces for storage tanks. Due to the Company's involvement with wider Tees Estuary conservation, HBC considers that the most likely use of this area would be for biodiversity enhancement for the Habitat Banking Scheme which is being developed via the TEP. If, however, the company has a business need for an industrial development on this portion of the pSPA, then the application would require HRA stage 3 (Alternatives) and stage 4 (Imperative Reasons of Overriding Public Interest (IROPI)). **Any final decision would be made by the Secretary of State.**

There will be no loss of N2K site habitat because of the housing allocations in policies HSG1, 3, 4, 5, 6, 7 and 8, or LT1, 3 **and 5**, because these do not overlap with N2K sites.

#### Conclusion of Direct AEOI

It is concluded that there is no likely, direct AEOI on any N2K site from Local Plan policies.

## 6.4 Indirect AEOL

### 6.4.1 Indirect AEOL on European Sites - Issue - Atmospheric pollution (HSG1, 3, 4, 5, 6, 7, 8, EMP3a, EMP4, LT1, 3, 5)

The increase in the number of dwellings could lead to an increase in traffic growth and a resulting increase in air pollution. The potential for AEOL to the Durham Coast SAC and Thrislington SAC is considered below.

#### 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.

A Natural England report referred to as NECR199 states: Biodiversity 2020, identifies air pollution as a direct threat to biodiversity in England. Many habitats of nature conservation importance in the UK are adapted to low nutrient conditions and/or are vulnerable to acidification and are sensitive to additional airborne nitrogen oxides (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>) and ammonia (NH<sub>3</sub>), as well as to nitrogen deposition and acid deposition. Pollutants come from a range of different sources, but transport is known to be the single largest source of NO<sub>x</sub> emissions. The findings of this literature review include: further evidence of the impacts on individual species from exposure to nitrogen oxides (NO<sub>x</sub>) and nitrogen dioxide (NO<sub>2</sub>) associated with vehicle emissions. These impacts are greatest within the first 50-100m from roads but may be discernible at greater distances. The studies also evidence that traffic emissions are a significant source of metal contamination. Recent fumigation studies using vehicle exhaust highlight that diesel exhaust emissions not only have potential to lead to changes in competitive advantage between plant species due to species-specific responses but also changes in interactions across wildlife food chains, with implications for habitats and communities close to roads. NO<sub>x</sub> is the key phytotoxic component of exhaust emissions. New road building and road expansion should avoid a buffer zone of up to 100–200m from sensitive sites. This report unequivocally shows that nitrogen oxides could impact upon SSSI and SAC habitats. However, it concentrates on road network improvements rather than increased road use. See Appendix 3 for further information.

#### Analysis

People moving into new housing in Hartlepool are mostly moving location within the borough. 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)

[https://www.hartlepool.gov.uk/downloads/file/423/strategic\\_housing\\_market\\_assessment\\_2015\\_-\\_march\\_2015](https://www.hartlepool.gov.uk/downloads/file/423/strategic_housing_market_assessment_2015_-_march_2015) [accessed 06/03/2018]. Hartlepool BC is planning for 6,072 new houses and planning 35 demolitions/ year for the 15-year Local Plan period. If 80.1% of house moves are to new properties then this leaves 4,863 existing houses vacant, of which 525 will be demolished in the Plan period. A 4% vacancy factor is normal. It is predicted that the additional vacant houses will be used by the existing population, reducing the average number of persons per house. However, under the precautionary principle, HBC is using the evidence based 2.3 people per household as its baseline.

The Tees Valley Combined Authority (see: <https://teesvalley-ca.gov.uk/partners-portal/>) notes that Hartlepool is not a significant growth area and HBC agrees that the Tees Valley wide population statistics are robust for this assessment. The recreational habits of this group will, broadly, remain the same and their number of journeys will be the same or very similar. Neither of the European SACs are close to the new housing sites and both lie

greater than 200m distance from the major road network. While pollutants from roads are considered to have the greatest impacts between 50 and 100m from the roadside, this is already occurring and the additional road usage is assessed as not tipping the balance of AEOL. Hartlepool BC assesses that car users from their new homes are only marginally likely to increase visits to (or drive within 100m) of the SACs of Castle Eden Dene or Thrislington.

#### **Conclusion**

The increase in atmospheric pollution from policies HSG1, 3, 4, 5, 6, 7 8, EMP3a, EMP4, LT1, 3 and 5 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.

### **6.4.2 Indirect AEOL on European Sites – Issue – nutrient enrichment via dog faeces (HSG1, 3, 4, 5, 6, 7, 8, LT1, 3, 5)**

Durham Coast SAC (due to proximity) and to a lesser extent Thrislington SAC and Castle Eden Dene SAC have vegetation communities of European importance and these could suffer AEOL through nutrient enrichment through the pathway of dog faeces. The quantity of pollution will be greater due to the increased number of dog walkers accessing N2K sites from new housing developments.

#### **Evidence**

The main piece of research on behavioural attitudes of dog walkers is Lowe (2014). Key findings based on a survey of 933 people found that 97% of dog walkers claimed to pick up faeces, though 8% only picked up if it was on a path. The remaining 3% were classed as disengaged, not picking up even though knowing the health risks. See Appendix 4 for an abstract of the research.

#### **Analysis**

It is likely that not all respondents were truthful when claiming that they always pick up their dog's faeces. However, even given an error factor, the percentage is high. Managed dog waste bins are positioned at the main car park entry point for the Durham Coast SAC. While it is not known whether dog waste bins are provided at Castle Eden Dene and Thrislington, Durham CC state on their website that 'We provide dog waste bins throughout County Durham, at locations such as parks, grass verges, pedestrian areas, footpaths, larger open spaces and coastal promenades' and it is therefore assumed that they are.

#### **Conclusion**

The analysis above gives a high degree of confidence that the issue is minor and that AEOL from policies HSG1, 3, 4, 5, 6, 7 8 and LT1, 3, 5 is unlikely.

### **6.4.3 Indirect AEOL on European Sites - Issue – Recreational disturbance (HSG1, 3, 4, 5, 6, 7, 8 and LT1, 3, 5)**

#### **6.4.3.1 Discussion**

This section analyses the evidence gathered for the issue of AEOL caused by recreational disturbance.

#### **6.4.3.2 Source of AEOL.**

Housing supply for the Local Plan period is given in Policy HSG1 New Housing Provision - Future Housing Supply over the Next 15 Years.

**Table 16.** Housing sites allocated in Local Plan.

| <b>Housing Site Source</b>      | <b>Approximate Additional Dwelling Capacity</b> | <b>Land Type</b> | <b>% Provision</b> |
|---------------------------------|---|------------------|--------------------|
| <b>Existing Urban Area</b>      |   |                  |                    |
| Extant Planning Permissions     | 1446  | Mixed            | 23.9%              |
| Urban Local Plan Sites          | 336   | Mixed            | 5.5%               |
| Existing Urban Area Sub Total   | <b>1782</b>                                     |                  | <b>29.4%</b>       |
| <b>Urban Edge Extensions</b>    |   |                  |                    |
| Existing Planning Permissions   | 1950  | Greenfield       | 32.1%              |
| High Tunstall Extension         | 1200  | Greenfield       | 19.8%              |
| Urban Edge Extensions Sub Total | <b>3150</b>                                     |                  | <b>51.9%</b>       |
| <b>Wynyard</b>                  |   |                  |                    |
| Existing Permissions            | 475   | Greenfield       | 7.8%               |
| Wynyard Park Sites              | 500   | Greenfield       | 8.2%               |
| Wynyard Extension Sub Total     | <b>975</b>                                      |                  | <b>16%</b>         |
| <b>Villages</b>                 |   |                  |                    |
| Existing Permissions            | 80  | Mixed            | 1.3%               |
| Elwick Sites                    | 35  | Greenfield       | 0.6%               |
| Hart Sites                      | 50  | Greenfield       | 0.8%               |
| Villages Sub Total              | <b>165</b>                                      |                  | <b>2.7%</b>        |
| <b>Total Dwelling Delivery</b>  | <b>6,072</b>                                    |                  | <b>100%</b>        |

Hartlepool BC is planning for 6,072 new houses in the Local Plan period, including schemes which have existing planning consent, but which have not been substantially completed. There are no major housing developments planned immediately to the north of Hartlepool borough in the Durham County Council area. Stockton on Tees BC is planning for further new housing in the Wynyard area, with the Regeneration and Environment Local Plan Publication draft (Feb 2015) covering this in policy H33 – Wynyard Village. It says, ‘The planning commitment for a western extension to Wynyard Village comprising up to 500 dwellings is re-affirmed’.

A number of planning applications for housing schemes, dealt with by Durham County Council and Hartlepool BC, which have been granted in 2015-2016 or are currently working through the application process, have been studied. A number of HRAs and submitted Environmental Statements have included ecology chapters that have assessed the recreational disturbance issue both alone and in-combination.

A list of 14 historic and current housing developments in Hartlepool along with a further three developments within the Durham CC area has been produced (Betts, 2016) for the Seaview Park housing development of 195 dwellings. However, this demonstrates that HRAs were not routinely provided prior to 2015. The Britmag site housing development (594 dwellings) to the north of Hartlepool Headland, triggered an Appropriate Assessment. This application included the restoration of a contaminated brownfield site (the former Steetley Magnasite works) adjacent to the Teesmouth and Cleveland Coast SPA/ Ramsar. Planning permission was granted at appeal and the site is currently being developed.

The Hartlepool Local Plan housing policies are considered in combination.

#### 6.4.3.3 Threats to the receptor sites.

The Natural England Favourable Condition report for the Teesmouth and Cleveland Coast European Marine Site identifies that 'non-physical disturbance resulting from noise and visual disturbance' needs to be managed by the competent authorities, who should manage human activities within their remit such as they do not result in deterioration or disturbance of habitats and species for which the site has been selected. This includes internationally important populations of regularly occurring Annex 1 species, internationally important populations of regularly occurring migratory species and internationally important assemblage of waterbirds.

The Teesmouth and Cleveland Coast European Marine Site Management Scheme (Spring 2009) gives further details – see:  
<http://www.inca.uk.com/wp-content/uploads/2009/08/marine-site.pdf> Accessed 25/10/2017.

Section 6.11 covers dog walking:

**Location** - Beaches

**Interest features and sub features affected** - Wading birds, Sand and shingle; Inter tidal sand flat and mud flat,

**Issues** - Byelaws are predominantly concerned with dog fouling, not protection of the marine environment.

**Significant Effect Potential** - Disturbance to nesting, feeding and roosting birds particularly in the winter period; Disturbance to roosting flocks of terns at North Gare Sands in late summer.

**Current Regulation & Competent Authority** - Hartlepool BC, Redcar & Cleveland BC and Natural England.

**Statutory Advisors** - Natural England.

**Regulatory Instruments** - Countryside & Rights of Way Act 2000.

**Supporting/ Advising Organisations** - Natural England.

**Current Management** - Countryside & Rights of Way Act 2000 disturbance of nesting birds is an offence; Byelaws are in force on some beaches to protect public health.

**Gaps in Management** - Enforcement is inadequate.

**Possible Management Actions** - Awareness raising initiatives by local authorities; Quantifying the degree of disturbance.

**Comments** - A recommendation was to improve dog management signage. Public health byelaws do not cover the winter period when disturbance of birds is a more serious problem. Wright (2005) prepared a draft final report on a Foreshore Strategy for Hartlepool Borough Council in June 2005 (Cass Associates).

The Natural England Site Improvement Plan for the Teesmouth and Cleveland Coast N2k sites (IPENS – Improvement Programme for England's Natura 2000 Sites) identifies 'Public access/ disturbance' as a priority issue. The measure given is to 'Create/ restore safe roosts and manage recreational use' and an action refers to preparing and delivering a Foreshore Management Plan. Hartlepool BC already manages foreshore services.

#### 6.4.3.4 Pathway

Based on the statistics, 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. There is a desire for residents to walk on the coast and they largely access convenient seafront areas by walking or driving. There are convenient seafront car parks and a number of locations where visiting is actively encouraged.

#### 6.4.3.5 Evidence and analysis

Dog ownership has been considered using the 2014 Pet Population Report: <http://www.pfma.org.uk/pet-population-2014> . This indicated that 24% of home owners have a dog. Accessed 25/10/2017.

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> . '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. Accessed 25/10/2017.

The walk for life website suggests that people on average walk at a speed of 3mph (4.8kmh) <http://www.walk4life.info/> . Accessed 25/10/2017.

Information on recreation behaviour is given in 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](https://www.hartlepool.gov.uk/downloads/file/417/open_space_sport_and_recreation_assessment_-_january_2015). Accessed 24/10/2017.

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 24/10/2017. 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/> . See the Population tab and the Instant Atlas tab [accessed 24/10/2017]. Accessed 25/10/2017.

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 Hartlepool's new housing 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 population growth for the town of 12,379 people. If 80.1% of houses are occupied through re-location, this equates to approximately 9,916 people. This gives a Hartlepool 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%.

Only 525 demolitions are planned and the Hartlepool Borough Council Strategic Housing Market Assessment 2015 only assesses the take up of *new* housing. The remaining 4,863 vacated houses are expected to have a *lower* average number of occupants. However, under the precautionary principle, HBC is using the evidence based 2.3 people per household as its baseline for monitoring purposes. At 2.3 people per house, this would raise the current population of 96,000 by 13,965, to 109,965.

It should be noted that 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 suggests that a Hartlepool growth of 2,463 people (2.6%) is more realistic than one of 13,965 (14.5%).



The increase in the number of dwellings will lead to an increased number of people and dogs and as these will be living within relatively close to 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/ Ramsar 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. Even given that 80.1% of housing moves will be internal within the borough, indirect AEOL cannot be ruled out.

#### **6.4.3.6 Hartlepool Borough Council Open Space, Sport & Recreation Assessment Report, Ashley Godfrey Associates, Jan 2015.**

Evidence for recreational behaviour, including visiting beaches and visiting natural and semi-natural greenspace, is presented in the Ashley Godfrey report available on line at: [https://www.hartlepool.gov.uk/downloads/file/417/open\\_space\\_sport\\_and\\_recreation\\_assessment\\_-\\_january\\_2015](https://www.hartlepool.gov.uk/downloads/file/417/open_space_sport_and_recreation_assessment_-_january_2015) . This study surveyed 1,113 Hartlepool people. Accessed 25/10/2017.

