



HARTLEPOOL LOCAL DEVELOPMENT FRAMEWORK

**PLANNING OBLIGATIONS SUPPLEMENTARY
PLANNING DOCUMENT**



HABITATS REGULATIONS ASSESSMENT

SCREENING REPORT

For Consultation in May 2014

Text extracts can be made available in Braille, talking tapes and large print, on request. If you would like information in another language or format, please ask us.

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

(Arabic)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

(Bengali)

ئەگەر زانیاریت بە زمانیکی که یا بە فۆرمیکی که دەوی تکایه داوامان لی بکه

(Kurdish)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

(Urdu)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

(Hindi)

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

(Polish)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

(Cantonese)

1. Introduction

- 1.1 Under the Conservation of Habitats and Species Regulations 2010, (known as the Habitats Regulations) the Local Development Framework including its constituent Supplementary Planning Documents have to be assessed to ensure that any policies and projects do not have a significant adverse effect on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and on any other Special Protection Areas and Special Areas of Conservation (SAC). These protected sites are known collectively as European sites and together form the Natura 2000 network of protected sites.
- 1.2 The purpose of the Assessment is to assess the impacts of plans and projects against the conservation objectives of a European site and to ascertain whether it would adversely affect the integrity of that European site. The screening stage identifies if there is likely to be a significant effect on a European site. Where it is concluded that there is a likely significant effect, or that the conclusion is uncertain, an appropriate assessment of the likely effects must be undertaken by the competent authority.
- 1.3 This document reports on the initial Habitats Regulation Assessment screening process to enable the local planning authority to ascertain whether or not the Planning Obligations SPD will significantly affect the integrity of a European site.

2. The Habitats Directive

- 2.1 Article 6 of the Habitats Directives 92/43/EEC states in paragraphs 3 & 4:

“ (3) Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

(4). If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”

- 2.2 The Habitats Directive is transposed into United Kingdom law by The Conservation of Habitats and Species Regulations 2010

3. The Key Stages in Habitats Regulation Assessment

- 3.1 The stages set out in the assessment process are based on a precautionary principle, the emphasis of which should be to demonstrate that there will be no significant adverse effects on the Natura 2000 Sites.
- 3.2 The screening process should examine the likely effects of the plan either alone or in combination with other plans on Natura 2000 sites and considers whether it can be objectively concluded that these effects will not be significant.
- 3.3 Stage 2 requires Appropriate Assessment where likely significant effects on the integrity of a Natura 2000 site are identified.
- 3.4 In Stage 3 alternative solutions are assessed where there are likely to be an adverse effect on the integrity of a Natura 2000 Site. If the effect is significant there is a need to consider alternatives in the plan or project. These alternatives will include compensatory measures that maintain or enhance the overall coherence of Natura 2000 sites.
- 3.5 Stage 4 Assesses the compensatory measures and in the event of significant effects consideration to be given to whether the project is in the overriding public interest.

4. European Sites to be considered in the Assessment of the SPD.

- 4.1 As part of the scoping exercise the European sites which could be affected by the SPD have been identified. All sites within a radius of 14 kilometres from the Borough of Hartlepool boundary (approximately 20 kilometres from the town centre) have been included in the assessment. These are listed below and are shown on the accompanying map.

4.2 Teesmouth & Cleveland Coast Special Protection Area

About two thirds of the length of the coastline within the Borough of Hartlepool is designated as the Teesmouth & Cleveland Coast Special Protection Area, parts of which extend into the neighbouring Boroughs of Stockton on Tees and Redcar & Cleveland. The Special Protection Area as shown on Plan consists of parts or all of the following SSSI units:

- Seaton Dunes and Common SSSI
- Tees & Hartlepool Foreshore & Wetlands SSSI
- Seal Sands SSSI
- Cowpen Marsh SSSI

4.3 The Teesmouth & Cleveland Coast SPA supports the following features:

- Populations of European importance of the following species, listed on Annex 1 of the EU Birds Directive: **Little Tern**, 37 pairs representing at least 1.5% of the breeding population in Great Britain; **Sandwich Tern**, 2,190 individuals representing at least 5.2% of the population in Great Britain on passage migration.
- Populations of European importance of the following migratory species: **Ringed Plover**, 634 individuals on passage migration, representing at least 1.3% of the Europe/Northern Africa wintering population; **Knot**, 4,190 individuals representing at least 1.2% of the wintering Northeastern Canada/Greenland/Iceland & Northwestern Europe population; **Redshank**, 1,648 individuals representing at least 1.1% of the wintering Eastern Atlantic population.
- Over winter, regularly supports 21,406 individual waterfowl including Sanderling, Lapwing, Shelduck, Cormorant, Redshank & Knot.

4.4 The inter-tidal parts of the SPA comprise part of the Teesmouth and Cleveland Coast European Marine Site.

4.5 **The Teesmouth & Cleveland Coast Ramsar site**

The SPA is also designated as a wetland of international importance under the Ramsar Convention.

