

# Appropriate Assessment

## Redcar and Cleveland Publication Local Plan

On behalf of **Redcar and Cleveland Borough Council**



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	Name	Position	Signature	Date
<b>Prepared by:</b>	Philip Davidson	Associate Ecologist	<i>P.H. Davidson</i>	07/03/2017
<b>Reviewed by:</b>	Helen Evriviades	Associate Ecologist	<i>Helen Evriviades</i>	07/03/2017
<b>Approved by:</b>	John Baker	Partner	<i>John Baker</i>	07/03/2017
<b>For and on behalf of Peter Brett Associates LLP</b>				

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# 1 Introduction

## 1.1 Background

- 1.1.1 Peter Brett Associates was appointed by Redcar and Cleveland District Council (RCBC) to undertake a Habitats Regulations Assessment (HRA) of their Publication Local Plan. This Local Plan will replace the existing Local Development Framework.
- 1.1.2 The Local Plan Scoping Report was published for consultation in July 2015. This document sets out the issues that will be addressed by the Local Plan, including housing, employment and retail development whilst recognising the need to protect certain heritage assets and natural environments. The consultation draft Local Plan was published for consultation in July 2016. This was accompanied by a Habitats Regulations Assessment Screening Report<sup>1</sup> and a Statement to Inform Appropriate Assessment<sup>2</sup>
- 1.1.3 This report therefore builds upon previous HRA's that have been published in relation to previous versions of the Local Plan. The purpose of this report is to identify whether the proposed policies set out within the Publication Local Plan (November 2016), alone or in combination with other plans and projects, could lead to adverse effects on the integrity of any European Site(s).
- 1.1.4 The draft Local Plan policies were subject to a screening exercise to determine whether they could result in Likely Significant Effects (hereafter referred to as 'LSE') to any European Site<sup>3</sup>. Where the potential for LSE has been identified, it is necessary to proceed to the next stage of Habitats Regulations Assessment (HRA), whereby an 'Appropriate Assessment' is completed. This exercise determines the potential for a plan or project to lead to adverse effects on the integrity on any European sites, either alone or in combination with other plans or projects. More information is provided in section 3, 'Methodology'.
- 1.1.5 This report forms the Appropriate Assessment for the publication Local Plan. It contains an assessment of those policies identified as having the potential to lead to LSE during the previous screening exercise (see Section 1.4 for further details). It also includes an updated appraisal of which policies with LSE could lead to adverse effects to European Site integrity and identifies appropriate and proportionate mitigation for those LSE.

## 1.2 Statutory Requirements

- 1.2.1 In October 2005 (Case C-6/04), the European Court of Justice ruled that Articles 6(3) and 6(4) of Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the 'Habitats Directive') applied to land use plans in England. This ruling was made with specific reference to the definition of the term 'plans or projects' as referenced within Article 6(3) of the Directive).
- 1.2.2 Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans or projects affecting European sites. Article 6(3) establishes the requirement for Appropriate Assessment:
- 1.2.3 *"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*

<sup>1</sup> Peter Brett Associates (2016). Habitats Regulations Assessment, Redcar and Cleveland Draft Local Plan.

<sup>2</sup> Peter Brett Associates (2016). Statement to Inform Appropriate Assessment, Redcar and Cleveland Draft Local Plan

<sup>3</sup> Peter Brett Associates (2016). Habitats Regulations Assessment, Redcar and Cleveland Draft Local Plan.

*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.”*

- 1.2.4 Article 6(4) goes on to discuss alternative solutions, the test of “imperative reasons of overriding public interest” (IROPI) and compensatory measures:
- 1.2.5 *“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 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.”*
- 1.2.6 In its ruling the European Court of Justice concluded that land use plans must also be subject to an ‘Appropriate Assessment’, as required under Article 6(3) of the Habitats Directive. The purpose of the ‘Appropriate Assessment’ is the same for all plans or projects, i.e. to demonstrate that their implementation would not lead to adverse effects on the integrity of a European site.
- 1.2.7 In England, the Habitats Directive is transposed into law through the Conservation of Habitats and Species Regulations (2010, as amended) (hereafter referred to as the “Habitats Regulations”). Part 6 of the Habitats Regulations covers the assessment of plans and projects and it sets out the requirement that the authority preparing a land-use plan must assess the potential effects of the plan upon European sites prior to the plan being published.
- 1.2.8 The term ‘Habitats Regulations Assessment’ is used to cover the whole process of assessing the effects of a land use plan on European sites and Ramsar sites. An Appropriate Assessment is only one stage within the whole process of HRA (see methodology section for further details).
- 1.2.9 The European site network comprises sites of nature conservation value that benefit from statutory protection at the European level. These sites include: Special Areas of Conservation (SACs) and candidate Special Areas of Conservation (cSACs) [designated under the EC Habitats Directive]; Special Protection Areas (SPAs) and potential Special Protection Areas (pSPAs) [classified under the EC Birds Directive 1979, 79/409/EEC]. The Government also expects candidate SACs (cSACs), potential SPAs (pSPAs), and Ramsar sites [designated under the Ramsar Convention 1976] to be included within the HRA process. For the purposes of this report European sites are considered to include SACs, cSACs, SPAs, pSPAs and Ramsar sites.

### **1.3 Purpose of this assessment**

- 1.3.1 The purpose of this assessment is to:
- Re-confirm those European Sites that could be subject to LSE as a result of the policies within the Publication Local Plan;
  - Identify the mechanisms by which Publication Local Plan policies identified as potentially leading to LSE may impact European Sites;
  - Assess the potential for the Publication Local Plan policies to lead to adverse effects on the integrity of European Sites, either alone or in combination with other plans or projects. Consideration is also given during this assessment of the existing management and mitigation measures contained within the Publication Local Plan and other relevant plans and strategies;

- Identify where changes made to the Publication Local Plan compared to the draft Local Plan have removed or reduced the potential for adverse effects to European Site integrity;
- To set out how the Publication Local Plan has addressed comments received from Natural England (NE) and the Royal Society for the Protection of Birds (RSPB) in relation to the draft Local Plan; and
- Where the potential for adverse effects to the integrity of European Sites is identified, to set out mitigation measures to avoid or reduce the potential for these to occur.

## 1.4 Findings of screening assessment

1.4.1 The screening report of the draft Local Plan<sup>4</sup> identified 12 policies that were considered to have potential to lead to LSE on one or more European Sites. The European Sites considered at potential risk of LSE were the Teesmouth and Cleveland Coast SPA and Ramsar Site, and the North York Moors SAC and SPA. Further details of these sites are provided in Section 2.1 of this report.

1.4.2 Table 1, below, provides a summary of the screening exercise previously undertaken. This identifies the results of the screening exercise for all policies within the draft Local Plan, including policies considered to have no potential to lead to LSE and policies with potential to lead to LSE. The list of policies considered to have the potential to lead to LSE remains the same for the Publication Local Plan as for the draft Local Plan, with the exception of the addition of Policy ED13.

Table 1: Results of HRA Screening Assessment

Local Plan Chapter/Policy/Allocation number	Description	Potential for Likely Significant Effects
Foreword	Preamble to the Local Plan	NO
Chapter 1	Introduction	NO
SD1	Sustainable Development	NO
SD2	Locational Policy	NO
SD3	Development Limits	YES
SD4	General Development Principles	NO
SD5	Developer Contributions	NO
SD6	Renewable and Low Carbon Energy	NO, subject to implementation of recommended measures in screening report.
SD7	Flood and Water Management	NO

<sup>4</sup> Peter Brett Associates (2015). Habitats Regulations Assessment Screening Report, Redcar and Cleveland Draft Local Plan.