#### **Visits to beaches**

The following table shows beach visiting behaviour.

**Table 17. Beach visiting behaviour**

| <b>Frequency of visiting</b>   | <b>Proportion of respondents who visit (%)</b> |
|--------------------------------|--|
| Every day                      | 4  |
| Once or twice a week           | 22   |
| Two or three times a month     | 22   |
| Once a month                   | 13   |
| Once every two or three months | 17   |
| Once or twice a year           | 10   |
| Less often                     | 4  |
| Never                          | 8  |
| N (100%) = 1,113               |  |

The beaches most visited are as follows.

**Table 18. Popular beaches**

| <b>Beach</b>                            | <b>Proportion of respondents who visit (%)</b> |
|---|--|
| Seaton Carew                            | 72   |
| Headland, Fish Sands and Block Sands    | 18   |
| Crimdon, Hart Warren, North Sands, Brus | 6  |
| Hartlepool Beach, Marina                | 3  |
| Other local beaches                     | 1  |
| Out of area beaches                     | 1  |
| N=100%                                  | 947  |

NB: The percentages for beach preference show the preferred shore and does not mean that other beaches are not visited by that person.

The common visiting pattern is to visit a beach on a weekly or fortnightly basis. The 8% proportion of people, who never visit, is small and indicates the importance of these spaces to the overall mix of open space.



By far the most popular beach is that at Seaton Carew, which is the preferred beach for three-quarters of all those who visit a local seashore. No other beach even approaches Seaton Carew in popularity, though different sites around the Headland account for one in five beach visitors, and the north shore beaches between the Headland and Crimdon account for a further 6%. Use of other local beaches is more limited and there are a handful of people who prefer to go elsewhere, for instance to Saltburn, Whitby or Bamburgh, rather than visit the seashore locally.

### Visits to Natural and semi-natural greenspace

The report surveyed Hartlepool people regarding their recreational behaviours, patterns and preferences. The following table shows how often people visit any natural and semi-natural greenspace. The definition excludes green corridors which were assessed separately.

**Table 19. Frequency of greenspace visits.**

| Frequency of visiting | Proportion of respondents who visit (%) |
|-----------------------|---|
| At least once a month | 57                                      |
| Less often            | 28                                      |
| Never                 | 15                                      |
| N = 100%              | 1,090                                   |

Almost three in five local residents visit a natural green space at least once a month, and as the data below shows some go much more often than this. Just over a quarter are occasional visitors, leaving just one in seven who never go to any kind of natural space at all. Natural space is thus a prominent and significant element in the Borough's spatial provision. Natural spaces vary widely in their nature, and this has an effect on the frequency of visiting, as the table below shows. NB: green corridors are included in the survey.

**Table 20. Preference for types of greenspace.**

| Frequency of visiting          | Proportion of respondents who visit (%) |              |                |          |              |               |
|--------------------------------|---|--------------|----------------|----------|--------------|---------------|
|                                | Green corridor                          | Country walk | Nature reserve | Woodland | Country Park | Lake or river |
| Every day                      | 6                                       | 9            | 1              | 1        | 2            | 1             |
| Once or twice a week           | 11                                      | 16           | 5              | 6        | 7            | 2             |
| Two or three times a month     | 11                                      | 13           | 9              | 9        | 11           | 6             |
| Once a month                   | 7                                       | 9            | 8              | 9        | 12           | 6             |
| Once every two to three months | 10                                      | 12           | 14             | 13       | 14           | 8             |
| Once or twice a year           | 11                                      | 7            | 17             | 16       | 18           | 15            |
| Less often                     | 9                                       | 6            | 15             | 12       | 12           | 15            |
| Never                          | 35                                      | 28           | 31             | 34       | 26           | 47            |
| N = 100%                       | 1,065                                   | 1,067        | 1,067          | 1,053    | 1,0691       | 1,053         |

The most frequently visited sites are the undefined spaces where people go for country walks; half (47%) of local residents go to an informal natural space of this nature at least

once a month. The question referred to spaces suitable for walks, jogs, cycles or rides, and clearly this type of space has a wide appeal. Green corridors, which might also be used for similar purposes, attract a third (35%) of local people at least once a month, while country parks (Summerhill) attract a similar proportion (31% visit at least monthly). The least visited sites are those involving inland water; just one in seven local people visit a lake or riverbank at least once a month and almost half never go to a space like this. Nature reserves and woodland are also less widespread in their appeal, although each attract around a quarter of residents at least once a month. It is not surprising that rivers and lakes are not well visited as there are minimal opportunities in the borough.

The survey assessed types and examples of natural space most often visited and the results are tabulated below.

**Table 21. Preference of sites visited.**

| <b>Natural space</b>        | <b>Proportion of respondents who visit (%)</b> |
|-----------------------------|--|
| Summerhill CP               | 51   |
| Hart to Haswell Walkway LNR | 6  |
| Saltholme RSPB              | 6  |
| Seaton                      | 5  |
| Beach                       | 3  |
| Crimdon Dene                | 3  |
| Other local space           | 18   |
| Out of area                 | 8  |
| N = 613                     | 100  |

NB: Low numbers in this table do not indicate non-use, but rather that other sites are used more often. By far the most popular natural space in this locality is Summerhill. For half of all residents who use natural space, this is the space they visit most often, and this popularity demonstrates the importance of this site to local people. Apart from the country park, the other sites used are diverse both in location and nature; walkways, beaches and dunes, and a wide variety of other spaces are all mentioned as people's preferred natural space. One in twelve of those who visit natural space make their most frequent visits outside the Borough. Two sites are especially popular in this group: Castle Eden and Hardwick Hall.

#### **Means of travel to natural space**

**Table 22. Means of travel to the beach.**

| <b>Travel</b>                              | <b>Proportion of respondents who visit (%)</b> |
|--|--|
| Walk or jog                                | 34   |
| Car  | 58   |
| Bus  | 2  |
| Cycle                                      | 5  |
| Other (eg: motorised scooter & wheelchair) | 1  |
| N = 100%                                   | 846  |

The most common means of accessing natural space is by car; three out of five residents use the car to access their preferred space. Most of the rest, a third of all who use this type of space, walk to get there. Only a few use any other form of transport, though cycling is

more prominent for this type of space than for others in the Borough. In the report, distance travelled is linked to four sub-areas.

#### **6.4.3.7 Analysis of recreation behaviour**

Bearing in mind that the statistics give people's preference and does not mean they do not visit other sites, the importance of Summerhill Country Park to absorb recreational use is very high. The Hart to Haswell Walkway LNR absorbs more visitors than the beach and Crimdon Dene (NB: no definition of Crimdon Dene is given and it may include the area of beach, including the little tern colony, as well as the non-shore parts). RSPB Saltholme which has a pro-active promotional strategy, attracts more Hartlepool residents than the local beaches. Of the 8% who visit sites out of the area (in addition to RSPB Saltholme) at least some visit Castle Eden Dene (named in the survey). However, there are other favoured sites such as Hardwick Hall, so clearly Castle Eden Dene is only a proportion of the 8% statistic. In terms of AEOI on Castle Eden Dene, Thrislington, the North Pennine Moors National Park and the North York Moors National Park, from Local Plan housing policies (recreational disturbance) there will be a proportion of a value of 8% of the maximum of 12,379 new people (if every new house is occupied by someone moving into the borough) to a minimum of 2,463 new people (if 19.9% of new houses are occupied by someone moving into the borough). Assuming that the proportion of the 8% is half, then at the end of the Local Plan period we could expect between 100 and 500 additional visitors to any of the N2K sites outside of the borough. This magnitude of visitor pressure could be achieved within a 15-year period with no housing provision, simply through the dynamics of outdoor recreation. For example, RSPB Saltholme has created visitor demand in the last five years through a targeted strategy. Government bodies are encouraging greater use of outdoor locations for health and wellbeing and environmental education. Many national conservation organisations including Natural England is actively seeking to increase public engagement with nature at its sites – Castle Eden Dene and Teesmouth NNR being local examples.

#### **6.4.3.7 Hartlepool BC review of bird and recreational disturbance studies covering Hartlepool beaches.**

Hartlepool BC has assessed the key findings from a disparate collection of bird, recreation and recreational disturbance studies covering the NE coast of England. The aim of the report (Megson, 2016) is to focus thinking around the management of recreational pressures on the coast, particular where the interest feature birds of European designated sites (SPAs and Ramsars) are potentially adversely affected. The following reports were reviewed.

**Table 23. Table of reports available which cover bird and/or recreational surveys in NE England.**

| <b>Report</b>  | <b>Author</b>               | <b>Year</b> |
|--|-----------------------------|-------------|
| Wintering bird and disturbance survey, North Sands, Hartlepool, Co Durham, 2005-06 (to inform the Britmag application).                                    | Tim Outlaw                  | 2006        |
| A study of over-wintering waterbirds of the Durham Coast.  | Cadwallender & Cadwallender | 2012        |
| Hartlepool SPA bird disturbance studies, 2009-13 (miscellaneous counts, no report).  | Hartlepool BC               | 2013        |
| Recreational disturbance at the Teesmouth & Cleveland Coast European Marine Site, 2011-12.   | Rachel Linaker              | 2013        |
| A second-year review of over-wintering waterbirds of the Durham Coast.   | Cadwallender & Cadwallender | 2013        |
| Britmag Site, Bird Disturbance Study 2014-15.  | Bond I, Hartlepool BC       | 2015        |
| Sunderland & South Tyneside Bird Surveys 2014-15, non-breeding season report.  | Arcus                       | 2015        |
| Wintering bird survey to enable condition assessment of the wintering bird features of Durham Coast SSSI & co-located areas of SPAs: final report 2015-16. | Ecology Consulting          | 2016        |
| South Tyneside, Sunderland & Durham Coastal Visitor Survey 2016 (PowerPoint).  | Bluegrass                   | 2016        |
| Little tern reports (various)  | INCA                        |             |

One of the studies above is a piece of research that Hartlepool BC undertook and is a bird and recreational disturbance study on North Sands, Hartlepool (Bond 2015). This study was carried out over the winter of 2014-15 to determine levels of use of an area of the Hartlepool coast by SPA birds as part of the Section 106 agreement for the application to develop Britmag Magnesia Works. The study also recorded recreational activity and disturbance of SPA birds. Results were noted as broadly comparable with the study carried out over the winter of 2005-06 (which informed the planning application – Outlaw 2006). The survey area was split into a northern sector and a southern sector. Eighty-three survey hours were carried out between November and March and identified that SPA bird numbers had notably declined since 2005-06. Levels of recreational use had declined by two events per hour from 7.2/hr in 2005-06 to 5.07/hr in 2014-15. Rates of disturbance were little changed after adjustment to remove counts where no birds were present and therefore no disturbance could occur. Before adjustment the rates were 1.25/hr in 2005-06 and 0.55/hr in 2014-15. After adjustment the rates were 1.25/hr in 2005-06 and 1.07/hr in 2014-15.

Dog walking was the most common recreational activity recorded during the study, with all but two dogs recorded as being off lead. One record of a dog on a lead was noted as causing disturbance events. Out of 421 recreational events recorded, 292 involved dog walking (69.4%). Out of 421 recreational events recorded, 66 involved walking (15.7%). The rate of dog walkers (4/hr in 2005-06 and 3.7/hr in 2014-15) is similar between the two studies, as well as the disturbance levels caused by dogs (72% compared to 70%). The following table shows data regarding dog walking from five studies.

**Table 24. Percentage of recreation made up by dog walking and percentage of disturbance caused by dogs.**

| Study                                 | Dog walking as a % of recreational events (%) | Disturbance caused by dogs (%) |
|---------------------------------------|---|--------------------------------|
| 2005-06, Britmag                      | 57  | 72                             |
| 2011-12, EMS                          | 52  | 34                             |
| 2014-15, Sunderland & S Tyneside      | 45  | 49                             |
| 2014-15, Britmag                      | 73  | 70                             |
| 2016, S Tyneside, Sunderland & Durham | 65  | ?                              |

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 (*ca*: 30) 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. Despite this, the Hartlepool shoreline (including sandy and rocky beaches) does have the capacity to be used more by N2K birds and this needs to be encouraged through actions to mitigate disturbance.

Prior to 1995 the main little tern colony was in the southern portion of the T&CC SPA at Coatham Sands near Redcar. 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 to be due to egg theft, human disturbance, insufficient food and mammal and avian predation – see <http://www.inca.uk.com/2016/08/little-tern-end-of-season-update/>. The nesting site is fenced between April and September every year and guarded by a warden and volunteers. A secondary post and wire fence has been erected in some years in order to encourage walkers not to hug the enclosure. Casual observation (pers comm) show that walkers and dog walkers skirt the outside of the post and wire enclosure and that on occasions this puts the terns up. However, the little terns frequently ‘dread’ even when there is no nearby human presence. A dread is thought to occur when stress levels in the birds reach a collective peak and all at once, without any kind of obvious impetus, the birds lift off as one, leaving their nests. The flight off is usually silent, with the return including the usual calling. Although human disturbance (not defined) is listed as a cause of breeding success fluctuation, Hartlepool BC makes the presumption that there is no correlation between little tern breeding success and recreational disturbance as the former is relatively constant while the latter is highly variable. Other ecologically limiting factors must be involved. The little tern colony lies between the Crimdon Dene car park and North Sands, meaning that anyone intending to walk south must pass close to the enclosure. It is assessed that any increase in the frequency of people taking this route (caused by housing development) will not cause an additional impact, ie, maximum disturbance has already been reached at a lower level of usage. Hartlepool BC makes this assessment on the assumption that the colony is annually enclosed and this is a management action that could be part of a suite of actions funded through Planning Obligations.

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 already at or near 100% some of the time. For example, if 50 people prevent a flock of birds from settling on a stretch of

beach, then that is AEOL and 100% disturbance. If an extra ten people arrive on the beach, the disturbance is still 100%. In this scenario, an increase in visitors cannot increase AEOL, however, the recreational disturbance does still need addressing and it is important, going forward, to target reducing the rate of disturbance.