4.6 **Special Areas of Conservation in Hartlepool**

There are no SACs within the Borough of Hartlepool.

4.7 **Northumbria Coast Special Protection Area**

Discrete sections of the shoreline extending southwards from the Berwick area of the Northumberland coast to Crimdon in County Durham were designated as the Northumbria Coast Special Protection Area in February 2000. The SPA is of European importance because of species of Little Tern, Purple Sandpiper and Turnstone.

4.8 **Northumbria Coast Ramsar Site**

The Northumbria Coast Ramsar SPA is also designated as a wetland of international importance under the Ramsar Convention.

4.9 **The Durham Coast SAC**

The Durham Coast is the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. The 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.

4.10 **Thrislington SAC**

Thrislington SAC is a small site of semi-natural calcareous grassland about 20 kilometres from Hartlepool. It contains the largest of the few surviving stands of *Sesleria albicans* - *Scabiosa columbaria* grassland. This form of calcareous grassland is confined to the Magnesian Limestone of County Durham and Tyne & Wear. It now covers less than 200 hectares and is found mainly as small scattered stands.

4.11 **Castle Eden Dene SAC**

Castle Eden Dene represents the most extensive northerly native occurrence of yew *Taxus baccata* woods in the United Kingdom. Extensive yew groves are found in association with ash-elm *Fraxinus-Ulmus* woodland and it is the only site selected for yew woodland on magnesian limestone in north-east England.

Natura 2000 Sites within a 14km radius of the boundary of Hartlepool Borough



5. The Planning Obligations SPD

- 5.1 The purpose of this SPD is to provide developers and other interested parties with information and guidance concerning the Local Authority's approach towards securing planning obligations associated with development within the Borough. To date Council Officers have relied upon Policy GEP9 of the Hartlepool Local Plan 2006 to draw down planning obligations (Using Section 106 Legal Agreements) from developments as part of the planning process. This Planning Obligations SPD uses the principles underpinned in GEP9 as the policy basis for this document. As the new Local Plan emerges the Council will investigate whether or not the Community Infrastructure Levy will be viable within the town however, for the foreseeable future, this SPD will form provide the detail behind Policy GEP9 of the 2006 Hartlepool Local Plan.
- 5.2 Once the SPD is adopted, it will be a material consideration in determining planning applications and, if development proposals do not comply, the SPD may be used as a basis for the refusal of planning permission by the Local Planning Authority. Planning Obligation Agreements have to be agreed and to be in place before planning permission can be granted. The SPD aims to increase understanding and enable developers to take into account the potential costs of a proposed development at the earliest stage.
- 5.3 The SPD is made up of two sections. The first section sets out the Local Authority's general principles with regards to Planning Obligations, and the second section explains the thresholds and levels of financial contributions of the specific planning obligations that the local authority may wish to seek. The types of specific contributions which may be sought, the thresholds which will trigger the need for those contributions and the levels of contributions necessary have been set at realistic levels that will allow the delivery of vital infrastructure improvements without unduly impacting on the viability of proposed schemes.
- 5.4 The legal tests for when you can use a s106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.

It is therefore necessary that any requirements made of a development as set out within this SPD can satisfy the tests set out above.

- 5.5 The specific obligations that are highlighted as key priorities to the Council are detailed within the second part of the SPD. These include;

- Affordable Housing
- Open Space, Outdoor Sport/Recreation and Play Facilities
- Built Sports Facilities
- Green Infrastructure
- Highway Infrastructure
- Community Facilities
- Training and Employment

5.6 The requirements within the SPD will be of great benefit to the town as it will ensure that developments will contribute, in an open and transparent manner, towards essential infrastructure and community provisions and financial contributions towards future implementation of new and improved infrastructure that the development has an impact on.

6. Sustainability Appraisal on the SPD – March 2014

6.1 The SPD was subject to a Sustainability Appraisal prepared in March 2014. It concluded that the objectives underpinning the Planning Obligations SPD contribute towards achieving the overarching aims and objectives of sustainable development. There is a strong compatibility between the objectives for the Planning Obligations SPD and the Sustainability Appraisal objectives used to assess the Local Development Documents.

6.2 On the whole the requirements of the Planning Obligations SPD will have many positive impacts, many of which will be strongest in the medium to long term as contributions are invested into new infrastructure and other related works which are funded through the developer contributions.

6.3 Given the range of contributions that the SPD seeks from future development it is inevitable that sometimes they will lead to infrastructure being developed that may have some negative impacts in terms of sustainability. For example through requiring the contributions towards new built sports facilities in the town this will lead to additional energy use, waste production and travel to the facilities. However in cases such as this it is thought that the positive economic and social benefits that these types of facilities would have would outweigh the negative sustainability impacts. However, where these negative impacts are identified the Sustainability Appraisal makes recommendations which may help to minimise them.