Local Plan Chapter/Policy/Allocation number	Description	Potential for Likely Significant Effects
LS1	Urban Area Spatial Strategy	NO
LS2	Coastal Area Spatial Strategy	YES
LS3	Rural Communities Spatial Strategy	NO
LS4	South Tees Spatial Strategy	YES
REG 1	Coatham	YES
REG 2	Kirkleatham	NO
REG 3	Skelton	NO
REG 4	Loftus	No
ED1	Protecting and Enhancing the Borough's Centres	NO
ED2	Cleveland Retail Park	NO
ED3	Hot food takeaways	NO
ED4	Retail development on Industrial Estates and Business Parks	NO
ED5	Advertisements	NO
ED6	Protecting Employment Areas	YES
ED7	Cleveland Gate	NO
ED8	Rural Economy	NO
ED9	Leisure and Tourism Development	YES
ED10	Tees Motorsport Park	NO
ED11	Caravan Sites and Tourist Accommodation	YES
ED12	New Hotel and Guest House Accommodation	YES
ED13	Equestrian Development	YES
H1	Housing Requirements	NO

Local Plan Chapter/Policy/Allocation number	Description	Potential for Likely Significant Effects
H2	Type and mix of housing	NO
H3.1 to H3.31	Housing Allocations	YES
H4	Affordable Housing	NO
H5	Sub-division and conversion of buildings to residential uses	YES
H6	Houses in Multiple Occupation	YES
H7	Gypsy, Traveller and Travelling Show-people Accommodation	NO
N1	Landscape	NO
N2	Green Infrastructure	NO
N3	Provision of Open Space	NO
N4	Biodiversity and Geological Conservation	NO
HE1	Conservation Areas	NO
HE2	Heritage Assets	NO
HE3	Archaeological Sites and Monuments	NO
TA1	Demand Management Measures	NO
TA2	Travel Plans	NO
TA3	Improving Accessibility within and beyond the Borough	NO
TA4	Sustainable Transport Networks	YES

1.4.3 As set out in Table 1, thirteen of the policies contained within the Publication Local Plan have been identified as having potential to lead to LSE, either alone or in combination with other plans or projects. The nature of potential impacts associated with each policy is set out in Table 1.2, below.

Table 2: Potential Impacts arising from Local Plan policies that could lead to LSE

Policy	Nature of potential impacts
SD3: Development Limits	This policy sets development limits which also include small areas within the proposed extension of the Teesmouth and Cleveland Coast SPA, with other development limits in close proximity to both the Teesmouth and Cleveland Coast SPA and Ramsar Site and North York Moors SAC and SPA. These allocations could facilitate direct landtake within the Teesmouth and Cleveland Coast SPA and Ramsar Site. They could also potentially contribute to increased levels of disturbance of both sites as a result of increased local populations and/or development in areas in proximity to European Sites.
LS2: Coastal Area Strategy	This policy promotes development in coastal areas, including locations in close proximity to the Teesmouth and Cleveland Coast SPA and Ramsar Site. Impacts on SPA and Ramsar site bird species could arise as a result of increased recreational and other use of coastal habitats. The potential effects of increased water supply requirements, waste water discharges and potential increases in emissions from motor vehicles on the Teesmouth and Cleveland Coast SPA / Ramsar Site also require consideration.
LS4: South Tees Spatial Strategy	This policy relates to the industrial area located along the southern shore of the Tees Estuary, and whilst promoting the protection of the adjacent Teesmouth and Cleveland Coast SPA and Ramsar Site, it also promotes development in the area. As above, this has the potential to result in increased disturbance to birds of the SPA and Ramsar, as a result of increased development adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar site.
REG1: Coatham	This Policy allocates an 8.7 ha site at Coatham Sands (adjacent to the northern edge of Redcar) for a mixed use development comprising of leisure, tourism visitor and retail uses. The allocation is located adjacent to the Coatham Sands SSSI component of the Redcar and Cleveland Coast SPA and Ramsar Site. The primary potential impact is the potential for increased recreational impacts to SPA and Ramsar site bird species arising from operation of the site once developed.
ED6: Protecting Employment Areas	This policy identifies several areas within Redcar and Cleveland that will be protected as existing/potential employment land. The largest allocation within the Local Plan area is located adjacent to the River Tees and includes areas within the boundary of the proposed Teesmouth and Cleveland Coast SPA extension. As the policy promotes development activities adjacent to a European Site, detailed consideration of the potential for adverse effects is required.
ED9: Leisure and Tourism development	This policy promotes leisure and tourism, which could potentially result in increased recreational pressure on the SPA at Redcar, particularly as the seafront at Redcar and Coatham are identified as key leisure areas. ED9 also includes policy wording that promotes the use of the North York Moors National Park, which includes the North York Moors SPA / SAC and could increase recreational pressures on those sites. The potential effects of increased water

Policy	Nature of potential impacts
	supply requirements, waste water discharges and potential increases in emissions from motor vehicles also require consideration.
ED11: Caravan Sites and Tourist Accommodation	This policy sets out criteria for caravan sites and tourist accommodation in relation to site selection and suitability although no specific allocations are identified. This policy could therefore contribute to increased recreational pressures on European Sites within the Local Plan area.
ED12: New Hotel and Guest House Accommodation	This policy sets out criteria for new hotel and guest house accommodation although no specific allocations are identified. This policy could therefore contribute to increased recreational pressures on European Sites within the Local Plan area, through the promotion of increased tourism.
ED13: Equestrian Development	This policy sets out criteria by which proposals for equestrian developments will be assessed. Equestrian development could lead to increased use of European Sites for horse-riding and related activities that could contribute to increased disturbance pressures on the European Sites.
H3.1 to H3.30: Housing Allocations	This policy identifies 30 housing site allocations, many of which are located within 6 km of the European Sites in the Local Plan area. Consultation with Natural England and a review of bird disturbance studies from the local area has identified that this is a suitable threshold distance to use when assessing the likelihood that new housing allocations could lead to significant increased recreational disturbance of SPA bird species. An increased number of residents within the Local Plan area could lead to a corresponding increase in recreational use of publicly accessible parts of the European Sites. This could in turn lead to increased disturbance of the habitats and species that make up the qualifying interests of European sites in the Local Plan area. Other effects, for example air pollution arising from increased traffic movements and reductions in water availability/quality due to increased demand for potable water and sewerage requirements, could also arise.
H5: Sub-division and conversion of buildings to residential uses	Potential impacts as set out above in relation to Housing Allocations.
H6: Houses in multiple occupation	Potential impacts as set out above in relation to Housing Allocations.
TA4: Sustainable Travel Networks	This policy seeks to improve public access to various sites including the coast and North York Moors, with improved walking, cycling and horse riding networks in the borough. Consequently this policy has the potential to impact on European sites by increasing recreational levels in sensitive parts of the North York Moors SPA / SAC and the Teesmouth and Cleveland Coast SPA and Ramsar site.

## 1.5 Report structure

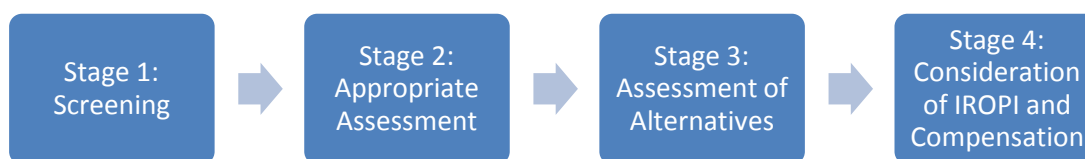
- 1.5.1 Section 1 of this report provides background to HRA in the context of the Publication Local Plan and sets out the aims of this Appropriate Assessment report. The remainder of the report is structured into the following sections:
- 1.5.2 Section 2 describes the methodology that has been adopted during completion of this assessment;
- 1.5.3 Section 3 identifies those European Sites that may be subject to LSE as a result of the policies contained within the Publication Local Plan and hence have been considered in this report;
- 1.5.4 Section 4 identifies the potential pathways by which those policies with potential for LSE could result in adverse effects to the integrity of European Sites, either alone or in combination with other plans or projects;
- 1.5.5 Section 5 sets out the plans and projects that have been identified for potential consideration during the assessment of in-combination effects;
- 1.5.6 Section 6 presents the findings of the Appropriate Assessment. Each policy identified as potentially leading to LSE within the screening exercise is assessed for its potential to lead to adverse effects on the integrity of European Sites, including in consideration of existing measures contained within the Publication Local Plan; and
- 1.5.7 Where the Appropriate Assessment set out in Section 6 identifies the potential for an adverse effect on the integrity of one or more European Sites, potential further measures to address these effects are set out in Section 7.