The Durham County Council Local Plan HRA found that increased human recreational disturbance within N2K 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. Recreational visitors to the Northumbria Coast SPA/ Ramsar and Teesmouth and Cleveland Coast SPA/ Ramsar are causing adverse indirect effects on the qualifying species recorded there (AEOL). This is 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. Traditional roost sites for species including oystercatcher are also at risk where they occur with zones of heavy recreational use.

While the beach undoubtedly has an attraction to some people, others will find inland sites 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 (Country Park)
- Family Wood (Burn Valley)
- The Public Right of Way (PROW) network.

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

- Teesmouth NNR
- 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 England Coast Path National Trail.

#### **6.4.3.8 Conclusion**

Bird numbers in the SPA appear to have decreased between 1995 and 2015. Recreational disturbance is likely to be only one factor in this decline, others being the reduced availability of prey on beaches polluted with coal deposits, climate change and adverse factors effecting birds elsewhere on the East Atlantic Flyway. While the Durham coast has been the focus of recent clean-up campaigns, the deposition of coal granules on the shores is still a regular feature. The ending of long outfall sewage disposal has been linked to declining nutrient levels and food availability on north-eastern shores (Burton and Goddard, 2007).

For policies HSG1, 3, 4, 5, 6, 7, 8 and LT1, 3, 5 additional recreational use leading to disturbance **is assessed as causing AEOL** for the T&CC SPA/ Ramsar **and requires mitigating**.

For policies HSG1, 3, 4, 5, 6, 7, 8 and LT1, 3, 5 the additional recreational use of all of the other N2K sites assessed, is concluded as being insignificant and does not trigger AEOL. Evidence is available to show that the interest feature bird species of the Northumberland Coast SPA/Ramsar occur further north and that there will be no Hartlepool source impact on the specifically identified breeding, passage or wintering sites (see Tables 5 and 6). Any of these birds passing through Hartlepool automatically become T&CC SPA/ Ramsar birds.

#### **6.4.3.9 Specific discussion for Policy LT1 (Leisure and Tourism) and LT5 (Caravan Sites and Touring Caravan Sites)**

Direct and all but one in-direct LSE have been screened out based on unknowns around the types of development which might come forward and their likely low impacts. The indirect effect of recreational disturbance is an issue. This is already positively managed in large area of the coast.

HBC is satisfied that assessing leisure and tourism developments on a case by case basis is sound (especially as these are unknowns) given that HBC has amended the wording to Para 6.26 of Locational strategy in the Local Plan. Amended wording makes it clear that any developments from any sector must mitigate for adverse impacts and allows this to be done strategically across European Sites, rather than on the development site. The amended wording is: 'The Borough Council will look to protect, manage and actively enhance the biodiversity, geodiversity, landscape character and green Infrastructure assets of the Borough. Adverse effects, including recreational disturbance, can result from new housing, employment, retail, leisure and tourism opportunities. Mitigation, for the recreational disturbance of European site birds, needs to be effective and should be chosen from a range of diverse and flexible measures. These include, but are not limited to, Sustainable Alternative Natural Green Space (SANGS), a financial contribution to the management of coastal issues and information packs. In delivering development, all applicants should be required to demonstrate how this type of mitigation will be detailed and how costs have been identified for delivery. Mitigation will be delivered through the Mitigation Strategy and Delivery Plan and other mechanisms'.

A large area of the T&CC SPA within Hartlepool, is part of the Teesmouth National Nature reserve and by definition is managed for public use: See UK.Gov website statement:

*'National Nature Reserves (NNRs) were established to protect some of our most important habitats, species and geology, and to provide 'outdoor laboratories' for research. Most NNRs offer great opportunities to schools, specialist interest groups and the public to experience wildlife at first hand and to learn more about nature conservation'.*

The Seaton Dunes and Common Local Nature Reserve is also designated and managed to allow for extensive public use and enjoyment. Both Natural England and HBC manage these public spaces in order that they deliver their remit while remaining robust.

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 – this will be tested through visitor surveys undertaken as part of the monitoring scheme. The provision of facilities for observation could also have a beneficial effect by directing visitors to areas where they would cause fewer disturbances. 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 adjacent to parts of the Teesmouth & Cleveland Coast SPA/Ramsar and pSPA. Under this policy, tourism on the Headland will focus on its historic and cultural heritage. Hartlepool BC assesses that, for the Headland, any adverse impact will be minimised because the main areas used by SPA birds are not very accessible to the public, being rocky, they are slippery and uneven and there is only limited direct access via one set of steep steps.

HBC assesses that this policy may lead to greater recreational footfall within the SPA and under the precautionary principle, possible LSE. While this is considered to be negligible, it requires mitigating. Mitigation is built into the LT1 policy in the existing wording:

‘Summerhill [Country Park] will continue to be developed as a focus for access to the countryside, nature conservation...’

and:

‘The Council benefits greatly from the proximity of the Teesmouth National Nature Reserve, RSPB Saltholme Nature Reserve and Cowpen Bewley Woodland Park and will continue to promote, encourage and improve green tourism through the provision of facilities for the observation and interpretation of wildlife, habitats and the natural environment’. NB: This will involve cross-boundary working with Stockton-on-Tees Borough Council.

and:

‘Leisure and tourism developments will only be approved where recreational disturbance (e.g. walkers with dogs) is not identified as an issue impacting upon European Directives, Sites of Special Scientific Interest and Special Protection Areas unless mitigation can be identified’.

Summerhill Country Park, along with other Council run recreational green spaces, is indirect SANGS, in that developers can make a financial contribution to HBC, to increase the capacity of these sites for recreational use as a mitigation measure. **The trigger is discussed in section 7.3.**

#### **6.4.3.10 Specific discussion for Policy LT3 (Development of Seaton Carew)**

Any increase in tourism based around the bathing beaches in Seaton Carew is likely to be during the summer periods when most SPA shorebirds are absent. 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 Teesmouth National Nature Reserve 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, any developments resulting from this policy would be required to demonstrate no adverse impact on internationally designated nature conservation sites.

Hartlepool BC has re-assessed policy LT3 with regard to the pSPA. It is assessed that development at Seaton Carew (combined with LT1 Leisure and Tourism) is likely to increase the number of visitors to a European Site. The impact of this increase has also been assessed. On the positive side, the majority of interactions will be in the summer months, outside of the main SPA/ Ramsar period of interest. Species which do occur in the summer (little tern and common tern) forage in shallow waters, as noted in: ‘Natural England Conservation Advice for Marine Protected Areas – Informal package Teesmouth and Cleveland Coast SPA - UK9006061’ and therefore will not be directly disturbed. The HBC ecologist has observed both species fishing close (within 30m) to people on the shoreline and people stood on piers.



Some of the closest parts of the T&CC SPA are also National Nature Reserve and Local Nature Reserve, where public recreation is encouraged. On the negative side, there is likely to be a greater number of recreational disturbance incidents.

Overall, Hartlepool BC recognises the need to balance leisure and tourism with nature conservation and has identified that mitigation is required to offset LSE (see section 7).

## 6.4.4 Indirect AEOL on European Sites - Issue – Loss of functional land (HSG1, 3, 4, 5, 6, 7, 8, EMP3a, EMP4 and LT1, 3, 5)

This issue applies to the EMP3a (Oakesway Industrial Estate) and EMP4 policies, where some individual Employment and Specialist Industry site allocations include habitat that is functionally linked to SPA birds. It also applies to housing allocations.

### 6.4.4.1 Discussion, potential AEOL and mitigation

The likelihood of AEOL and mitigation measures to negate it are discussed for each of the allocated sites.

Policy EMP3 General Employment Land - the 3a site (Oakesway) includes factories situated around the outer edge of the site, with amenity grassland in the central area. The site was surveyed 11 times between December 2017 and March 2018 to assess use by shorebirds that make up the 20,000 waterbirds criteria. Small numbers of gulls were recorded. One key shorebird, oystercatcher, was recorded as follows: 79, 54, 76, 0, 0, 0, 78, 80, 8, 83 & 135. These birds are likely to be part of the T&CC SPA and Ramsar population. In percentage terms, 80 is 7.9% and 135 is 13.3% of the oystercatcher population, which is assessed as significant.

The EMP4 Special Industries policy states: "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 Special Industries is assessed as not having an adverse effect on the integrity of internationally designated sites.

HBC has added the following wording on to the end of paragraph 11.36: 'In order to demonstrate strategic commitment to conserving European Sites, industrial companies will be encouraged to join INCA and participate in the Tees Estuary Partnership. If EMP4 sites are developed, this is likely to adversely impact upon neighbouring pSPA and SPA land. Construction and operation will need to mitigate adverse impact on European Sites (for example through timing of works) and companies should consider this in their long-term planning'.

### 6.4.4.2 EMP4a - Hartlepool Port



The Hartlepool Port area (including Victoria Harbour) is owned by PD Ports and has a long-standing use as an industrial site – mainly for lay-down areas for imports and exports, e.g. steel, cars and wind turbine parts.

HBC has undertaken ad hoc surveys of this site and has enough data to enable a robust assessment (eight visits in winter 2017-18, all states of tide). No roosting or foraging SPA birds including species in the 20,000 aggregations have been recorded and HBC considers that this data removes the need to apply the precautionary principle. HBC assesses that this site is not functionally linked to the SPA.

The open area (not all of which is hard standing) covers approximately 30 Ha and it lies within a larger area of land covering approximately 106 Ha (mainly brownfield grassland, hard standing, tarmac roadways and sheds). While HBC understands the precautionary principle, its response is proportionate to the likelihood of all of the available hard standing being developed and sterilised in terms of bird roosting. The nature of the PD Ports business is the temporary storage of goods and materials. ~~There are a number of gently sloping-roofed buildings on site and lapwings have been recorded roosting on such roofs, suggesting that there might be an available addition/ alternative to ground-roosting for lapwings (British Birds 94, January 2001). See: [https://britishbirds.co.uk/wp-content/uploads/article\\_files/V94/V94\\_N01/V94\\_N01\\_P035-038\\_A003.pdf](https://britishbirds.co.uk/wp-content/uploads/article_files/V94/V94_N01/V94_N01_P035-038_A003.pdf) (accessed on 24/10/2017).~~

Hartlepool BC will include this site ~~(including observations of the roofs)~~ in its annual bird monitoring programme. ~~in order to establish if this behaviour is occurring.~~ The land owner, PD Ports, is a member of INCA and the Tees Estuary Partnership (TEP) and is proactively considering future, strategic nature conservation mitigation for its businesses (at this and all its other sites in the Tees estuary). Mitigation: The policy wording and strategic principles laid down in the Local Plan are robust enough to deal with any specialist industry development on the site.

#### **6.4.4.3 EMP4b – West of Seaton Channel**

The allocated West of Seaton Channel site owned by Venator (formerly Huntsman Tioxide) takes in a large area of Greenabella Marsh ~~Local Wildlife Site + an area with no nature conservation designation~~. EMP4b extends to the boundary of the Teesmouth & Cleveland Coast SPA/ Ramsar but excludes the SPA/ Ramsar itself. The habitats in this area are tall ruderal grassland, swamp, ~~one three~~ former freshwater ponds (now overgrown) and two (open water) ponds. HBC initially considered these two ponds to be functionally linked to the SPA. ~~Winter bird surveys in 2017, noted a small number of SPA birds using the two ponds. These included 1 mute swan, 2 little grebes, 2 coots and 43 ducks (mallard, teal, wigeon, gadwall). Based on Tees WeBS counts, these are assessed as being of low significance in terms of functional land and HBC is satisfied that the site is not functionally linked.~~

Mitigation: The policy wording and strategic principles laid down in the Local Plan are robust enough to deal with any specialist industry development on the site.

#### **6.4.4.4 EMP4c – Phillips Tank Farm**

Allocated land at Phillips Tank Farm is approximately 600m from the Teesmouth and Cleveland Coast SPA/ Ramsar at its nearest point. ~~This area is likely to be functionally linked to the N2K sites and as there is no data, under the Precautionary Principle it is treated as functional.~~

An area of allocated land has been set aside to be managed as mitigation for the loss of habitat for N2K birds, as part of a development of a Liquefied Natural Gas (LNG) plant in the neighbouring borough of Stockton-on-Tees. This planning permission and the compensation

works have not been enacted. **Compensatory N2K land takes on the legal status of N2K, so if the planning approval is enacted this site effectively becomes N2K.**

**Any EMP4c development on this area will need to provide compensation for functionally linked N2K birds AND the LNG project compensatory area.**

The proposed T&CC pSPA creates a spatial area covered by EMP4 and NE1 policies. The area includes three tiers of wildlife designations (International Site, National Site and Local Site). The site is a long-standing industrial site, which forms part of the owning company's portfolio. The company may wish to use this land in future for biodiversity offsetting, which would be compatible with its nature conservation designation. The site has been under dual designated in previous Local Plans as the site has been allocated for Specialist Industries and as a Local Wildlife Site. Hartlepool BC believes that the allocation is fair and workable. Mitigation: The policy wording and strategic principles laid down in the Local Plan are robust enough to deal with any specialist industry development on the site. See also 6.3.1 (direct habitat loss).

#### **6.4.4.5 EMP4d – South Works**

South Works is in an area containing existing steel works land. It is a predominantly industrial area which is not functionally linked to the SPA due to distance and unsuitable habitat (dry grassland). Bird surveys undertaken for one of the three 2015 'giant wind turbine' planning application on this site, found no use by SPA birds. The site is not functionally linked or adjacent to the SPA. Mitigation: The policy wording and strategic principles laid down in the Local Plan are robust enough to deal with any specialist industry development on the site and HBC has screened out AEOL.

#### **6.4.4.6 EMP4e – North Graythorp**

This is a 27 Ha site already surrounded by industrial use. Bird surveys undertaken for one of the three 2015 'giant wind turbine' planning application on this site, found no use by SPA birds. The site is not functionally linked or adjacent to the SPA. Mitigation: The policy wording and strategic principles laid down in the Local Plan are robust enough to deal with any specialist industry development on the site and HBC has screened out AEOL.