7. Possible Impacts of the SPD on European sites

7.1 The Teesmouth & Cleveland Coast SPA is a wetland of international importance which supports internationally important populations of birds comprising intertidal sand and mudflats, rocky shore sand, dunes, saltmarsh. The habitat is used for breeding, feeding and roosting of significant bird populations.

- 7.2 Natural England in May 2006 set out its views on the management of the Hartlepool Foreshore & Wetlands Site of Special Scientific Interest, the boundary of which forms one of the sub-units of the SPA & Ramsar site.
- 7.3 The guidance requires good water quality and sediment quality to be maintained and the sediment budget within the estuarine or coastal system not to be restricted by anthropogenic influences. In particular human activity should be minimised especially at sensitive periods when bird populations are feeding and roosting.
- 7.4 The key management principle for the littoral or rocky shore is to allow natural processes such as erosion to proceed freely and for good water quality to be maintained.
- 7.5 Conservation value is largely determined by structural diversity and the need to maintain water quality. Increases in the amount of nutrients can lead to the loss of aquatic plants and a growth of excessive algae.
- 7.6 The main objectives to prevent damage or to prevent deterioration to the SPA are as follows:
- To prevent any physical loss to the habitat
 - To prevent any physical damage
 - To prevent Toxic and non contamination
 - To prevent Biological Disturbance
- 7.7 As set out in Para 5.1 above the SPD gives general guidance on Planning Obligations. It does not set out specific projects the effects of which can be measured and monitored. The over effect of the Plan is therefore likely to be neutral as far as the effect on the SPAs and SACs.

8. Summary of the Screening Process

8.1 The table below indicates the possible effects of the SPD on the European sites within the overall area. As the table relates solely to the Stage 1 screening process it does not include any suggested mitigation measures.

Habitats Regulation Assessment: Screening Process

Table indicating Possible Effects on European sites as a result of the SPD.

European Site	Possible impacts from the SPD	Is there a risk of significant Effects on the Integrity of a European Site	Is there a risk of significant in combination effect	Next Step
Teesmouth & Cleveland Coast SPA	Any proposal arising from the guidance given in the SPD	Unlikely direct effect	Unlikely but any proposal to take account of SPD.	Any proposal arising from the SPD guidance will need to take account of European sites and the requirements of the Habitats Regulations
Teesmouth & Cleveland Coast Ramsar Site	Any proposal arising from the guidance given in the SPD	Unlikely direct effect	Unlikely but any proposal to take account of SPD.	Any proposal arising from the SPD guidance will need to take account of European sites and the requirements of the Habitats Regulations
Northumbria Coast SPA	Any proposal arising from the guidance given in the SPD	Unlikely direct effect	Unlikely but any proposal to take account of SPD.	Any proposal arising from the SPD guidance will need to take account of European sites and the requirements of the Habitats Regulations
Northumbria Coast Ramsar Site	Any proposal arising from the guidance given in the SPD	Unlikely direct effect	Unlikely but any proposal to take account of SPD.	Any proposal arising from the SPD guidance will need to take account of European sites and the requirements of the Habitats Regulations
Durham Coast SAC	Any proposal arising from the guidance	Unlikely direct effect	Unlikely but any proposal to take	Any proposal arising from the SPD guidance

	given in the SPD		account of SPD.	will need to take account of European sites and the requirements of the Habitats Regulations
Thrislington SAC	Any proposal arising from the guidance given in the SPD	Unlikely direct effect	Assumed None	Any proposal arising from the SPD guidance will need to take account of European sites and the requirements of the Habitats Regulations
Castle Eden SAC	Any proposal arising from the guidance given in the SPD	Unlikely direct effect	Assumed None	Any proposal arising from the SPD guidance will need to take account of European sites and the requirements of the Habitats Regulations

9. Conclusion

- 9.1 The guidance and proposals set out in the Planning Obligations Supplementary Planning Document have been assessed as part of the screening process carried out under the Habitats Regulations.
- 9.2 The SPD contains general guidance to help inform developer's of the different types of contributions that will be required as part of certain types of development in the town in the future. It does not contain specific identification of sites nor does it contain detailed proposals.
- 9.3 An assessment of the objectives and guidance in the SPD has not identified any proposals which might result in specific adverse effects on any of the Special Protection Areas, Ramsar Wetland sites and Sites of Areas of Conservation in the area. The text of the SPD has been amended to emphasise that no adverse effect on any European site has been identified but that in the event of any future proposal, plan or project arising from the SPD which is likely to effect a European site then that proposal would be subject to Appropriate Assessment and Environment Impact Assessment.
- 9.4 As no significant effects on any European site has been identified further stages of Appropriate Assessment are not required to be undertaken into the guidance set out in the SPD.