## 2 Methodology

### 2.1 Overview of the HRA process

- 2.1.1 The European Commission has developed guidance in relation to Articles 6(3) and 6(4) of the Habitats Directive<sup>5</sup>, and this recommends a four stage approach to addressing the requirements of these Articles. The four stages can be summarised as follows:
- 2.1.2 Stage 1 – Screening: This stage identifies the likely effects of a plan or project on a European site, either alone or in combination with other plans or projects. Specifically this stage considers whether any such effects could be significant, and hence lead to LSE.
- 2.1.3 Stage 2 – Appropriate Assessment: If it is considered that a plan or project could lead to LSE on a European Site, the requirements of Stage 2 are triggered. This stage considers whether the plan or project could adversely affect the integrity of one or more European site(s), either alone or in combination with other plans or projects. The assessment should consider the implications for the site in view of the site's conservation objectives and its conservation status. If the potential for adverse effects on site integrity are identified, this assessment should also consider measures to control the identified impacts so as to avoid adverse effects on site integrity.
- 2.1.4 Stage 3 – Assessment of alternative solutions: If adverse impacts are predicted and it is not possible to fully mitigate those impacts, this stage examines alternative ways of achieving the objectives of the plan or project that avoid adverse impacts on the integrity of a European site.
- 2.1.5 Stage 4 – Assessment where no alternative solutions exist and where adverse impacts remain: This stage assesses compensatory measures where it is deemed that the project or plan should proceed for Imperative Reasons of Overriding Public Interest (IROPI).
- 2.1.6 Figure 1, below, illustrates the four stage approach to HRA

Figure 1: Stages in HRA



- 2.1.7 Within these various stages the Habitats Directive promotes the adoption of a hierarchy of avoidance, mitigation and compensatory measures. Consequently the first step is to try and ensure that the plan and the policies presented within it avoid negative impacts on European sites. If potential negative impacts are identified and avoidance is not feasible, then mitigation measures need to be applied such that no adverse effects on European sites remain.
- 2.1.8 If impacts cannot be fully mitigated then the policy should be rejected, or taken forward to the final stage, i.e. assessment of compensatory measures where it is deemed that the project or plan should proceed for Imperative Reasons of Overriding Public Interest (IROPI). Best

<sup>5</sup> European Commission (2001). Assessment of plans and projects significantly effecting Natura 2000 site. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Published November 2001.

practice guidance<sup>6</sup> indicates that stages 3 and 4 should be avoided as there will almost always be an alternative and IROPI is extremely difficult to justify in the majority of cases.

- 2.1.9 This report covers stage Stage 2: Appropriate Assessment. Subsequent parts of this Section of the report provide further details of the methodology followed for the Appropriate Assessment.
- 2.1.10 The methodologies used in this report have been informed by a range of guidance. In particular, the methodological approaches recommended in the Habitats Regulations Assessment Handbook<sup>3</sup> have been used to inform the approaches taken in this assessment. The Handbook is recognised as providing authoritative guidance on the application of the Habitats Regulations within the UK (including its territorial waters), providing advice on all aspects of completing HRA for plans and projects.

## 2.2 Confirmation of relevant European Sites

- 2.2.1 The screening exercise for the draft Local Plan considered the potential for LSE on European Sites up to 15 km from the Local Plan Area. The potential for LSE on more distant sites was ruled out during the screening exercise. The following sites were screened in to the assessment, as they were considered to lie within the potential 'Zone of Influence' (i.e. they could be directly or indirectly affected) of the policies contained within the Local Plan:
- Teesmouth and Cleveland Coast SPA and Ramsar Site;
  - North York Moors SAC; and
  - North York Moors SPA.
- 2.2.2 These are therefore the sites that have been taken forwards for Appropriate Assessment.
- 2.2.3 An appreciation of the current site condition and vulnerabilities is considered important to provide a basis for identifying the potential effects of the Local Plan policies. Small changes associated with the policies could potentially act as a tipping point in cases where site integrity is already compromised. The following resources were used to collate relevant baseline information:
- Joint Nature Conservation Committee (JNCC) website ([www.jncc.gov.uk](http://www.jncc.gov.uk)): citations for SPAs, SACs and Ramsar sites; detailed information about interest features;
  - Natural England Website ([www.naturalengland.org.uk](http://www.naturalengland.org.uk)): condition assessments for component SSSIs; potentially damaging operations for component SSSIs; and
  - MAGIC Website ([www.magic.gov.uk](http://www.magic.gov.uk)): boundary maps for SPAs, SACs and Ramsar sites.
- 2.2.4 These baseline data were then interpreted in order to identify specific vulnerabilities, impact mechanisms and areas of concern that could be assessed directly against each policy and site allocation as set out within the Draft and Publication versions of the Local Plan.

## 2.3 Identification of potential impact pathways

- 2.3.1 Best practice guidance<sup>7</sup> identifies that where the potential for LSE is identified, it is necessary to characterise the impact pathways by which a significant effect, and hence an adverse effect

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<sup>6</sup> Tyldesley, D., Chapman, C., and Machin, G. *The Habitats Regulations Assessment Handbook*. DTA Publications Ltd. Accessed from [www.dtapublications.co.uk](http://www.dtapublications.co.uk) on the 24<sup>th</sup> April 2016.

<sup>7</sup> Tyldesley, D., Chapman, C., and Machin, G. *The Habitats Regulations Assessment Handbook*. DTA Publications Ltd. Accessed from [www.dtapublications.co.uk](http://www.dtapublications.co.uk) on the 24<sup>th</sup> April 2016.

to a European Site(s) integrity, could occur. Identifying the characteristics of the potential impact(s) allows the likelihood of an adverse effect on site integrity to be determined (in combination with information on the characteristics of the European Site(s)). Assessing the different impact pathways by which an adverse effect could occur, also allows clear identification of potential mitigation options for each identified effect.

- 2.3.2 Each of the Publication Local Plan policies with potential LSE has been assessed to identify the types of impact that would arise from their implementation that could potentially lead to adverse effects on European Sites. This exercise has been based on the wording contained within each of the policies, combined with professional judgement and informed by best practice guidance, relevant studies, research papers and other literature.

## 2.4 Identification of plans and projects for in-combination assessment

- 2.4.1 Other plans and projects potentially requiring in-combination assessment were identified via the following information sources:

- Review of other HRA reports from the local area;
- Review of the Redcar and Cleveland Planning Portal<sup>8</sup>, in order to gather information on other local planning policy;
- Consultation with Natural England;
- A review of adjoining Local Authorities planning portal websites (Hartlepool Borough Council, Middlesbrough Council, Stockton-On-Tees Borough Council; Scarborough Borough Council and Hambleton District Council); and
- A review of the National Infrastructure Planning Website for Nationally Significant Infrastructure Projects located within 15 km of the RCBC administrative boundary.

- 2.4.2 Over 50,000 planning applications are lodged on the Redcar and Cleveland Planning Portal. It was not therefore practicable to screen every single active planning application when identifying local projects for consideration in the in-combination assessment. The identification of projects for in-combination assessment has therefore focussed on major projects within the RCBC and surrounding area that are located in close proximity to the European Sites or are otherwise of such a scale that any adverse effects to European Sites could clearly interact with those arising from the policies contained in the Publication Local Plan.

## 2.5 Consultation

- 2.5.1 Natural England, as statutory consultees, were consulted during production of the consultation draft Local Plan and accompanying HRA Screening Report and Statement to Inform Appropriate Assessment.
- 2.5.2 Natural England and the Royal Society for the Protection of Birds (RSPB) provided comments on the consultation draft Local Plan. They also provided comments on the HRA Screening Report and Statement to Inform Appropriate Assessment. The comments received from both organisations are provided in Appendix D. Appendix D also includes tables showing how the comments received have been considered during production of the Publication Local Plan and this Appropriate Assessment.

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<sup>8</sup> <http://www.redcar-cleveland.gov.uk/rcbcweb.nsf/web+full+list/c7a111acc498dfcf80257a1600476faf>



## 2.6 Appropriate Assessment

- 2.6.1 The information gathered via the steps set out under Sections 2.2 to 2.5 has been used to inform the completion of the Appropriate Assessment, which assesses whether the policies contained within the Publication Local Plan are likely to lead to adverse effects on the integrity of European Sites.
- 2.6.2 Where multiple policies contained within the Publication Local Plan may contribute to the same or similar impacts on a European Site, those effects have been considered together in the Appropriate Assessment. For example, housing allocation policies and policies promoting tourism may both lead to increased recreational use of European Sites. This in turn could impact the qualifying interests of the European Sites by causing increased levels of disturbance to bird species, or trampling of SAC habitats.
- 2.6.3 Under this scenario, rather than assessing the individual potential effects of each policy that may lead to increased recreational impacts, it is considered more appropriate to consider the combined effects of all such policies together. This is in accordance with the requirements of the Habitats Regulations, which require the consideration of 'in-combination' effects.
- 2.6.4 The potential effects of the Publication Local Plan policies have, where applicable, then been considered in combination with the potential effects of other plans and projects. In-combination assessment has been carried out where an impact arising from the Publication Local Plan policies will not cause an adverse effect alone, but may lead to adverse effects in-combination.
- 2.6.5 This is in accordance with best practice guidance<sup>9</sup>, which states that once an adverse effect is identified, there is minimal value in identifying further levels of potential impact. The emphasis instead moves to addressing the identified adverse effect through avoidance and/or mitigation measures, with any residual effects predicted then subject to in-combination assessment.
- 2.6.6 Finally, consideration has been given to measures contained within the Publication Local Plan and in other plans and strategies that would avoid, reduce or otherwise mitigate potential adverse effects arising from the Publication Local Plan. Where such measures are robust and are likely to be effective, potential adverse effects can be ruled out.