#### **6.4.4.7 EMP4f – Graythorp Waste Management**

This is a 4 Ha site already surrounded by industrial use. Bird surveys undertaken for one of the three 2015 'giant wind turbine' planning application on this site, found no use by SPA birds. The site is not functionally linked or adjacent to the SPA. Mitigation: The policy wording and strategic principles laid down in the Local Plan are robust enough to deal with any specialist industry development on the site and HBC has screened out AEOL.

#### **6.4.4.8 EMP4g – Able Seaton Port**

This is an area of 48 Ha reserved for the existing occupier, engaged in decommissioning of vessels and recycling. Bird surveys undertaken for existing planning permissions have not identified usage by SPA birds. The land has no functional link, but is adjacent to the SPA where it meets Seaton Channel and Seal Sands. Mitigation: The policy wording and strategic principles laid down in the Local Plan are robust enough to deal with any specialist industry development on the site and HBC has screened out AEOL.

#### **6.4.4.9 EMP4 – in combination**

Hartlepool Council recognises that development at any of the sites allocated under this policy has the potential to have an adverse effect through construction, operational and decommissioning noise, vibration, dust, vehicle and people movements and other damaging impacts and that these require mitigating.

Hartlepool Council assesses that the additional wording added in to the text of LS1 and the robust EMP4 policy wording means that there will be no AEOI.

For information: Four of the current occupying companies (PD Ports, Venator, Phillips and Able UK) are members of the TEP and is a pro-active member of INCA. These companies are party to the strategic conservation of European Sites and are committed to managing non-industry critical areas for biodiversity as demonstrated by site management plans for nature conservation. This is relevant as it engages them with nature conservation strategy and builds trust. However, this does not affect conclusions regarding adverse impacts.

#### **6.4.4.10 HSG policies, including HSG4 – South West Extension**

There is no bird usage evidence to functionally link housing allocation sites to N2K sites. Various ecological surveys and reports have been submitted to the Council and none suggest a link. For example, 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. 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 for a range of breeding and wintering farmland birds. 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.

#### **6.4.4.11 HSG3 Urban Local Plan Sites, US4, Coronation Drive**

The US4 Coronation Drive site is a rank grassland area at the northern end of Seaton Carew and has existing housing on three sides and unmanaged rank grass on the northern side. The site is unsuitable for SPA birds due to being small, enclosed and consisting of rank grassland. During a number of site visits, HBC has never recorded shorebirds on this site.

### **6.5 Indirect AEOI Conclusion (HSG1, 3, 4, 5, 6, 7, 8, EMP3a, EMP4, LT1, 3, 5)**

Analysis of the evidence leads to a number of conclusions. However, it is worth noting that evidence is rarely comprehensive and the assumptions made using statistics can never be perfect. Hartlepool BC has undertaken this assessment using the precautionary principle proportionate to the geographical and social scope of the Local Plan policies. Hartlepool BC assesses that:

- The indirect impact of atmospheric pollution is insignificant for all N2K sites.
- The indirect impact of nutrient increase through dog faeces is insignificant for all N2K sites.
- The indirect impact on functionally linked land is insignificant for all N2K sites except for EMP3a and EMP4c on the T&CC.
- The source (land take at Oakesway and Phillips Tank Farm) to receptor (T&CC) pathway is established and **indirect AEOI** of land take on the T&CC requires mitigation.
- The indirect impact of recreational disturbance is insignificant on all N2K sites except the T&CC.
- The source (new housing) to receptor (T&CC) pathway is established and **indirect AEOI** of recreational disturbance on the T&CC requires mitigation.
- The source (new leisure and tourism) to receptor (T&CC) pathway is established and **indirect AEOI** of recreational disturbance on the T&CC requires mitigation.

## 7. Mitigation

### 7.1 Actions to avoid and mitigate adverse impacts of Local Plan policies

Avoidance and mitigation will be provided through a number of pathways:

- Strategic guidance from Hartlepool BC (policy wording amendments)
- Developer contributions (SANGS, Financial contribution, etc)
- Local Plan Strategic Mitigation and Development Plan – delivery + monitoring
- Hartlepool BC, day to day, Foreshore Services provision

Hartlepool BC has added and amended Local Plan text and policy wording, including introducing a mechanism to enable developer contributions via QP1 Planning Obligations. Mechanisms and guidance for developer contributions have been produced and a mitigation action plan agreed. In additions, on-going foreshore services which mitigate adverse impacts will be delivered.

### 7.2 Strategic guidance

The following mitigation requirements have been added into the relevant Hartlepool Local Plan chapters and policies.

- Paragraph 6.26 (Locational Strategy) – HBC has added the following wording to Para 6.26: 'The Borough Council will look to protect, manage and actively enhance the biodiversity, geodiversity, landscape character and green Infrastructure assets of the Borough. Adverse effects, including recreational disturbance, can result from new housing, **employment, retail, leisure and tourism opportunities**. Mitigation, for the recreational disturbance of European site birds, needs to be effective and should be chosen from a range of diverse and flexible measures. These include, but are not limited to, Sustainable Alternative Natural Green Space (SANGS), a financial contribution to the management of coastal issues and information packs. In delivering development, all applicants should be required to demonstrate how this type of mitigation will be detailed and how costs have been identified for delivery. Mitigation will be delivered through the Mitigation Strategy and Delivery Plan **and other mechanisms**'.
- 'Recreational disturbance can result from new retail, leisure and tourism opportunities as well as from housing. Mitigation, for the recreational disturbance of European site birds, needs to be effective and should be chosen from a range of diverse and flexible measures. These include, but are not limited to, SANGS, a financial contribution to the management of coastal issues and information packs. In delivering development, applicants should be required to demonstrate how this type of mitigation will be detailed and how costs have been identified for delivery. Mitigation will be delivered through the Mitigation Strategy and Delivery Plan'.
- Policy CC1 (Minimising and Adapting to Climate Change) – wording changed from '... preventing coastal squeeze' to '...managing coastal squeeze'.
- QP1 (Planning Obligations) - new wording added. The following paragraph has been added: 'The Habitat Regulations Assessment (HRA) stage 1 screening identified a likely significant adverse effect on the Teesmouth and Cleveland Coast Special Protection Area and Ramsar European Protected Site. This adverse impact would be caused through recreational disturbance of birds which are the interest features of the site, including a breeding colony of little terns in the summer and shorebirds in the autumn, winter and spring. The HRA established that at least some new residents of housing developments would visit the SPA/ Ramsar and that these



additional visits would cause harm. Each housing development is responsible for mitigating potential harm and developers can ensure this through Planning Obligations by providing an adequate provision of Suitable Alternative Green Space (SANGS) to absorb new recreation, such as daily dog walking, on site and/or by providing a financial contribution to be spent on managing recreational pressures on the European Protected Site’.

- QP1 (Planning Obligations) - the following policy wording has been added to the list of Planning Obligations:
  - Suitable Alternative Natural Green Space
  - Mitigation for recreational disturbance on the Teesmouth and Cleveland Coast SPA/ Ramsar.
- Para 11.36 (Strengthening the Local Economy) - Wording added: ‘In order to demonstrate strategic commitment to conserving European Sites, industrial companies will be encouraged to join INCA and participate in the Tees Estuary Partnership. If EMP4 sites are developed, this is likely to adversely impact upon neighbouring pSPA and SPA land. Construction and operation will need to mitigate adverse impact on European Sites (for example through timing of works) and companies should consider this in their long-term planning’.
- Policy EMP6 (Underground Storage) - Amended to ~~under the phrase ‘will only be considered for approval where:’ the words: ‘any above surface structures are limited in scale, not visually prominent and will be designed with flat roofs to replicate any habitat lost’~~ state that access to the site will only be from non-designated land and ~~this access point has been added to~~ the Proposals Map.
- Para 13.99 (Retail and Commercial Development) – wording added: ‘...particularly signs that are reflective of the area’s history and/or function and that promote the area’s internationally important birds’.
- Policy RC12 (the Marina Retail and Leisure Park) - the policy has been amended with the statement ‘Where appropriate the Council will seek the provision of interpretation to increase public understanding of the Teesmouth and Cleveland Coast SPA and Ramsar’.
- Policy RC14 (Trincomalee Wharf Retail and Leisure Park) - the policy has been amended with the statement ‘Where appropriate the Council will seek the provision of interpretation to increase public understanding of the Teesmouth and Cleveland Coast SPA and Ramsar’.
- Policy LT5 (Caravan Sites and Touring Caravan Sites) - the need for Planning Obligations for static caravans added: ‘Where appropriate the Council will seek the provision of a financial contribution under Planning Obligations, to manage recreation on the Teesmouth and Cleveland Coast SPA and Ramsar’.
- NE1, 2b), (Natural Environment) – the policy has been amended with the additional wording at the end of the paragraph ‘...will be sought and delivered via the Hartlepool Mitigation Strategy and Delivery Plan’.

## 7.3 Developer contributions

Developers are required to provide mitigation measures to negate any Adverse Effect On Integrity of N2K sites. This includes both housing development and employment, commercial, retail and tourism developments.

Natural England requires that it is consulted for all housing applications of ten or more dwellings (as indicated on Magic Map by the SSSI Impact Risk Zone tool). Hartlepool BC follows this guidance, using the ten dwellings figure as a trigger for HRA. The evidence presented above gives the trigger point for recreational disturbance as 23 ‘new’ people (2.3 per house) and two dog-owning households (24%). It is reasonable to apply these trigger points to ‘new’ visitors attracted by leisure and tourism ventures. Therefore, such

applications will be HRA assessed to identify and mitigate adverse impacts. Mitigation will be delivered through existing management mechanisms where possible.

The wording of Paragraph 6.26 (Locational Strategy) has been modified to include employment, retail, leisure and tourism developments, which can also lead to **AEOI and which must be mitigated**.

A Supplementary Planning Document (SPD) is being prepared on Planning Obligations including developer contributions. This will include the need for financial contributions to mitigate for **all adverse impacts, including** recreational disturbance.

For housing developments, a funding formula has been developed. Distance categories are based on the Hartlepool Borough Council Open Space, Sport & Recreation Assessment Report (Ashley Godfrey Associates, 2015).



**Table 25. Hartlepool Local Plan HRA funding formula - £/house.**

This is based on two factors (accessibility of the coast and provision of SANGS) and applies to housing applications from 01/01/2017. While a distance of 1km assessed as likely to be walked is arbitrary, information and observations around exercise and dog walking suggests that this is a reasonable figure to use.

| Parameters   | £/house | Notes  |
|--|---------|--|
| <b>Accessibility of the coast</b>                                    |         |  |
| Walking likely possible (0-1km)                                      | 200     |  |
| Car required (1-6km driving route)                                   | 100     | Actual route   |
| Car required (7-12km driving route)                                  | 50      | Actual route   |
| Car required (12+km driving route)                                   | 0       | Only applies to Wynyard development which is 12+km driving route.  |
| <b>Provision of SANGS/ reliance on Council sites</b>                 |         | SANGS should provide (amongst other things) a minimum circular route of 2.5km.   |
| No (or only a restricted area) of SANGS & no Council runs sites used | 150     |  |
| Reliance on Council run sites (even if some SANGS also provided)     | 100     | Just as SANGS provided on-site, requires a financial commitment (and a costed, long-term, management and maintenance programme), developers reliant on HBC run recreational sites, need to pay a one-off fee to accommodate the additional use. Council tax payers will subsequently contribute. |
| Adequate SANGS provision   | 0       | Hartlepool BC SANGS guidance used.   |
|  |         | Range is £0 to £350 per dwelling   |

### 7.3.1 Example of how mitigation has been secured to date (in the absence of appropriate policy wording).

Under HRA, individual development applications are classed as 'projects' and the onus is on the landowner promoting the site for development to demonstrate that there will be no harm to European Sites. The competent authority is responsible for producing a HRA and for securing adequate mitigation. The securing of SANGS and developer financial contributions (guided by policy QP1) is a mechanism applied in the development control planning process and Hartlepool BC has a number of recent examples.

The following mitigation has been proposed by applicants who have inquired about or submitted pre-application and planning applications to Hartlepool BC and Durham CC in the last few years.

- Creation of SANGS within housing schemes.
- SPA wide funding for wardening (including funding a specific little tern warden).
- 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 adjacent to European Sites.

- Information boards at strategic locations within housing developments to encourage use of SANGS.

HRA (stage 1) and where required an AA (stage 2) have been submitted by Hartlepool BC and approved by Natural England for the housing applications below. All were able to demonstrate that the impacts could be mitigated to a point where there was no AEOL. The fact that Natural England has approved the HRAs for these projects demonstrates that housing developments can be HRA compliant.

**Table 26. Recent Hartlepool housing applications.**

| Site                                      | Houses   | Planning Ref | Status (2017)             | HRA approved by NE | Key mitigation   |
|---|----------|--------------|---------------------------|--------------------|--|
| Nelson Farm                               | 50       | H/2015/0283  | Approved                  | July 2016          | 0.9 Ha SANGS; £1k  |
| Seaview Park                              | 195      | H/2015/0281  | Submitted                 | Aug 2016           | £250/house   |
| Britmag                                   | 484      | H/2013/0573  | Granted at Public Inquiry | Date tbc           | Footpath management, signage, financial contribution to foreshore tasks. |
| Land South of Elwick Rd, High Tunstall    | 1,200    | H/2014/0428  | Submitted                 | Aug 2016           | 12.6 Ha SANGS; £250/house  |
| Land South of Elwick Rd, High Tunstall    | 153 & 55 | H/2015/0551  | Submitted                 | June 2017          | 2.4 Ha SANGS; £250/house   |
| Hart Reservoir housing                    | 52       | H/2015/0354  | Approved                  | Sept 2016          | SANGS  |
| Glebe Farm, Hart Village                  | 13       | H/2017/0028  | Submitted                 | April 2017         | Info pack  |
| Land adjacent to Glebe farm, Hart Village | 27       | H/2017/0301  | Submitted                 | Not yet submitted  | -  |
| Quarry Farm phase 2                       | 220      | H/2015/0528  | Submitted                 | Not yet submitted  | 3.3 Ha SANGS; financial contribution (amount tbc)                        |

### 7.3.2 Existing action plans

Amongst other things, developer financial contributions will be used to fund existing coastal management plans to the legal maximum of five contributions per project. These projects include:

- Durham Heritage Coast (which extends south to Hartlepool Headland and already manages the little tern wardening project at Crimdon Dene).
- Teesmouth and Cleveland Coast European Marine Site Management Plan (managed by INCA).
- Hartlepool BC Foreshore Management Services

### **7.3.3 Suitable Alternative Natural Green Space**

Recent guidance on 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). While it is acknowledged that this guidance is based on the situation in Hampshire and on the Thames Basin Heaths N2K sites, it is a useful indication in the absence of more local information. Hartlepool BC makes the presumption that the desire for dog owners to find a convenient dog exercising area is the same. However, Hartlepool BC also accepts that there is a strong pull towards beaches and that at least some dog owners will occasionally or regularly utilise coastal open spaces for exercising dogs. It is considered likely that residents of new housing will walk and/or exercise dogs regularly on cliffs and beaches if there are convenient walking routes with which to access the beach and because convenient parking areas exist near the shore. However, Hartlepool BC sees SANGS as a key tool to help with the management of recreational disturbance AEOI. Hartlepool BC's overarching approach is to protect, manage and enhance the green infrastructure network throughout the Borough and to develop links between and within, existing and new areas of development. This is spelled out in policy NE2: Green Infrastructure, supported by the Hartlepool SANGS guidance (Appendix 7).