## 2.7 Identification of Further Measures

- 2.7.1 In some instances the potential for an adverse effect on the integrity of a European Site was identified in the Publication Local Plan, and existing measures are not considered sufficient to avoid or mitigate the effect. Where this is the case the Local plan has identified an approach to identifying and delivering mitigation measures to address residual LSE.

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<sup>9</sup> Tyldesley, D., Chapman, C., and Machin, G. *The Habitats Regulations Assessment Handbook*. DTA Publications Ltd. Accessed from [www.dtapublications.co.uk](http://www.dtapublications.co.uk) on the 24<sup>th</sup> April 2016.

## 3 European Sites potentially affected

### 3.1 Teesmouth and Cleveland Coast SPA and Ramsar Site

#### Introduction

- 3.1.1 The Teesmouth and Cleveland Coast SPA and Ramsar site is located in the north-west of the RCBC area. The current site boundary extends a considerable distance (in excess of 10 km) north of the RCBC administrative boundary. Natural England has identified a potential extension and expansion of the qualifying interests of the SPA, which was being consulted on at the time of production of this report. The assessment presented in this report considers impacts on both the existing SPA and Ramsar site, and also the proposed extension and expansion of the qualifying interests of the SPA.
- 3.1.2 The following changes are proposed by Natural England in relation to the SPA extension and expansion of qualifying interests:
- Addition of breeding avocet *Recurvirostra avosetta* and breeding common tern *Sterna Hirundo* as qualifying interests;
  - Marine extension to the existing SPA boundary to include offshore areas between Hartlepool Headland and Castle Eden Dene, extending up to 3.5 km offshore to encompass areas thought to be important for foraging little tern;
  - Marine extension to the SPA boundary to include areas between Marske-by-the-Sea in the south and Crimdon Dene in the north, plus the estuary and main channel of the River Tees upstream as far as the Tees Barrage, extending up to 6 km offshore, to encompass areas thought to be important for foraging common tern; and
  - Potential terrestrial extensions to the SPA, to include Bran Sands Lagoon and Coatham Marsh, as these areas have been shown to support important numbers of SPA bird species.

#### Existing reasons for designation

- 3.1.3 The following information has been obtained from the SPA and Ramsar site data sheets. The Teesmouth and Cleveland Coast is a wetland of international importance comprising intertidal sand and mudflats, rocky shore, sand dunes, saltmarsh and freshwater marsh. The habitats present are used by birds for breeding, feeding and roosting: large numbers of waterfowl feed and roost within the site during the winter and during passage periods.
- 3.1.4 This site qualifies as a SPA under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:
- 3.1.5 During the breeding season;
- little tern *Sterna albifrons*, 40 pairs representing at least 1.7% of the breeding population in Great Britain (4 year mean 1995-1998).
- 3.1.6 On passage;
- sandwich tern *Sterna sandvicensis*, 1,900 individuals representing at least 6.8% of the population in Great Britain (5 year mean 1988-1992).

- 3.1.7 This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:
- 3.1.8 Over winter;
- knot *Calidris canutus*, 5,509 individuals representing at least 1.6% of the wintering Northeastern Canada/Greenland/Iceland/Northwestern Europe population (5 year peak mean 1991/2 – 1995/6); and
  - redshank *Tringa totanus*, 1,648 individuals representing at least 1.1% of the wintering Eastern Atlantic – wintering population (5 year peak mean 1987-1991).
- 3.1.9 The site is also a wetland of international importance and meets the assemblage qualification. The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl. Over winter, the area regularly supports 21,312 individual waterfowl (5 year peak mean 1991/2 – 1995/6) including: sanderling *Calidris alba*, lapwing *Vanellus vanellus*, shelduck *Tadorna tadorna*, cormorant *Phalacrocorax carbo*, redshank *Tringa totanus*, knot *Calidris canutus*.
- 3.1.10 The Teesmouth and Cleveland Coast qualifies as a Ramsar site under Ramsar selection criteria 5 and 6.
- 3.1.11 Ramsar criterion 5: Assemblages of international importance:
- The site supports 9528 waterfowl (5 year peak mean 1998/99-2002/2003).
- 3.1.12 Ramsar criterion 6: species/populations occurring at levels of international importance:
- Common redshank, *Tringa totanus*, 883 individuals, representing an average of 0.7% of the GB population (5 year peak mean 1998/9-2002/3), red knot, *Calidris canutus islandica*, W & Southern Africa (wintering), 2579 individuals, representing an average of 0.9% of the GB population (5 year peak mean 1998/9-2002/3).
- 3.1.13 Key sub-features for the SPA and Ramsar are described as follows:
- Sand and shingle: nesting area for little tern (colonies at e.g. Seaton Dunes, South Gare and Coatham Sands);
  - Intertidal sand and mudflat: roosting and loafing sites for sandwich tern during the post-breeding period (July and August) prior to autumn migration and little tern in summer (May to August) (North Gare Sands, Seal Sands, Bran Sands and Coatham Sands);
  - Shallow coastal waters: the main feeding areas for little tern and sandwich tern, both of which species feed almost exclusively on fish;
  - Rocky shores: vital food resource for the wintering knot population; also used by a small proportion of the autumn redshank population. Rocky shores at higher tidal levels are also used as high water roosting sites (South Gare, Hartlepool Headland / North Sands, Seaton Snook and Coatham and Redcar Rocks);
  - Intertidal sandflat and mudflat: these support high densities of invertebrates which are important as food for knot and redshank. (Redshank primarily at Seal Sands, North Tees mudflat and Greatham Creek; knot primarily at Seal Sands and Hartlepool North Sands. Knot also roost at higher tidal levels at North Gare Sands, Bran Sands and Hartlepool North Sands);

- Saltmarsh: roosting for redshank (the margins of Greatham Creek and part of Seal Sands);
- Grazing marsh: A small proportion of the redshank population utilise grazing marsh habitats outside the European Marine Site; and
- The large areas of intertidal mudflats and sandflats at Teesmouth and Cleveland Coast support dense populations of marine invertebrate species, which in turn support dense populations of water birds.

## Conservation Objectives

- 3.1.14 Natural England's conservation objectives at a site level focus on maintaining the condition of the habitats used by the qualifying species. Habitat condition is delivered through appropriate site management including the avoidance of damaging activities and disturbance to the species for which the site was designated.
- 3.1.15 Objectives at a broad level consist of maintaining favourable conservation status (a habitat or species is defined as being at favourable conservation status when its natural range and the area it covers within that range are stable or increasing and the specific structure and functions which are necessary for its long term maintenance exist and are likely to continue to exist for the foreseeable future).
- 3.1.16 The following SSSIs form part of the Teesmouth and Cleveland Coast SPA: Durham Coast, Seal Sands, Seaton Dunes and Common, Tees and Hartlepool Foreshore and Wetlands, Cowpen Marsh, South Gare and Coatham Sands and Redcar Rocks.
- 3.1.17 The conservation objectives for the European features of interest within the SSSIs are as follows:
- 3.1.18 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features;
  - The structure and function of the habitats of the qualifying features;
  - The supporting processes on which the habitats of the qualifying features rely;
  - The population of each of the qualifying features; and
  - The distribution of the qualifying features within the site.

## Potentially Damaging Operations

- 3.1.19 Natural England has prepared a list of potentially damaging operations for each component SSSI within the Teesmouth and Cleveland Coast SPA / Ramsar site. Examination of these lists reveals that potentially damaging operations, i.e. those with the potential to cause deterioration or disturbance of the sites qualifying interests, can broadly be categorised as shown in Table 3.