HBC assesses that the pull of open countryside, whether it is the coast, heathland or other natural habitats, is equally strong for those communities living within reach of it and wishing to pursue recreational activities. Hartlepool BC does not think that it would be proportionate to undertake research to demonstrate this, when it has used the precautionary principle to assess the impact of recreational disturbance on its coastal European Sites and to develop local SANGS guidance.

## **7.4 Local Plan Strategic Mitigation and Delivery Plan + monitoring programme**

Hartlepool BC has produced the Hartlepool Local Plan Mitigation Strategy and Delivery Plan, which forms Appendix 5. This action plan includes both Foreshore Services provision (see 7.5) and mitigation actions required from (and paid for by) developers.

Mitigation will be secured through Section 106 and other legal agreements. However, it will be several years before all the housing applications have been submitted and agreements are likely to be based on a slow release of payments, linked to the building and selling of houses. Therefore, the first annual action plan (2018) is conservative in its forecast.

Support for a coastal warden and a little tern warden will be via a contribution made to partner organisations, commensurate with the number of new houses occupied. The action plan will develop year on year, to mitigate increases in residential and tourism-promoted activity.

The Strategic Mitigation and Delivery Plan will have a bespoke, robust and proportional monitoring programme, with triggers for a full review, should SPA condition worsens.

### **7.4.1 Example 1 – access measures**

An example of HBC actions to protect European Sites, is demonstrated by the 2017 installation of quad bike/ motorbike barriers at the Brus tunnel and on the access points around the Old Cemetery (plus boulders) and the landscaping of the coast linked to the development of the Britmag site, which are reducing illegal motorised incursions. Similar and on-going mitigation actions are necessary and have been costed in the 2018 action plan.

### **7.4.2 Example 1 - Little tern wardening**

Currently, the protection of the little tern breeding colony at Crimdon Dene is managed by the Durham Heritage Coast Project, relying on Heritage Coast and funding sourced by INCA. A number of reports are available on the INCA website at <http://www.inca.uk.com/>. The breeding colony (on the upper beach) is enclosed with 400m of post and mesh fencing. In some past years, an additional outer barrier of post and wire fencing has been erected to create a buffer. A warden's hut is erected each summer on the route from the Crimdon Dene car park to the beach. This is provided by the Durham Heritage Coast Project with planning permission granted by Easington Borough Council. A warden is employed, generally on an 'expenses only' basis. A team of volunteers is recruited to help warden the colony. Hartlepool BC classes the continuation of wardening as an essential element of the mitigation package.

The 2008 little tern breeding season report, refers to disturbance and notes (amongst other things) the following: 'The most common disturbance this year was from dogs and dog walkers. Recent changes to the adjacent caravan sites have meant a much larger use by holiday makers who bring their dogs and walk them on the beach. The difference between these "dog walkers" and local "dog walkers" is the turn over. Talk to a local "dog walker" and he understands the need to prevent disturbance and is likely to become an ally for ever more. The holiday makers change every week and each new batch needs to be informed of the likely disturbance they and their dogs can cause making the task endless'. This confirms that, as far as little tern disturbance is concerned, it is holiday makers as well as residents from housing that are negative factors.

### **7.4.3 Example 2 - Wider SPA wardening**

While the little tern wardening project addresses the issue of protecting the breeding colony, there is a further need to protect the site's shorebird interest which covers autumn and spring passage and wintering birds. Therefore, financial contributions from developers could be used to fund year-round wardening which would include duties such as public engagement, enforcement of byelaws and PSPOs if appropriate, monitoring and reporting. As the T&CC site extends beyond the southern limit of the Durham Heritage Coast, such a scheme would need to be delivered through a different mechanism, such as the T&CC European Marine Site Management Plan or a Hartlepool Foreshore Management Services.

## **7.5 Hartlepool BC day to day service provision**

### **7.5.1 Foreshore Management**

Hartlepool BC maintains the beach and foreshore through Foreshore Management services. The Coast Protection Act 1949, established the regulatory framework for England's coastline and the Coast Protection Authorities. The Council is the designated Coast Protection Authority which 'shall have such powers and perform such duties in connection with the protection of land' to ensure the adequate 'coast protection' of the Borough. Foreshore management services include leisure activities, public events, a lifeguard service, paddling pools, dog control, beach cleaning and wildlife and countryside (NB: the Countryside & Rights of Way (CROW) Act 2000 places a duty on Local Authorities to conserve and enhance special interest features of Sites of Special Scientific Interest (SSSI) under Section 28 of the Wildlife and Countryside Act). See also Appendix 5 – 2018 Hartlepool Foreshore Management Plan.

## 7.5.2 Controlling dogs

Some Dog Control Orders (DCO) [to be replaced by Public Space Protection Orders (PSPO)] have been put in place by Hartlepool BC to manage dog related issues. There are current Dogs on Leads Orders covering Seaton Dunes and Common LNR, Spion Kop LNR, the Lower Promenade on the Headland and the Headland Fish Quay gates area.

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

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

Previously, DCOs have chiefly tackled dog fouling issues. HBC has recognised that in order to deliver mitigation, PSPOs must tackle the disturbance of birds caused by dogs, particularly in the critical autumn, winter and spring period. They need to be backed up by robust enforcement. Dog related PSPO enforcement, public awareness and education will be actions that developer contributions will fund. Hartlepool BC will consult on a borough-wide PSPO, including dog control, which is required under the new legislation by late 2017. Once PSPOs have been implemented, their effectiveness will be monitored via the Monitoring Plan.

Key areas for concentrations of birds have been mapped, using available bird data, including the annual Teesmouth Bird Club Cleveland Bird Report and Tees WeBS counts. In addition the HBC Ecologist undertook a series of casual counts from points along the Hartlepool coast in the winter period 2017-18 (across the tidal range). Hartlepool BC understands the principles of the European designations and that they are based on the numbers and spatial distribution of birds at the time of designation. The Council is concerned, however, that to enforce bird protection measures on the public, on beaches where no or few birds are present, would be counter-productive. Therefore, the following key areas (Table 25 and Appendix 6) have been identified for priority bird conservation effort (while not ignoring or abandoning other stretches of the shore):

**Table 27. Key breeding and roosting sites**

| <b>Section of Hartlepool shore supporting the greatest number of birds (all N2K site species)</b> | <b>OS grid reference (all NZ)</b> |
|---|-----------------------------------|
| Crimdon Dene (spring & summer)  | 488-368 to 491-365                |
| Parton Rocks round to the Old Pier, Hartlepool Headland   | 518-348 to 527-344                |
| West Harbour and Bird Island  | 519-329 to 520-328                |
| Newburn Bridge  | 517-319 to 517-318                |
| Long Scar   | 528-313 and 530-315               |
| North Gare  | 544-284 to 539-281                |
| Seaton Snook  | 543-271 to 532-266                |
|   |                                   |
| <b>Hartlepool section of Tees Estuary</b>   |                                   |
| Greenabella Marsh to Greatham Creek road bridge   | 523-265 to 509-255                |
| Saltern Wetland   | 509-255 to 495-265                |

Maps of the sections of shore supporting the greatest aggregations of birds (feeding and roosting) have been added to the Council's Public Space Protection Order (PSPO), which will go out to public consultation on December 2017. These areas are proposed for dog control (Appendix 7).

### **7.5.3 Public awareness**

In order to mitigate recreational disturbance, beach users need to be aware of the importance of the coast for SPA/ Ramsar birds, need to understand the crucial times for birds and to understand how they can avoid disturbance. A Code of Conduct leaflet has already been produced and distributed as an action in the T&CC European Marine Site Management Plan (through INCA). This needs to be publicised and distributed more widely. The Teesmouth National Nature Reserve has a number of information panels on site (managed by Natural England).

Hartlepool BC has received a Section 106 developer contribution for the Britmag housing development, for three interpretation panels to be erected north of Hartlepool Headland. These will be erected and additional developer contributions will be used to erect further information panels where necessary.

### **7.5.4 Monitoring: bird disturbance study**

In 2014-2015, Hartlepool BC undertook a baseline survey to establish incidences of SPA bird disturbance along North Sands (Bond 2015). This was a requirement of the planning approval for a housing development at the Britmag site. A second disturbance survey will be undertaken once 75% of the new houses are occupied (or five years from the first resident moving in which was August 2016).

### **7.5.5 Additional conservation measures**

Hartlepool BC will review its Seaton Dunes and Common LNR Management Plan to ensure that the site is managed (using cattle as a habitat management tool) and used appropriately by visitors and that its natural assets are conserved and enhanced. Future work will include stock-proof fencing/ gates/ bridges repairs and replacements, the fencing of sensitive areas, water control via sluices and sea buckthorn management on the dunes. This will ensure that this part of the T&CC SPA retains its favourable condition.

## **7.6 Adequacy of mitigation proposals**

Hartlepool BC assesses that with the above precautions and mitigation in place, an AEOL of the Teesmouth & Cleveland Coast SPA/ Ramsar is avoided.

## **8. In-combination Assessment with Neighbouring Local Authority Local Plans**

The HRA process requires that a plan or project is not just assessed on its own merits, but also in combination with other plans and projects. This is particularly important as the N2K sites cover more than one local authority area and plans and projects outside of the immediate area may have an impact. This includes the Local Plans of neighbouring authorities. As direct AEOI has been ruled out for all Hartlepool Local Plan policies, there can be no in combination direct AEOI with similar policies in other Local Authority Local Plans. However, indirect causes of AEOI do need to be assessed with similar policies in other Local Authority Local Plans, to assess combined outcomes.

Each of the earlier Core Strategies of Stockton-on-Tees BC, Middlesbrough BC 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. These in combination assessments have taken into consideration the effects from the Hartlepool Local Plan (2006) which preceded the current consultation draft Hartlepool Local Plan. These HRAs probably did not adequately take into account the issue of indirect recreational disturbance on European Sites and none of these authorities have current Local Plans (see below).

### **8.1 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.

#### **8.1.1 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'.

### **8.2 Sunderland City Council**

Sunderland Local Plan: Core Strategy and Development Management Policies Draft  
Revised Preferred Options August 2013. Over 15,000 new homes are planned over the next 20 years.

### **8.2.1 City of Sunderland LDF Core Strategy, Draft Revised options, HRA Screening Report July 2013**

This HRA covers the Sunderland Local Plan. It screens out all of the strategic policies as no AEOL.

### **8.2.3 South Sunderland Growth Area**

Sunderland City Council, through the Core Strategy, is proposing to bring forward a new growth area between Doxford Park, Tunstall and Ryhope known as South Sunderland Growth Area (SSGA). The South Sunderland area contains the largest proportion of the city's housing stock and has the potential capacity to meet a significant proportion of the city's future housing requirement. The SSGA has the potential to accommodate 2,800 - 3,300 new dwellings over the next 15-20 years and meet 20% of the city's future housing need, providing much needed family and executive housing within a high quality environment and setting. The SSGA has identified recreational disturbance as an indirect AEOL and that there is little opportunity for SANGS within the allocated housing sites. The approach has been to set a 'Developer contribution' per house which will be used to fund mitigation.

## **8.3 Durham County Council**

Durham County Council (DCC) has returned to the 'Regulation 18' stage of the Town and Country Planning (Local Planning) (England) Regulations 2012 (re-consultation) and as a consequence there is no current information to assess. In its earlier Local Plan work and subsequent HRA, AEOL was identified and mitigation mechanisms including the provision of SANGS and developer financial contributions were recommended (detailed in a SPD). This HRA was approved by the Inspector.

## **8.4 Stockton-on-Tees Borough Council**

Following a Duty to Cooperate meeting between HBC and Stockton-on-Tees Borough Council (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 little current information to assess. Stockton on Tees BC is planning for further new housing with the Regeneration and Environment Local Plan Publication draft (Feb 2015) covering this in policy H1 'New Housing Sites'. H1 says that the total number of dwellings, including new sites, safeguarded land for housing and re-affirmed commitments, is 8,789.

Barkers consultants have been engaged to undertake the HRA and this will need to assess the issue of increased recreational disturbance and mitigate for any increase in visitors to the coasts of both Redcar and Cleveland and Hartlepool boroughs. Each Local Authority should mitigate its own impacts.

## **8.5 Middlesbrough Borough Council**

Middlesbrough Borough Council (MBC) is at an early stage with its Local Plan and so there is no information to assess.

There has been long-term population decline in Middlesbrough since the 1960s and MBC wish to reverse this trend. The majority of the housing stock is low grade and there is a demand for middle and upper market sector housing. As at 2014, a net housing requirement of 6,970 dwellings were proposed for Middlesbrough for the period 2012 to 2029. A HRA



has not been prepared but needs to assess the issue of increased recreational disturbance and mitigate for any increase in visitors to the coasts of both Redcar and Cleveland and Hartlepool boroughs. Each Local Authority should mitigate its own impacts.