Table 3: Teesmouth and Cleveland Coast constituent SSSI: Potentially damaging operations

Potentially Damaging Operation	Potential Impact Mechanisms Arising From the Local Plan
Direct habitat loss or disturbance	Allocation of small areas of the Teesmouth and Cleveland Coast SPA and Ramsar Site within the development limits set in policies SD3/ED6.
Changes in habitat management	None of the proposed Local Plan policies will result in changes in land management within the SPA / Ramsar site.
Application of materials, chemicals or other substances	Increased local population could result in greater incidences of fly tipping etc. Some development types could result in pollutants being released, such as dust and vehicle emissions.
Killing, injuring, taking or removal of wild animals	Increased local population will result in an increase in dog and cat numbers, which may result in predation impacts on birds.
Site drainage	None of the proposed Local Plan policies will result in significant changes in drainage within the SPA / Ramsar site, which is tidally influenced.
Alterations of ground and/or surface water levels	Development in close proximity to the SPA / Ramsar site could potentially result in changes in ground and surface water levels.
Changes in fishing practice	None of the proposed Local Plan policies will result in changes in fishing practice in the vicinity of the SPA / Ramsar site.
Land reclamation	None of the proposed Local Plan policies promote land reclamation in the vicinity of the SPA / Ramsar site.
Construction of sea defences	None of the proposed Local Plan policies promote the construction of sea defences in the vicinity of the SPA / Ramsar site.
Mineral extraction	Mineral extraction is covered by a separate plan.
Recreation and other activities resulting in disturbance	Increased local population could result in greater incidences of recreational disturbance.

## Condition Assessment

- 3.1.20 Natural England undertakes condition assessments of the SSSI network across the UK, in order to monitor the condition of these designations and the network of European Sites that they underpin. These condition assessments are made publicly available by Natural England<sup>10</sup>, and provide a record for how the status of SSSI has changed since they were designated, with multiple condition assessments available for the majority of sites.
- 3.1.21 Examination of the condition assessments for the component SSSIs of Teesmouth and Cleveland Coast SPA / Ramsar indicates that many sections are not currently in favourable condition (see Table 4). The main reason for this is the reported decline in the populations of

<sup>10</sup> <https://www.designatedsites.naturalengland.org.uk>

certain species, although it is not clear what the reasons for the decline are. Unfavourable condition has been attributed to anthropogenic activity in some areas.

Table 4: Summary of SSSI condition assessments for component SSSI within the Teesmouth and Cleveland Coast SPA and Ramsar Site

Component SSSI	Condition Assessment	Condition Assessment comments
Tees and Hartlepool Foreshore and Wetlands	72.6% favourable 0.05% unfavourable recovering 27.35% unfavourable declining	Decrease in population size of knot, purple sandpiper and sanderling justifies unfavourable condition; recovering small unit is explained by its retained ability to perform ecological function, despite purple sandpiper population decline.
Cowpen Marsh	100% unfavourable recovering	No net loss of habitat area and succession progressing to lower- mid marsh communities. Declines in redshank, teal, curlew and dunlin by >50% but increase in golden plover numbers by >50%. Unfavourable assessment due to no obvious remedy of these changes.
Durham Coast	62.8% favourable 37.2% unfavourable recovering	Colliery spoil erosion, some evidence of human use including litter and vehicle use and fire remains. Cliff top vegetation often poor quality grassland and scrub invasion needs controlling / monitoring. Dune system succession recovering well.
Redcar Rocks	100% favourable	No evidence of anthropogenic disturbance of the geological interest are noted, but it is not clear from the condition assessment whether the effects of anthropogenic disturbance have been assessed for the bird species that make up the qualifying interests of the SPA/ Ramsar site.
Seal Sands	3.31% favourable 82.43% unfavourable recovering 9.91% unfavourable no change 4.34% area destroyed / part destroyed	Littoral sediment habitat lost completely within 2 units due to human disturbance with no opportunity for reinstatement. Only remaining littoral sediment supports good feeding and roosting opportunities but some risk of encroachment by <i>Phragmites</i> . Mean peak declines of shelduck and knot <50% while redshank increased 55% since 1994. Some threat of <i>Salicornia</i> encroachment on sand flats.
Seaton Dunes and Common	38.54% favourable 61.46% unfavourable recovering	<i>Hippophae rhamnoides</i> clearance on-going and all but one unit meeting botanical objectives. Sanderling and turnstone have decreased significantly across the site, with declines also seen in aggregations of ringed plover and knot. Significant increase in curlew, wigeon and lapwing in one unit of littoral sediment.
South Gare and Coatham Sands	23.95% favourable 76.05% unfavourable recovering	Favourable unit in good condition with increase in sanderling and knot but decline in ringed plover. Unfavourable recovering unit vegetation satisfied common standards criteria and 46% increase in ringed plover and 264% increase in sanderling overwinter. But 65% decline in wintering knot while

Component SSSI	Condition Assessment	Condition Assessment comments
		breeding little tern declined 96% where habitat favourable and no obvious remedy. A total of 21 bait collectors active on intertidal site at time of assessment.

### Potential Extension to the Teesmouth and Cleveland Coast SPA

- 3.1.22 Natural England launched a consultation exercise in 2015 on the proposed extension to the Teesmouth and Cleveland Coast SPA, which was ongoing at the time this report was published. The extension includes proposals for including off-shore habitats between Crimdon Dene and Marske within a revised SPA boundary, as these areas are considered likely to provide core foraging habitat for little tern and common tern. The main channel of the River Tees would also be included upstream as far as the barrage in Stockton, as surveys commissioned by Natural England have identified this part of the estuary/river as potentially important for common tern.
- 3.1.23 Some areas of terrestrial habitat have also been identified for possible inclusion within a revised SPA boundary. The majority of areas identified are on the north bank of the River Tees, outside the RCBC Local Plan area and separated from it by the Tees river channel.
- 3.1.24 Two relatively small terrestrial extensions have been proposed within the RCBC administrative area: a lagoon and surrounding grassland near the mouth of the Tees; and an area of grassland and wetland habitats on the north-west edge of Redcar (coincident with the boundary of Coatham Marsh, a Tees Valley Wildlife Trust Nature Reserve). The proposed boundary revisions to the SPA and Ramsar site are shown on Figure 2.
- 3.1.25 Terrestrial extensions to the SPA have been proposed on the basis they may be used by important numbers of waterbirds associated with the SPA. Natural England is also likely to recommend the addition of breeding avocet and breeding common tern as interest features of the SPA.

## 3.2 North York Moors SAC

### Reasons for designation

- 3.2.1 The North York Moors SAC is located immediately to the south of the Local Plan area. The following information has been obtained from the SAC site data sheets.
- 3.2.2 The North York Moors contains the largest continuous tract of heather moorland in England. It displays a wide range of high quality dry heathland and blanket bog vegetation with wet heath in the transition areas.
- 3.2.3 In April 2005, the North York Moors was designated as an SAC. M16 *Erica tetralix* – *Sphagnum compactum* 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 *Molinia caerulea* and heath rush *Juncus squarrosus* are also common within this community. In the wettest stands bog-mosses, including *Sphagnum tenellum*, occur, and the nationally scarce creeping forget-me-not *Myosotis stolonifera* can be found in acid moorland streams and shallow pools.
- 3.2.4 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 *Calluna vulgaris* – *Deschampsia flexuosa*, with some H10 *Calluna vulgaris* – *Erica cinerea* heath on well-drained areas throughout the site, and large areas of H12 *Calluna vulgaris* – *Vaccinium myrtillus* heath on steeper slopes.

3.2.5 The European site data sheet also identifies that the Annex I priority habitat blanket bog is present as a qualifying feature, although is not a primary reason for the selection of the site.

### Conservation Objectives

3.2.6 Natural England’s conservation objectives at a site level focus on maintaining the condition of the qualifying habitats of the SAC. Habitat condition is maintained through appropriate site management including the avoidance of damaging activities and disturbance to the species for which the site was designated.

3.2.7 The conservation objectives for the North York Moors SAC are to:

3.2.8 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the qualifying natural habitats;
- The structure and function (including typical species) of the qualifying natural habitats; and
- The supporting processes on which the qualifying natural habitats rely.

### Potentially damaging operations

3.2.9 Natural England has prepared a list of potentially damaging operations for each component SSSI within the North York Moors SAC. Examination of these lists reveals that potentially damaging operations, i.e. those with the potential to cause deterioration or disturbance of the sites’ qualifying interests, can broadly be categorised as shown in Table 5.