## 8.6 Redcar and Cleveland Borough Council

It is noted that Redcar and Cleveland Borough Council (R&BC) is currently preparing a consultation draft Local Plan with the intention to consult on preferred options later in 2016. Policy H3 covers Housing Allocations and details a total supply needed of 1,050 houses. Initial work on the HRA has identified AEOI caused by increased recreational disturbance and mitigation mechanisms, including the provision of SANGS and developer financial contributions, are likely to be recommended (detailed in a SPD). Financial contributions will be used to fund actions based on a Foreshore Management Plan. Each Local Authority should mitigate its own impacts.

## 8.7 Shoreline Management Plan 2

The Defra/ Environment Agency Shoreline Management Plan 2 for Hartlepool is the NE SMP2. In this report, the Hartlepool coastline is broken into three sections and three epochs are planned for – from 2005 to 2025, from 2025 to 2055 and from 2055 to 2105. The aspirations of the NE SMP2 are supported by the Hartlepool Local Plan policy CC1 'Minimising and adapting to climate change'.

**Table 28. Shoreline management options.**

| <b>SMP2 Management area policy unit</b> | <b>2005-2025</b> | <b>2025-2055</b> | <b>2055-2105</b> |
|---|------------------|------------------|------------------|
| Crimdon Valley                          | NAI              | NAI              | NAI              |
| North Sands                             | HTL              | HTL              | MR               |
| Headland                                | HTL              | HTL              | HTL              |
| Hartlepool                              | HTL              | HTL              | HTL              |
| Seaton Carew North                      | HTL              | HTL              | HTL              |
| Seaton Carew                            | HTL              | HTL              | HTL              |
| Seaton Sands                            | NAI              | NAI              | NAI              |
| North Gare                              | HTL              | HTL              | HTL              |
| North Gare Sands                        | NAI              | R                | R                |



Key:

Inner line – policy up to 2025  
 Middle line – policy up to 2055  
 Outer line – policy up to 2105

Green - NAI – No Active Intervention  
 Red - HTL – Hold the Line  
 Blue - MR – Managed Realignment  
 None – R – Retreat or Realignment

Within the Local Plan period the two shoreline management options are No Active Intervention and Hold the Line (see map above).

The Hold the Line policy for the urban frontages, will lead to coastal squeeze and pressure on the SPA/ Ramsar birds as the area of foreshore is reduced. The SMP acknowledges that this is an inevitable consequence, but plans to allow the shore to expand elsewhere by following the policy of No Active Intervention in undeveloped areas of the coast.

No Active Intervention will allow coastal erosion to bite into the dunes of North Sands and North Gare, although to some extent this dynamic system will provide a degree of control as well as evolving as dune systems.

As a project example, the cliff edge adjacent to the northern portion of the Britmag housing development has been shaped to encourage dune creation; the erection of chestnut paling fencing will allow for the capture of loose sand to build new dunes. This is an example of how the Local Plan policy CC1 'Minimising and adapting to climate change' will work – the relevant paragraph says 'The Council will work closely with key agencies including the

Environment Agency and Natural England to ensure that appropriate solutions are identified to address such issues’.

## **8.8 Marine Management Organisation (MMO), North East Inshore and Offshore Marine Plan Areas, 2016.**

The Marine Planning framework was set out under the Marine and Coastal Access Act 2009. Hartlepool falls within the North-East area. Marine planning guides what happens in the marine area, making sure the right activities are carried out in the right place. It enables sustainable economic growth whilst protecting the environment and heritage, recognising the needs of all. This process is at an early stage. In due course issues, visions and objectives, options and policies will be drafted and consulted on. A Sustainability Appraisal and HRA will be undertaken. The Marine Plan does not need in-combination assessment at this stage.

## 9. Overall Conclusion

### 9.1 Findings

All 86 policies in the Hartlepool Local Plan have been assessed for their potential to have an adverse 'Likely Significant Effect' on European Designated Sites. The policies have been assessed against the documented conservation objectives and management plan actions for nationally and internationally designated sites.

While the distance of 6km from a European Site has frequently been used in similar studies, HBC has only used this as a guide. Rather, HBC has used the source-pathway-receptor model to assess for LSE – regardless of the distance. However, it is true to say that LSE is weakened over greater distances, for example when assessing the impact of Hartlepool generated vehicular emissions on the North York Moors National Park N2K sites.

Where appropriate, policies with similar issues or combining to potentially produce a greater adverse impact were also considered together. Where appropriate, reference was also made to neighbouring plans and projects, for example the Stockton-on-Tees BC housing allocations for the Wynyard Estate were assessed in combination with HSG6 Wynyard Housing Developments.

All the consultation Local Plan policies have been screened through the HRA stage 1 assessment process. Screening has been done in two parts – an initial screening to dismiss clear-cut cases, followed by a second screening which looked at more complex cases. Some of the latter were subsequently screened out following changes or additions to policy wording, which have been applied by the Local Plan Team.

Following stage 1, LSE could not be ruled out for ~~11 ten~~ policies. These were subjected to a HRA stage 2 Appropriate Assessment. The Appropriate Assessment assessed potential 'Adverse Effect On Integrity' of N2K sites, examined the issues, assessed and analysed evidence, drew conclusions and identified suitable mitigation.

- Direct impacts caused by habitat loss/ species deaths was assessed as not causing AEOL.
- Indirect impacts caused by increased air pollution and nutrient increase from dog faeces were both assessed as not causing AEOL.
- Indirect impacts caused by development on functionally linked land were assessed as not causing AEOL.
- The indirect impact of disturbance caused by increased recreational use was assessed as leading to AEOL.

### 9.2 Local Plan wording amendments.

In order to negate LSE and AEOL, wording was amended or added a number of policies (in the supporting text or actual policy wording). See Section 7.2.

### 9.3 Further Local Plan mitigation actions

- A 'Local Plan Mitigation Strategy and Delivery Plan' has been developed to deliver mitigation measures.
- A funding formula has been produced to guide developer contributions.
- Suitable Alternative Natural Green Space guidance for Hartlepool has been produced.
- A Mitigation Strategy and Delivery Plan monitoring programme has been produced.

## **9.4 Soundness of the HRA**

Subsequent to the above process, the Hartlepool Local Plan is assessed as not having an adverse effect on the integrity of internationally designated sites and is, therefore, consistent with achieving sustainable development in accordance with the NPPF and there is no requirement for the Local Plan to go to HRA stage 3. This ends the HRA process.

End

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## Appendix 1. SSSI condition statement tables

### Tees & Hartlepool Foreshore & Wetlands SSSI, Natural England report on condition.

| Habitat                           | Sector                            | Date assessed | Condition status            | Comments  |
|-----------------------------------|-----------------------------------|---------------|-----------------------------|---|
| LITTORAL SEDIMENT                 | 001<br>North Sands & Headland     | 31/03/2014    | Unfavourable<br>- Declining | There has been a significant decline in the population of Sanderling. The latest WeBS Alerts analysis for Teesmouth and Cleveland Coast SPA suggests that site-specific factors are driving the decline. There has also been a significant decline in the population of Purple Sandpiper. There is no WeBS Alert analysis for Teesmouth and Cleveland Coast SPA, but there is one for Northumbria Coast SPA. It is not clear whether the decline in Purple Sandpiper trend is following the regional and national trends (or it is more or less severe). Further investigation is required. |
| SUPRALITTORAL SEDIMENT            | 002<br>West harbour roost island. | 31/03/2014    | Unfavourable<br>- No change | There has been a significant decline in the population of Purple Sandpiper. There is no WeBS Alert analysis for Teesmouth and Cleveland Coast SPA, but there is one for Northumbria Coast SPA. It is not clear whether the decline in Purple Sandpiper trend is following the regional and national trends (or it is more or less severe). Further investigation is required.   |
| INSHORE SUBLITTORAL SEDIMENT - CL | 003<br>Greenabella Marsh.         | 31/03/2014    | Unfavourable<br>- Declining | The assessment was made using baselines for Shelduck, Teal and Redshank from Leahey (1996). These are not recognised in the current Favourable Condition Table, but a new version is being developed. There has been a significant decline in Shelduck  |

|                                |                      |            |            |   |
|--------------------------------|----------------------|------------|------------|---|
|                                |                      |            |            | and this appears to be the result of site-specific factors.   |
| FEN, MARSH AND SWAMP - Lowland | 004 Dormans Pool.    | 20/03/2009 | Favourable | The unit was viewed from its eastern boundary and the western access track to the Teesmouth Bird Club hide. Water levels remain high and areas of swamp have increased, especially along the southern and eastern boundaries. There has been no cattle grazing since FMD in 2001. Despite this the unit was assessed as favourable due to the level of bird usage supported. Across units 4 and 5 shoveler populations have fallen marginally; teal, wigeon and lapwing numbers have also fallen, but golden plover numbers have doubled and gadwall numbers have risen 5-fold (figures based on Wetlands Bird Survey (WeBS) maxima bird counts August 2004 - March 2009)   |
| FEN, MARSH AND SWAMP - Lowland | 005 Saltholme Pools. | 20/03/2009 | Favourable | The unit was assessed from the A178 which bisects it, and from the Saltholme Pools hide on RSPB Saltholme. The site continues to be grazed, which is clearly beneficial. The clay island on Back Saltholme has been recently refurbished to combat erosion caused by wave swell, and supports significant numbers of breeding common tern. The unit continues to support significant numbers of waterbirds. Across units 4 and 5 shoveler numbers have fallen marginally (8% to 122.8); teal, wigeon and lapwing numbers have also fallen (-43% to 291.4; -18% to 770.6 and -28% to 2633.4 respectively). However, golden plover numbers have doubled to 1446.8 and gadwall |

|                                |                          |            |                          |  |
|--------------------------------|--------------------------|------------|--------------------------|--|
|                                |                          |            |                          | numbers have increased 5-fold to 168.8. All numbers are taken from WeBS 5yr means August 2004 - March 2009.  |
| FEN, MARSH AND SWAMP - Lowland | 006 Haverton Hole.       | 20/03/2009 | Favourable               | The unit was viewed from the capped, grassed over former tip mound immediately to the south. The mosaic of shallow pools and reedbeds was in good condition, and water levels were high. The unit was therefore assessed as being in favourable condition.                     |
| LITTORAL SEDIMENT              | 007 North Tees Mudflats. | 31/03/2014 | Unfavourable - Declining | The assessment was made using baselines for Shelduck, Redshank and Total Waterbirds that have been developed for a new version of the Favourable Condition Table. There has been a significant decline in Shelduck and this appears to be the result of site-specific factors. |

#### Seal Sands SSSI, Natural England report on condition.

|                   |                 |            |                          |  |
|-------------------|-----------------|------------|--------------------------|--|
| LITTORAL SEDIMENT | 001 Seal Sands. | 06/01/2016 | Unfavourable - Declining | Knot and shelduck. The high tide counts for knot and shelduck have declined significantly and are now well below the 50% condition threshold. The low tide (foraging) counts for knot and shelduck have also declined significantly and are less than 50% of the threshold counts in both datasets (NNR and WeBS low tide counts). BTO WeBS alerts were consulted. The Seal Sands shelduck decline is clearly at odds with regional and national trends so it is likely that there are local factor(s) driving the decline. The decline appears to be continuing, so shelduck is considered to be in unfavourable, declining condition. It is not so clear that local factors are driving the decline in knot, because knot has also declined across the North East. However, the decline on Teesmouth is more severe than the regional trend, which |
|-------------------|-----------------|------------|--------------------------|--|

|                   |                             |            |           |  |
|-------------------|-----------------------------|------------|-----------|--|
|                   |                             |            |           | <p>suggests that there are additional pressure(s) operating. The numbers of knot appear to be continuing to decline, so knot is also considered to be in unfavourable, declining condition. Redshank. The high tide count is currently very similar to the FCT baseline (95% of baseline), although this statistic masks population changes in the intervening years. Low tide redshank counts have declined in both datasets, but much less strongly in the NNR dataset. The NNR low tide data is based on many more seasons of data. In addition it includes autumn counts, which is the season of peak redshank numbers (typically between August and October). Although NNR low tide data do not include the intertidal project, this unit of the SSSI (Unit 3) only supports a small proportion of the total Seal Sands population. It is therefore considered that the NNR low tide data provides the most reliable overall trend. Unfortunately redshank has not been evaluated for WeBS alerts at Teesmouth and Cleveland Coast, but regional and national trends are available. The national trend is broadly stable, but recent numbers are down from those in the 90s. The regional trend shows a slight increase overall, with recent numbers lower than peaks in the 80s and 2000s. Redshank currently meets the population threshold target and is assessed as being in favourable condition. However, the number of redshank recorded on NNR low tide counts has declined throughout the dataset and this looks to be continuing. Numbers are approaching the 50% threshold and this should be closely monitored.</p> |
| LITTORAL SEDIMENT | 002 Seal Sands Reclamation. | 16/07/2010 | Destroyed | <p>This unit comprises the Seal Sands Emergency Access Road, owned and maintained by PD Ports for the purposes of evacuating vehicles and staff from the Seal Sands industrial area in the event of emergency. The</p>   |

|                   |                             |            |                          |  |
|-------------------|-----------------------------|------------|--------------------------|--|
|                   |                             |            |                          | notified habitat type listed in the FCT is littoral sediment; none is present in this unit and there is no possibility of reinstatement. Denotification of the unit is therefore recommended.  |
| LITTORAL SEDIMENT | 003 Intertidal Project.     | 06/01/2016 | Favourable               | See full report The high tide data show that shelduck numbers have remained broadly stable on the intertidal project in contrast to the significant decline on Seal Sands. Given this stability and that no obvious habitat changes have occurred on the intertidal project it is considered that unit 3 is favourable for shelduck. The trend in redshank numbers on the intertidal project is similar to that on the main mudflat and is therefore considered to have the same condition, i.e. favourable, but with recent decline. Knot have never regularly used the intertidal project. |
| LITTORAL SEDIMENT | 006 Seal Sands Reclamation. | 20/11/2009 | Unfavourable - No change | The Unit does not support populations of the notified species (shelduck, knot and redshank), having been reclaimed from tidal influence in the 1970s and 1980s.  |
| LITTORAL SEDIMENT | 007 Seal Sands Reclamation. | 16/07/2010 | Destroyed                | This unit is entirely occupied by the BP CATS natural gas processing facility. The notified habitat type featured within the FCT for Seal Sands SSSI is littoral sediment; none of this habitat exists within the unit, and there is no possibility of reinstatement. The unit should therefore be considered for de-notification.   |