Table 5: Potentially Damaging Operations: North York Moors SAC constituent SSSI

Potentially Damaging Operation	Potential Impact Mechanisms Arising From The Local Plan
Direct habitat loss or disturbance	None of the proposed Local Plan policies will result in direct habitat loss within the SPA / SAC.
Changes in habitat management	None of the proposed Local Plan policies will result in changes in land management with the SPA / SAC.
Application of materials, chemicals or other substances	Increased local population could result in greater incidences of fly tipping etc, although this is unlikely given the remoteness of the site from any areas of development proposed within the Local Plan. Some development types could result in pollutants being released, such as dust and vehicle emissions, but again, the distance of development allocations from the site makes such effects unlikely.
Killing, injuring, taking or removal of wild animals	This is unlikely to be a significant issue, given the distance of the majority of allocations identified within the Local Plan from the SPA / SAC. None of the policies



Potentially Damaging Operation	Potential Impact Mechanisms Arising From The Local Plan
	proposed within the Publication Local Plan promote the killing, injuring or taking of SPA bird species.
Drainage and alteration of ground and/or surface water levels	None of the proposed Local Plan policies are likely to result in changes in drainage with the SPA / SAC site.
Mineral extraction	Mineral extraction is covered by a separate plan.
Recreation and other activities resulting in disturbance	Increased local population in RCBC could result in greater incidences of recreational disturbance and damage.

### Condition Assessment

- 3.2.10 The SSSI condition assessment indicates that only a limited extent of the North York Moors is currently considered to be in favourable condition (Table 6). However, the reason for its current condition is primarily due to inappropriate management, including grazing and burning. These impacts are therefore controlled by land owners and managers.
- 3.2.11 Whilst recreational activities may give rise to disturbance impacts on SAC habitats, for example through trampling, such activities are less likely to contribute significantly to the underlying issues that have resulted in the decline of the site (although increased risk of accidental fires, for example, cannot be ruled out). Recreational pressures in combination with other pressures could be significant against a baseline which largely reflects unfavourable conservation status. It should also be noted that the majority of the SAC identified by Natural England as being in unfavourable condition, is also considered to be recovering, i.e. its condition is improving.

Table 6: Summary of SSSI condition assessments for component SSSI within the North York Moors SPA and SAC

Component SSSI	Condition Assessment	Condition Assessment comments
North York Moors	92.31% unfavourable recovering	Burning of dry heath, overgrazing by sheep, limited wet heath extent, less than 10% heather in mature growth phase in many units of dry heath, bracken encroachment, lack of indicator species for wet heath and blanket bog, high abundance of <i>Juncus effusus</i> in wet heath, lack of dwarf shrub diversity
	0.19% unfavourable no change	Complex mosaic of dry and wet heath, bracken stands, acid grassland and <i>Juncus effusus</i> -dominated mire. Dry heath: lack of bryophytes and lichens, of dwarf shrub diversity. <i>Calluna</i> stands are in the pioneer and building phases. In wet heath areas <i>Calluna vulgaris</i> and <i>Erica tetralix</i> are present throughout; the former is locally dominant and the latter locally abundant.
	0.12% unfavourable declining	Inappropriate burning of wet heath, bracken cover, cover of dwarf shrub, presence of indicator species, overgrazing and the significant risk that the extent of certain features of interest will decrease.

Component SSSI	Condition Assessment	Condition Assessment comments
	7.37% favourable	

### 3.3 North York Moors SPA

#### 3.3.1 Reasons for Designation

3.3.2 This site qualifies as an SPA under Article 4.1 of the Birds Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

- golden plover *Pluvialis apricaria*, 526 pairs representing at least 2.3% of the breeding population in Great Britain; and
- merlin *Falco columbarius*, 35 pairs representing at least 2.7% of the breeding population in Great Britain.

#### Conservation Objectives

3.3.3 Natural England's conservation objectives at a site level focus on maintaining the condition of the habitats used by the qualifying bird species of the SPA. Habitat condition is maintained through appropriate site management including the avoidance of damaging activities and disturbance to the species for which the site was designated.

3.3.4 The conservation objectives for the North York Moors SPA are to:

3.3.5 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

#### Potentially Damaging Operations

3.3.6 The potentially damaging operations identified for the North York Moors SPA are the same as those identified for the North York Moors SAC. Please see paragraph 3.2.9 for further details.

#### Condition Assessment

3.3.7 The condition assessment for the North York Moors SPA is based on the condition assessment of the same constituent SSSI units as used to inform the North York Moors SAC condition assessment. Please see paragraph 3.2.10 for further details.

## 4 Potential Impact Pathways

### 4.1 Potential Impact Pathways arising from Local Plan Policies

4.1.1 The text below identifies the Publication Local Plan policies that could lead to adverse effects on the integrity of European Sites. For each of the policies, the potential impact pathways with LSE are identified in Table 7. Figure 2 sets out the locations of the European Sites being considered and also identifies the locations of those policies and allocations within the Publication Local Plan that have a spatial element. The bulleted list below identifies the potential impact pathways identifies and their associated potential for LSE:

- i. Direct land-take from within and adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar Site, leading to loss/disturbance of SPA / Ramsar site habitats;
- ii. Increased recreational disturbance (as a result of increased numbers of local residents and/or increased tourism activity) of habitats within the North York Moors SAC, and of the bird species that are the qualifying interests of the North York Moors SPA and the Teesmouth and Cleveland Coast SPA and Ramsar Site;
- iii. Increased disturbance of SPA / Ramsar site bird species resulting from development of employment land allocations near to the Teesmouth and Cleveland Coast SPA and Ramsar site;
- iv. Air quality impacts arising from emissions from increased motor vehicle traffic and/or increased levels of developments that emit pollutants to air in the vicinity of the North York Moors SAC / SPA or Teesmouth and Cleveland Coast SPA and Ramsar site;
- v. Increased demand on local water supplies, leading to diminished ground and/or surface water availability affecting water balance in the North York Moors SAC / SPA or Teesmouth and Cleveland Coast SPA and Ramsar site;
- vi. Increased pressure on Waste Water Treatment Works as a result of new development, leading to decreased water quality in the tidal and marine sections of the Teesmouth and Cleveland Coast SPA and Ramsar Site or in watercourses within the North York Moors SAC / SPA; and
- vii. Increased predation of SPA bird species by domestic cats as a result of increased numbers of residents, a proportion of whom are likely to be cat owners, adjacent to the SPA and Ramsar sites.

4.1.2 Table 7, below, summarises the potential impact pathways that have been identified and sets out the policies that could contribute to those impact pathways.

Table 7: Summary of Potential Impact Pathways for all policies with potential LSE

Potential Impact Pathways with LSE	Relevant Policies												
	SD3: Development Limits	LS2: Coastal Strategy	LS4: South Tees Spatial Strategy	REG1: Coatham	ED6: Protecting Employment Areas	ED9: Leisure and Tourist development	ED11: Caravan Sites and Tourist Accommodation	ED13: Equestrian Development	ED12: New Hotel and Guest house Accommodation	H3.1 to H3.31: Housing Allocations	H5: Sub-division and Conversion of Buildings	H6: houses in Multiple Accommodation	TA4: Sustainable Travel Networks
Direct landtake from within and adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar Site	Y	N	N	N	Y	N	N	N	N	N	N	N	N
Displacement / disturbance of SPA and Ramsar site bird species arising from development adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar site	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Increased recreational disturbance (as a result of increased numbers of local residents and/or increased tourism activity) of habitats within the North York Moors SAC, and of the bird species that are the qualifying interests of the North York Moors SPA and the Teesmouth and Cleveland Coast SPA and Ramsar Site;	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Air quality impacts arising from emissions from increased motor vehicle traffic and/or increased levels of emitting developments in the vicinity of the North York moors SAC / SPA or Teesmouth and Cleveland Coast SPA and Ramsar site	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Increased demand on local water supplies,	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Potential Impact Pathways with LSE	Relevant Policies												
	SD3: Development Limits	LS2: Coastal Strategy	LS4: South Tees Spatial Strategy	REG1: Coatham	ED6: Protecting Employment Areas	ED9: Leisure and Tourist development	ED11: Caravan Sites and Tourist Accommodation	ED13: Equestrian Development	ED12: New Hotel and Guest house Accommodation	H3.1 to H3.31: Housing Allocations	H5: Sub-division and Conversion of Buildings	H6: houses in Multiple Accommodation	TA4: Sustainable Travel Networks
leading to diminished ground and/or surface water availability that affects water balance in the European Sites.													
Increased pressure on Waste Water Treatment Works as a result of new development, leading to decreased water quality in the tidal and marine sections of the Teesmouth and Cleveland Coast SPA and Ramsar Site or in watercourses within the North York Moors SAC / SPA;	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Increased predation of SPA bird species by domestic cats as a result of increased numbers of residents, a proportion of whom are likely to be cat owners, adjacent to the SPA and Ramsar sites.	N	N	N	N	N	N	N	N	N	Y	Y	Y	N

4.1.3 As can be seen from the analysis contained within Table 7, many of the potential impact pathways identified are common to more than one of the Publication Local Plan policies. For simplicity, the overall contribution to each impact pathway made by all policies with LSE is considered in Section 6 (Appropriate Assessment). For example, the potential recreational impacts arising from the separate policies will be considered together, rather than assessing the recreational impacts that might arise from each policy separately. This avoids multiple repetitions of descriptions of similar impacts and effects, likely to require similar avoidance and/or mitigation measures.