#### Seaton Dunes and Common SSSI Natural England report on condition.

| SUPRALIT TORAL SEDIMENT | TOM CHAR MAN | 001 | 1010041 | 69.4569 | 0.16 | 01/11/2013 | Unfavourable - No change | Sanderling and Turnstone have decreased by 75% and 86% respectively from levels at notification. While short-stopping may be contributing to the decline it appears that other factors are likely to be significant. Potential factors |
|-------------------------|--------------|-----|---------|---------|------|------------|--------------------------|--|

|                       |             |     |         |         |       |            |                           |   |
|-----------------------|-------------|-----|---------|---------|-------|------------|---------------------------|---|
|                       |             |     |         |         |       |            |                           | include recreational disturbance, sediment changes and algal blooms.  |
| SUPRALITORAL SEDIMENT | TOM CHARMAN | 002 | 1010035 | 43.6501 | 0.00  | 17/09/2012 | Unfavourable - Recovering | Sea buckthorn ( <i>Hippophae rhamnoides</i> ) clearance programme under CES agreement is ongoing.   |
| LITTORAL SEDIMENT     | TOM CHARMAN | 003 | 1028178 | 69.794  | 0.00  | 05/03/2013 | Favourable                | Appropriate management in place to ensure FCT criteria is being met - monthly WeBS counts show a significant increase in numbers of curlew, lapwing and widgeon in comparison to 2011/12 season.  |
| LITTORAL SEDIMENT     | TOM CHARMAN | 004 | 1028179 | 26.788  | 26.79 | 17/09/2012 | Favourable                | Meeting botanical objectives <i>Festuca rubra</i> and <i>Juncus gerardii</i> abundant. <i>Carex flacca</i> and <i>Glaux maritime</i> frequent. Also found <i>Carex distans</i> present at 3 stops which is typical of SM16 community. Other species include <i>Dactylorhiza purpurella</i> and <i>Dactylorhiza fuchsia</i> . Figures for sanderling and turnstone have significantly decreased. |
| SUPRALITORAL SEDIMENT | TOM CHARMAN | 005 | 1028180 | 24.2724 | 24.27 | 17/09/2012 | Favourable                | Meeting botanical objectives on fixed dune with 8 target species recorded at occasional or higher frequency. Failed on saltmarsh vegetation composition; however 2 species were found to be dominant and one abundant, therefore species diversity is more of an issue than quantity. Figures for sanderling and turnstone have decreased significantly.  |
| SUPRALITORAL SEDIMENT | TOM CHARMAN | 006 | 1028181 | 71.2563 | 71.26 | 01/11/2013 | Unfavourable - No change  | Sanderling and turnstone have decreased by 75% and 86% respectively from levels at notification. While short-stopping may be contributing to the decline it appears that other factors are likely to be significant. Potential factors include recreational disturbance, sediment changes and algal blooms.   |

|                               |                    |         |             |            |      |                |                                    |   |
|-------------------------------|--------------------|---------|-------------|------------|------|----------------|------------------------------------|---|
| SUPRALIT<br>TORAL<br>SEDIMENT | TOM<br>CHAR<br>MAN | 00<br>7 | 10281<br>82 | 8.368<br>1 | 0.00 | 01/11/<br>2013 | Unfavo<br>urable -<br>No<br>change | Sanderling and turnstone have decreased by 75% and 86% respectively from levels at notification. While short-stopping may be contributing to the decline it appears that other factors are likely to be significant. Potential factors include recreational disturbance, sediment changes and algal blooms. |
|-------------------------------|--------------------|---------|-------------|------------|------|----------------|------------------------------------|---|

**Durham Coast SSSI – condition status:**

<https://designatedsites.naturalengland.org.uk/SiteUnitList.aspx?SiteCode=S1000255&SiteName=durham%20coast&countyCode=&responsiblePerson=>

## **Appendix 2. Natural England guidance on scoring policies from: The HRA of Local Development Documents (2009).**

NB: to simplify this complicated scoring system, HBC has used single A, B, C and D categories.

Only negative effects need to be 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.

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

#### **Table 1**

**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.

### **Appendix 3. Further information on atmospheric pollution from the Natural England report NECR199.**

Recent transect studies provide further evidence of the impacts on individual species from exposure to nitrogen oxides (NO<sub>x</sub>) and nitrogen dioxide (NO<sub>2</sub>) associated with vehicle emissions. These impacts are greatest within the first 50-100m from roads but may be discernible at greater distances. The studies also evidence that traffic emissions are a significant source of metal contamination, although it is unlikely to present a significant immediate toxic risk to plants.

The findings of many studies, undertaken since 2004, of the effect of nitrogen emissions from road traffic on habitats suggest that NO<sub>2</sub>, rather than other forms of nitrogen deposition, is the likely driver of changes in roadside plant communities. All of the studies reinforce that differential effects may lead to changes in competitive advantage between species affecting the composition of vegetation, management of roadside sites and nature conservation. The targeted literature search did not find any recent studies of the impact of road traffic emissions on below-ground biodiversity. However, a number of field studies have sampled and analysed soils, and consistently demonstrate that heavy metal concentrations from vehicle emissions decline within 5–10m and may not be discernible beyond 50m from roads.

The targeted literature search only located one additional study that specifically addressed impacts on plant-insect interactions. While other studies evidence that vehicle emissions are a significant source of metal contamination for roadside vegetation, they do not add weight to concerns about the impact of heavy metals on the wildlife food chain.

## **Appendix 4. Report of dog waste (abstract)**

Lowe, Christopher Nathan, Williams, Karl S, Jenkinson, Stephen and Toogood, Mark (2014) *Environmental and social impacts of domestic dog waste in the UK: investigating barriers to behavioural change in dog Walkers*. International Journal of Environment and Waste Management, 13 (4). pp. 331-347. ISSN 1478-9876

### **Abstract**

This study sought to investigate the behaviour and attitudes of dog walkers to picking up and disposing of dog foul, with a specific focus on bagged dog waste. Two research methods were utilised. The first explores locational and social factors influencing dog walkers' behaviour in picking up and disposing of dog faeces. Dog waste audits were conducted on popular dog walking paths in Lancashire. Secondly, the results were used to deliver an online national dog walking survey. Results of the audits suggested that availability of bins, path morphology, visibility, and path location are key factors in determining the occurrence of dog faeces. In the survey a key factor influencing behaviour was the belief that clearing up after dogs is the "right thing to do" and this was associated with an awareness of health risks. Typologies of dog walker are also proposed heuristically, ranging from those dog walkers that are 'proud to pick up' who will pick up in any location, through those who make contextual judgements about where and when it could be permissible to leave dog waste, to the 'disengaged' who will not pick up even if they are aware of the health and environmental consequences. The study advocates active engagement of dog walkers in tackling this contested, potentially environmentally damaging issue.

## Appendix 5. Hartlepool Local Plan Mitigation Strategy and Delivery Plan

### Hartlepool Local Plan Mitigation Strategy and Delivery Plan, associated with the Local Plan Habitats Regulations Assessment.

#### Summary

The European Commission Habitats Directive (Conservation of Habitats and Species Regulations 2010) requires a Habitat Regulations Assessment (HRA) of all plans and projects. This assesses any 'likely significant effect' (i.e. adverse impact) on European Sites. A HRA has been produced for the Publication Hartlepool Local Plan 2016-2031, to assess the impact of all policies. For a number of policies, 'likely significant effect' was found and appropriate mitigation has been devised to manage this, to ensure no harm to European Sites and their qualifying interest features. This has been drawn up into this Mitigation Strategy and Delivery Plan.

- Fifteen year plan (Timetable is set for a 2016 to 2031 Plan)
- Policies likely to have an adverse affect on European Sites through indirect recreational disturbance - housing, tourism and retail policies.
- HRA mitigation is needed for recreational disturbance that will impact upon protected birds.
- There are 6,199 new dwellings in Local Plan + ca: 300 windfall sites.
- 1,805 to contribute financially.
- £434,550 expected to be raised through Section 106 agreements, from house building. Each development is expected to contribute between £200 and £350/house.
- Number and extent of tourism and retail developments/ contributions – unknown.

Table 1 Local Plan Mitigation Strategy – 15 year delivery plan

| Action  | Year 1 cost (£) | On-going cost                      | Total (£) |
|---|-----------------|------------------------------------|-----------|
| Financial contribution to a third-party delivery body, to support a coastal warden post, shared with Durham CC. | 20,000          | 20,000/year                        | 300,000   |
| Financial contribution to a third-party delivery body, to support capital improvements, shared with Durham CC.  | 5,000           | 5,000/year                         | 75,000    |
| PSPO/ Byelaw  | 3,000           | £1,000 every 3 years (from Year 4) | 7,000     |
| Interpretation panel Crimdon Dene   | 3,260           | 5 N° replacement @ £1,200          | 9,260     |
| Interpretation panel West harbour   | 3,260           | 5 N° replacement @ £1,200          | 9,260     |
| Interpretation panel Newburn Bridge   | 3,260           | 5 N° replacement @ £1,200          | 9,260     |

|              |               |            |                |
|--------------|---------------|------------|----------------|
| Contingency  | 1,000         | 1,000/year | 15,000         |
| <b>Total</b> | <b>46,780</b> |            | <b>424,780</b> |

Table 2 Contributing housing developments (including recent and estimated windfall sites)

| Policy             | Area                             | Mitigation expected |                |       |                   |
|--------------------|----------------------------------|---------------------|----------------|-------|-------------------|
|                    |                                  | £/house             | £              | SANGS | Other; info packs |
| HSG3, Urban        | John House Gds - 20              | 250                 | 5,000          | -     | -                 |
| HSG3, Urban        | Carr and Hopps - 70              | 250                 | 17,500         | -     | -                 |
| HSG3, Urban        | Briarfields - 14                 | 250                 | 3,500          | -     | -                 |
| HSG3, Urban        | Coronation Drive - 65            | 300                 | 19,500         | -     | Y                 |
| HSG4               | *SW Extension – 1,260            | 0                   | 0              | Y     | Y                 |
| HSG5a              | High Tunstall – 980              | 250                 | 245,000        | Y     | Y                 |
| HSG5b              | Quarry Farm - 220                | 250                 | 55,000         | Y     | Y                 |
| HSG6               | Wynyard - 732                    | 0                   | 0              | -     | -                 |
| HSG7               | Elwick - 35                      | 200                 | 7,000          | -     | -                 |
| HSG8, Hart Village | Nine Acres - 30                  | 250                 | 7,500          | -     | Y                 |
| HSG8, Hart Village | Glebe Farm - 20                  | 250                 | 5,000          | -     | Y                 |
| Windfall           | Land adjacent to Glebe Farm - 27 | 250                 | 6,750          | -     | Y                 |
| Windfall           | Southbrooke Farm - 14            | 200                 | 2,800          | -     | -                 |
| Windfall           | Estimated - 300                  | 200                 | 60,000         | -     | -                 |
| <b>Total (£)</b>   | <b>3,797</b>                     | -                   | <b>434,550</b> | -     | -                 |

\*Outline planning permission has been granted and HRA stage 1 screened out Likely Significant Effect.

Table 3 Approved funding formula - £/house. Applies to new applications from 01/01/2017.

| Parameters   | £/house | Notes  |
|--|---------|--|
|  |         |  |
| <b>Accessibility of the coast</b>                                    |         |  |
| Walking possible (0-1km)   | 200     |  |
| Car required (1-6km driving route)                                   | 100     | Actual route   |
| Car required (7-12km driving route)                                  | 50      | Actual route   |
| Car required (12+km driving route)                                   | 0       | Only applies to Wynyard development which is 12+km driving route.  |
|  |         |  |
| <b>Provision of SANGS/ reliance on Council sites</b>                 |         | SANGS should provide (amongst other things) a minimum circular route of 2.5km (based on research for the Natural England Thames Basin Heaths SANGS requirements, which found that a large proportion of dog walkers spend less than an hour on site and walk up to 2.5km).                       |
| No (or only a restricted area) of SANGS & no Council runs sites used | 150     |  |
| Reliance on Council run sites (even if some SANGS also provided)     | 100     | Just as SANGS provided on-site, requires a financial commitment (and a costed, long-term, management and maintenance programme), developers reliant on HBC run recreational sites, need to pay a one-off fee to accommodate the additional use. Council tax payers will subsequently contribute. |
| Adequate SANGS provision   | 0       | Hartlepool SANGS guidance used.  |
|  |         | Range is £0 to £350 per dwelling   |

Table 4. Hartlepool Local Plan Mitigation Strategy and Delivery Plan - **Action Plan 2018**

| <b>2018 Action</b>  | <b>Timescale</b>          | <b>Materials</b>   | <b>2018 Cost £</b>                | <b>HBC Lead officer</b>            |
|---|---------------------------|--|-----------------------------------|------------------------------------|
| Maintain barrier at Brus Tunnel to prevent off-road vehicular access to North Sands shore.  | Quarterly                 | Metal barrier (new or repair) & installation                   | 500                               | Access Officer                     |
| Create Public Space Protection Order (PSPO) to legislate for dogs to be on a lead at appropriate times and in certain locations.                        | 31 December               | Officer time, signage  | 1,000                             | Community Safety & Engagement Team |
| Enforcement of dog fouling.   | Random weekly site visits | Enforcement Officer time                                       | 0 (HBC legal duty)                | Enforcement team                   |
| Enforcement of dog PSPOs.   | Random weekly site visits | Enforcement Officer time                                       | 12,000                            | Enforcement team                   |
| Way marking and promotion of England Coast Path National Trail  | 31 December               | Access Officer time, way marking materials, installation costs | 0 (HBC Access budget, NE funding) | Access Officer                     |
| Deliver Dune Management Plan at Marine Point (North Sands). S106 agreement.   | 31 December               | Heavy plant, chestnut paling fencing                           | 0 (Olnato funding)                | Ecologist                          |
| Deliver 5 N° interpretation panels at Marine Point (North Sands). S106 agreement.   | 31 December               | Officer time, designer time, boards & materials, installation  | 9,260                             | Access Officer, Ecologist          |
| Deliver 1 N° interpretation panel within a seating shelter (North Sands only)   | 31 December               | Officer time, designer time, boards & materials, installation  | 5,000                             | Access Officer, Ecologist          |
| Update content on HBC website and social media  | Monthly                   | Office time  | 500                               | Ecologist, Media Officer           |
| Funding contribution for seasonal Little Tern Warden, including erection & dismantling of fencing at Crimdon Dene (reduced level in 2018 as only one or | 31 December               | Warden time, fencing, installation & dismantling               | 5,000 (year 1)                    | Ecologist to liaise with INCA      |