## 5 Plans and Projects for In-combination Assessment

- 5.1.1 Regulation 61 of the Habitats Regulations requires that when assessing whether a Plan (or Project) will lead to adverse effects on the integrity of a European Site, it is necessary to consider whether adverse effects could arise both alone or in combination with other Plans or Projects. Other Plans identified for potential in-combination assessment are presented in Table 8, below, with other projects set out in Table 9.
- 5.1.2 Where the policies contained within the Publication Local Plan could lead to adverse effects alone, there is little value in considering in-combination effects until the effects of the Publication Local Plan alone have been addressed. This is in line with best practice guidance contained in the Habitats Regulations Assessment Handbook<sup>11</sup>, which states: *'it may be necessary to assess the cumulative effects arising from only a proportion of potentially relevant plans or projects, because once the assessment identifies an adverse effect on integrity cannot be ruled out, and the plan will obviously not proceed through stages 3 and 4 of the assessment process, there is nothing to be gained by adding the effects of yet more plans or projects.'* This approach has therefore been taken in the Appropriate Assessment which follows in Section 6.

Table 8: Plans identified for in-combination assessment

Plan being assessed	Content	Comments	Potential for in-combination LSE?
North-East Shoreline Management Plan SMP2: River Tyne to Flamborough Head (North-East Coastal Authorities Group, 2007).	The North East Shoreline Management Plan SMP2: River Tyne to Flamborough Head sets out a strategy for managing the coast which aims to balance the needs of communities and the environment.	The Shoreline Management Plan recommends a 'hold the line' policy for Coatham East to Redcar East and for South Gare. No active intervention is proposed for Bran Sands and Coatham Sands, the Plan concluding that this will allow natural development of the coastline. Subject to implementation of mitigation measures that are identified within the Appropriate Assessment for the SMP2 <sup>12</sup> , the SMP2 predicts no adverse effects to the Integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site.	No

<sup>11</sup> Tyldesley, D., Chapman, C., and Machin, G. The Habitats Regulations Assessment Handbook. DTA Publications Ltd. Accessed from [www.dtapublications.co.uk](http://www.dtapublications.co.uk) on the 24th April 2016.

<sup>12</sup> Royal Haskoning (2006). SMP2 Appropriate Assessment Report: Final Report.

Plan being assessed	Content	Comments	Potential for in-combination LSE?
Redcar and Cleveland Regeneration Masterplan 2012-2017 (and associated spatial frameworks) (2012)	This document sets out how the Council will secure its regeneration ambitions so that it can secure a lasting difference for the Borough's residents, businesses and communities. The objectives set out within the plan are reflected in the policies within the Publication Local Plan.	The plan recognises that there is a need to invest in the Borough's natural assets. The plan also promotes the provision of well-planned and structured boundary treatments to industrial sites, which will provide wildlife corridors and habitats. The plan identifies a number of spatial allocations for development, many of which are reflected in the allocations within the Publication Local Plan.	Yes
Redcar and Cleveland's Local Transport Plan 2011-2021 (March 2011)	The Plan sets out what the Council would like to achieve in terms of highways and transport. It sets out an outline action plan with examples of the types of measures that will be implemented if sufficient resources are available.	The plan includes five goals, which include improving quality of life and a healthy natural environment. Specifically the plan recognises the need to protect important nature conservation sites from development, pollution and noise. The work undertaken for the Strategic Environmental Assessment identified that there was no need to conduct a separate HRA as no highway works are being proposed in the LTP that will affect any environmentally sensitive sites.	Yes
Tees Valley Joint Waste Management Strategy 2008-2020 (June 2008)	The Strategy has six aims including: to reduce reliance on landfill, and to minimise waste.	The Strategy includes the aim of minimising the impact on climate change, with the assessment of the plan identifying that adverse effects to European Sites are not predicted.	No



Plan being assessed	Content	Comments	Potential for in-combination LSE?
Redcar and Cleveland's Rights of Way Improvement Plan 2007 -2017 (2007)	The Plan will be the framework for managing and improving the network of public footpaths, public bridleways, byways and cycle tracks. It is based (among others) on an assessment of the extent to which local rights of way meet the present and likely future needs of the public.	The plan commits to protecting or enhancing the local environment and biodiversity. There is an objective to seek further opportunities for informal public access but only where there is no conflict with conservation interests. The plan promotes sustainable access, taking account of nature conservation.	Yes
Redcar and Cleveland's Green Space Strategy 2006-2016 (2006)	The strategy recognises that green spaces play a role in creating sustainable, inclusive and cohesive communities.	The strategy includes the following recommendations: protect and develop the Borough's green infrastructure network; protect valuable green spaces from development; enhance biodiversity throughout the Borough. These measures may provide positive outcomes for European Sites, through the delivery of publicly accessible green infrastructure that diverts recreational pressures away from European Sites.	No
River Tees Catchment Flood Management Plan, Environment Agency (2009)	The CFMP establishes flood risk management policies which will deliver sustainable flood risk management for the long term. This CFMP identifies flood risk management policies to assist all key decision makers in the catchment.	The plan recognises that designated sites are present in the catchment and that flooding has a neutral or positive effect on these. The HRA for the strategy concluded that adverse effects were possible and identified a requirement to provide compensatory habitat in relation to the predicted loss of SPA habitats that could arise as a result of its implementation.	No

Plan being assessed	Content	Comments	Potential for in-combination LSE?
Greatham Managed Realignment Scheme (Environment Agency, implemented between 2011 – 2014)	This project involved the delivery of approximately 22 ha intertidal habitats to provide compensatory habitat to offset losses of SPA habitats. These losses were predicted to arise as a result of the Redcar Flood Alleviation Scheme as well as the losses arising from the Tees Tidal Flood Risk Management Strategy.	It is understood that the compensatory measures have shown an increase in the target SPA bird species since monitoring commenced in 2015. <sup>13</sup>	No
Hartlepool Local Plan	Hartlepool Borough Council has consulted on the Local Plan Preferred Options consultation draft of the Local Plan, including the accompanying Habitats Regulations Assessment	The HRA report that accompanies the Local Plan Preferred Options report considers the potential for the draft policies to lead to adverse effects on the integrity of European Sites, including the Teesmouth and Cleveland Coast SPA and Ramsar site. The HRA report concludes that with the implementation of suitable mitigation measures in relation to recreational disturbance arising from housing and tourism policies, there will be no adverse effects on site integrity including in combination with other plans and projects.	No

<sup>13</sup> Create compensatory habitat to offset impacts: Greatham Managed Realignment Scheme (Environment Agency, 2014).