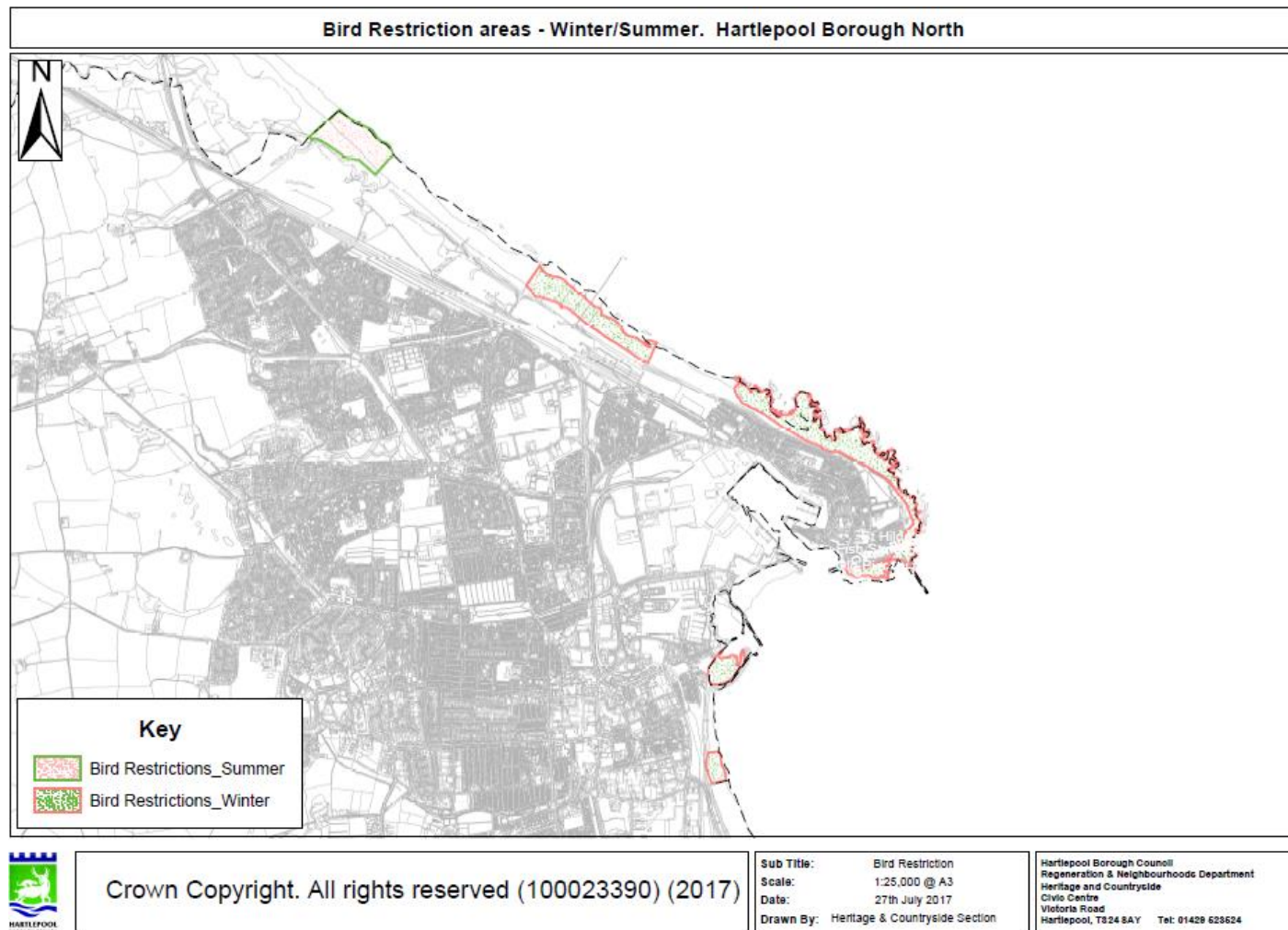
|  |             |                |                  |                              |
|--|-------------|----------------|------------------|------------------------------|
| two S106 agreements are likely to be in place).  |             |                |                  |                              |
| Funding of wider-Durham Coast Warden, shared with other Local Authorities (reduced level in 2018 as only one or two S106 agreements will be generating money). | 31 December | Warden time    | 5,000            | Ecologist to liaise with DCC |
| Review Seaton Common LNR Management Plan   | 31 December | Ecologist time | £1,000 (In-kind) | Ecologist                    |
| Support NE bid to HLF for Saving England's Silver Meadows bid, to include Seaton Common  | 31 December | Ecologist time | £1,000 (In-kind) | Ecologist                    |
| <b>Total</b>   |             |                | <b>40,260</b>    |                              |

Further management tasks to be integrated in to the Action Plan

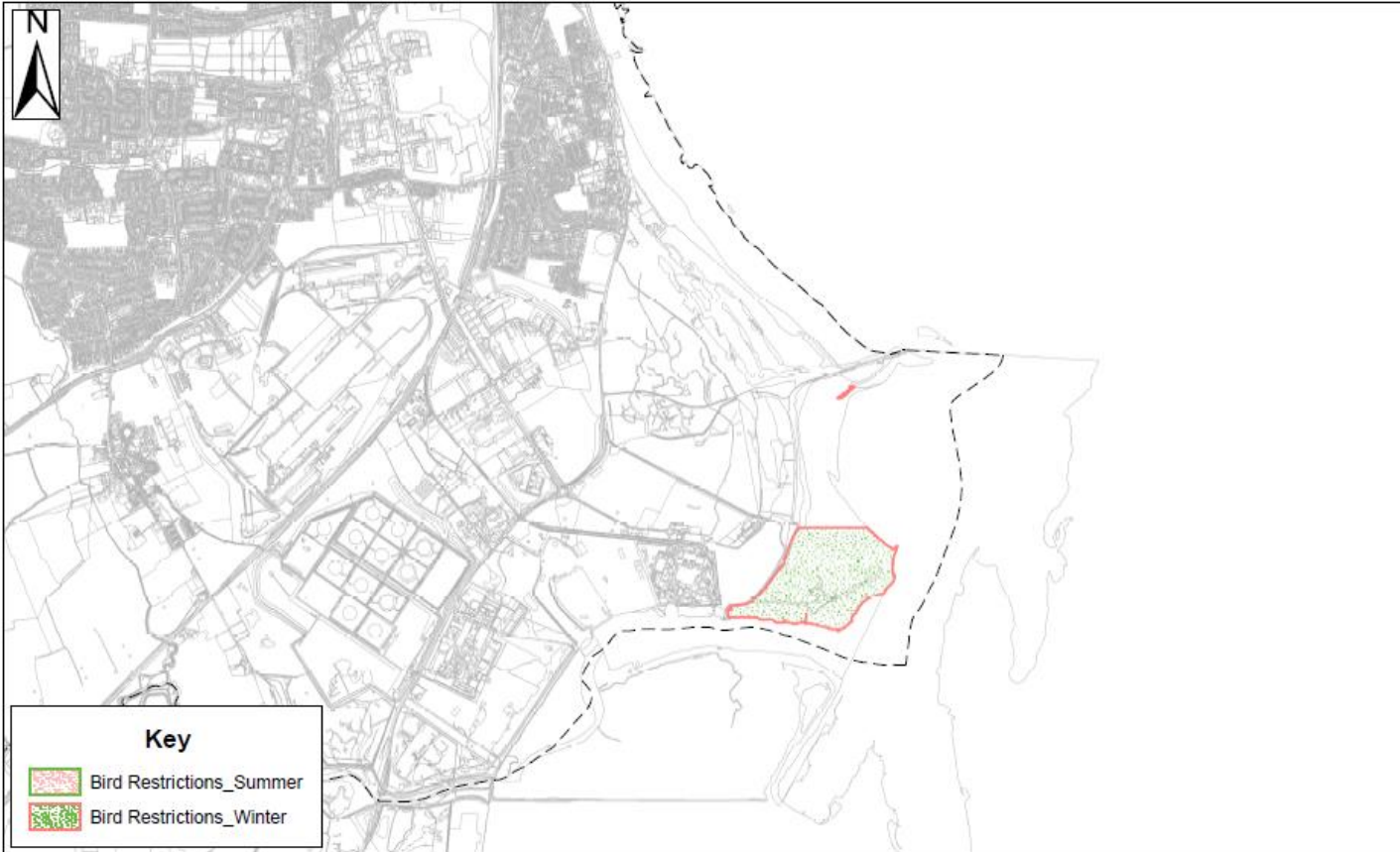
- Physical improvements to access points
- Barriers/ management of off-road vehicles
- New PSPO &/or byelaws
- Control of dogs off lead.
- Promotion of England Coast Path National Trail
- Way marking of access routes
- Environmental education
- Interpretation panels
- Leaflets
- Websites and social media
- Promotion of Summerhill Country Park
- Review of the carrying capacity of Summerhill Country Park
- Promotion of other Hartlepool green spaces including parks and walkways
- Monitoring Plan

Added to the HRA are spatial maps showing bird use at different states of tide, on the different beaches. The most vulnerable sections of beach will be targeted for management action. HBC to provide evidence to show that some beaches are more populated with birds and therefore will be primarily the ones targeted for action. Aims are to prevent more use and to reduce existing use of vulnerable areas, but it is unlikely that established use can be reversed. The key breeding and roosting sites will be included in the dog control section of the Hartlepool Public Space Protection Order, which will be out to public consultation in late 2017.

## Appendix 6. Breeding and roosting concentrations of SPA birds forming PSPO dog control areas



Bird Restriction areas - Winter/Summer. Hartlepool Borough South



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Sub Title: Bird Restriction  
 Scale: 1:25,000 @ A3  
 Date: 27th July 2017  
 Drawn By: Heritage & Countryside Section

Hartlepool Borough Council  
 Regeneration & Neighbourhoods Department  
 Heritage and Countryside  
 Civic Centre  
 Victoria Road  
 Hartlepool, TS24 8AY Tel: 01429 629624

## Appendix 7. Hartlepool SANGS guidance

### Hartlepool BC Suitable Alternative Natural Green Space (SANGS) guidance

Hartlepool Borough Council (HBC) has developed guidance for Suitable Alternative Natural Green Space (SANGS) within the borough.

#### Natural Green Space

Natural England (NE) has made recommendations regarding Local Planning Authority (LPA) provision of accessible green spaces in Handley (2003). The NE definition is:

*'Places that are available for the general public to use free of charge and without time restrictions (although some sites may be closed to the public overnight and there may be fees for parking a vehicle). The places are available to all, meaning that every reasonable effort is made to comply with the requirements under the Disability Discrimination Act 1995. An accessible place will also be known to the target users, including potential users who live within the site catchment area.'*

NE has recommended that the following natural green space should be available:

- An accessible natural greenspace of at least 2 ha in size, no more than 300m from home;
- At least one accessible 20 ha site within two kilometres of home;
- One accessible 100 ha site within five kilometres of home; and
- One accessible 500 ha site within ten kilometres of home; plus
- A minimum of 1 ha of statutory Local Nature Reserves per thousand population.

A further definition of natural green space is: *'Places where human control and activities are not intensive, so that a feeling of naturalness is allowed to predominate'*.

The SANGS philosophy has developed in the last ten years or so and has a different focus – to mitigate adverse impacts on designated sites (driven by an EU legislative need to protect European Sites). In Hartlepool, SANGS must do this by providing such land within residential developments.

#### Requirements for SANGS in Hartlepool

There are two delivery mechanisms for SANGS:

- 1.1 SANGS delivered by HBC (or a third party) within the borough.
- 1.2 SANGS delivered by housing developers within new residential sites.

There are two drivers:

- 2.1 A HBC desire to minimise recreational disturbance to the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site (T&CC SPA) for all users (existing and new).
- 2.2 A need, driven by the Hartlepool Local Plan and planning control, to mitigate recreational use from new users (from residential and tourism developments) on the T&CC SPA.

The aim of this SANGS guidance is to satisfy points 1.2 and 2.2.

Car parking is not a requirement of Hartlepool SANGS, as the main aim is to offer recreational use on the doorstep of new housing developments.

SANGS is mainly aimed at year-round, daily recreation (regardless of seasonal variations in the importance of the T&CC SPA). Research shows that people will travel further and stay out longer, during the months when daylight hours are greater than 12 hours. For the majority of the T&CC SPA this is not an issue as the designated bird interest is mainly for birds visiting in autumn, winter or spring. However, it is relevant for the summer breeding colony of little terns.

Research for the Thames Basin Heaths SANGS requirements found that a large proportion of dog walkers spend less than an hour on site and walk up to 2.5km. It is reasonable to assume that these dog walker basic needs are consistent across the country and to use them as a standard.

On-site SANGS provision – residential applications should include a proposal to provide, deliver and ensure the in-perpetuity maintenance of an area of SANGS. The delivery of this is likely to be through a Planning Obligation under Section 106 of the Town and Country Planning Act as amended.

SANGS should include:

- A choice of circular walks with at least an option for a 2.5km route.
- Easy and well signposted access from houses on to the walking route.
- All routes must be perceived to be safe by users.
- All routes must be easily used and well maintained, including good drainage, but remaining un-metalled so as to avoid an urban feel.
- Routes should not be artificially lit.
- The green space must be perceived as semi-natural spaces with little intrusion of artificial structures, however, way markers and seats should be included where appropriate.
- Access should include plenty of open space provided for dogs to exercise freely and safely off the lead.
- SANGS must be free from unpleasant intrusions such as foul smells from sewage works.
- SANGS should be well advertised to the target user group.
- It is desirable for the space to be undulating and to have focal points such as a view point, piece of artwork or monument.
- It is desirable to include natural features such as copses, ponds and meadows.

End