Plan being assessed	Content	Comments	Potential for in-combination LSE?
North York Moors Local Development Framework Core Strategy and Development Policies (November 2008)	The LDF /Core Strategy set out the planning framework within the authority area. The LDF provides a platform to deliver the spatial elements of various plans and strategies whilst balancing these interests within the context of sustainable development and National Park purposes.	<p>Core Policy A includes a commitment to maintain and enhance the natural environment and conditions for biodiversity. Core Policy C builds upon this commitment and sets out specific guidance for protected habitats, species and protected sites.</p> <p>Work is underway by the North York Moors National Park Authority to produce an updated Local Plan, although this is in its early stages and hence no documentation is yet available.</p>	Yes
North York Moors Management Plan (2012)	The plan identifies the benefits the National Park can provide and responds to current issues such as the need to produce more food, improve health and well-being and adapt to the effects of a changing climate.	<p>The Management Plan includes a specific aim to increase visitor numbers to the National Park, which are reported to have been subject to historical declines. The NYM Management Plan also states: <i>'current levels of damage and disturbance caused by recreation and tourism are very limited and very localised. There is experience of managing visitors and facilities to lead to more sustainable recreation'</i>.</p> <p>The NYMMP concludes that the National Park can accommodate an additional 1.5 million visitors per annum without adverse effects to the wildlife of the National Park.</p>	Yes

Plan being assessed	Content	Comments	Potential for in-combination LSE?
Middlesbrough Borough Council Local Development Framework (2008)		A 2007 HRA was produced in relation to the Sustainability Assessment of the standing 2008 Middlesbrough Borough Council Core Strategy. A copy of the assessment could not be obtained. However, the Local Development Framework Core Strategy Development Plan Document, Strategic Environmental Assessment details that the Inspector's report for the Strategy concluded that the HRA test of the proposals had been met. As such, it is presumed that this assessment identified no LSE on European sites.	Yes
Middlesbrough Borough Council Housing Local Plan (2014).	This Plan sets out Middlesbrough Council's targets for housing development up to 2029. Middlesbrough Council is shortly to commence work on the production of a new Local Plan covering employment, retail, and the environment, for which no documentation was available at the time of writing.	A HRA screening assessment for Local Plan – Housing (Middlesbrough Borough Council, 2013) concluded that none of the policies therein would result in LSEs on the integrity of European sites, either individually or in combination with other plans and projects. This was due to “the lack of realistic pathways for potential impacts, and/or the existence of avoidance or mitigation measures to negate such impacts”.	Yes
Hambleton District Council Local Plan	Hambleton District Council are currently in the process of producing a HRA of their emerging Local Plan.	The Local Plan Habitats Regulations Assessment Scoping Report (Hambleton District Council, 2016) details a framework for completion of this assessment. The screening stage of assessment is not yet complete, such that the potential for LSE's of emerging plan policies cannot be known at this stage.	Yes

Plan being assessed	Content	Comments	Potential for in-combination LSE?
Stockton Regeneration and Environment Local Development Document (adopted 2010)	The document sets out the planning framework within the authority area. It contains policies that will help Stockton achieve its vision for future growth and prosperity.	The HRA that was completed for this document concluded that development close to the Tees could potentially impact on birds. However, the HRA refers to studies completed at Seal Sands and North Tees which concluded that development is possible without having an adverse effect on the integrity of the SPA. The Preferred Options document includes a specific policy that protects the important bird populations at Seal Sands and North Tees.	Yes

Table 9: Projects identified for in-combination assessment

Other Projects	Description	Comments	Potential for in-combination LSE?
Quay Extension, Able UK Ltd, Tees Road, Hartlepool	This project comprises the construction of a short (21 m) extension to an existing quay, plus the installation of three new Dolphins (mooring structures not connected to the land).	The Appropriate Assessment carried out for this project concluded that there would be no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA.	Yes
Land West of Conoco Phillips Petroleum Company, Seal Sands, new car park	Change of use from undeveloped reclaimed land to a permanent waiting/parking area for HGVs, vans and cars with associated welfare facilities	The Appropriate Assessment carried out for this project concluded that there would be no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA. Natural England responded to the planning application identifying some potential impacts that had not been considered and stating that the potential for adverse impacts on the integrity of the SPA could not be ruled out on the basis of the available information.	Yes
English Coastal Path - Filey Brigg to North Gare Stretch	The 110 km (68 miles) stretch of the England Coast Path (ECP) from Filey Brigg to Newport Bridge is now open to the public. Coastal access rights came into force along this stretch of coast on 21 July 2016. This includes a stretch of footpath within the RCBC Local Plan area.	The Natural England Report to the Secretary of State concluded that opening of the footpath would not lead to LSE on any European Sites, including the Teesmouth to Cleveland Coast SPA and Ramsar Site. This was on the basis that mitigation measures would be included in key sensitive locations. Use of the footpath by members of the public from the RCBC Local Plan area is therefore not expected to lead to LSE.	No

Other Projects	Description	Comments	Potential for in-combination LSE?
Greatham Managed Realignment Scheme	This scheme involves proposals to Improve flood defence embankments and associated works at Greatham, including works affecting and reinstating lagoon habitats used by SPA bird species.	The Appropriate Assessment carried out for this project concluded that there would be no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA. Natural England have advised in consultation responses (July and September 2016) that insufficient information has been provided to confirm the absence of LSE, although they have accepted the principal of mitigation measures proposed by the Environment Agency	Yes
Northern Gateway container terminal	This project is consented via a HRO which remains live. The project comprises the construction of a deep sea container terminal (1000m quay length) on the site of the existing Teesport Container Terminal 1, the redundant former Shell jetty and the Riverside Ro-Ro No. 3 at Teesport	The Appropriate Assessment carried out for this project concluded that there would be no adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA.	Yes
Seaton Channel	Permission has been granted by Hartlepool Council for the construction, repair, refurbishment and decommissioning of ships and other vessels at Seaton Channel, on the north side of the Tees Estuary	Bird survey work carried out by Hartlepool Council in support of the Local Plan concluded that “given the current levels of bird usage recorded and the uniformity and presumably relatively low quality of the existing habitats on site, it is considered that it would be possible to accommodate some development on the site while enhancing the remainder of the site by	Yes

Other Projects	Description	Comments	Potential for in-combination LSE?
		way of mitigation for SPA and other bird species.”	
Norsea/ConocoPhillips CHP and LNG Facility	Approval has been granted for an 800 megawatt (MW) CHP plant at Seal Sands. The CHP plant will be constructed along with an export gas pipeline; modifications to Jetty No.5; LNG delivery pipelines; a LNG storage and regasification facility; and a temporary construction area.	Potential effects of this development on the Teesmouth and Cleveland Coast SPA and Ramsar site include: disturbance and displacement impacts on SPA bird interests, from both construction and operation; disturbance and collision mortality impacts from proposed electricity grid infrastructure; and increased NOx deposition, in combination with other projects. Mitigation measures were incorporated into the proposals to prevent the identified adverse effects and to ensure that there would not be a significant impact from the development upon the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site.	Yes
MGT Power proposals for 300MW biomass power station at Teesport	It is proposed to construct a biomass power station that will utilise sustainable biomass fuels from the UK and globally. It will generate around 2.4 TWhrs of electricity each year. Whilst consent for the development has been granted, it is understood that construction has yet to commence.	The Environmental Statement that has been prepared for the project has concluded that statutory wildlife sites are located sufficiently far away (the nearest site being 1.5 km distant) from the proposed development to have no significant effects on designated sites, including European Sites.	No
York Potash Harbour Facility	This project involves the construction of new mine facilities near Whitby, North Yorkshire, the	This project includes elements located near the North York Moors SAC / SPA with other elements associated with	Yes



Other Projects	Description	Comments	Potential for in-combination LSE?
	<p>construction of a tunnel to transport polyhalite between the mine and the Tees harbour, and construction of a new harbour facility on the Tees. All aspects of the project (which is covered under several different consenting regimes) have been granted consent, other than the harbour facilities, for which a decision from the Planning Inspectorate is expected later in 2016.</p>	<p>the new harbour facilities located within and adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar Site. Natural England have provided advice to confirm that subject to the mitigation measures proposed by the applicant, adverse effects on the integrity of European Sites site may be avoided.<sup>14</sup></p>	

<sup>14</sup> Royal Haskoning (2015) York Potash Project Harbour facilities - Habitats Regulations Assessment.

## 6 Appropriate Assessment

### 6.1 Overview

- 6.1.1 This section of the report identifies the potential for the policies contained within the Publication Local plan to lead to adverse effects on the integrity of the European Sites taken forward for assessment following the Screening stage (Stage 1 of the HRA process)<sup>15</sup>.
- 6.1.2 The potential for adverse effects has been considered in light of existing measures contained within the Publication Local Plan that would avoid, reduce or otherwise mitigate potential impacts. Where relevant, consideration has also been given to measures contained in other policies and plans designed to control impacts on the European Sites under consideration.
- 6.1.3 Finally, where it has been identified that a particular impact arising from the Publication Local Plan will not lead to adverse effects on the integrity of a European Site, an in-combination assessment has been completed with the other plans and projects identified in Section 5. In-combination assessment has only been carried out where an impact type associated with the Publication Local Plan policies is not expected to lead to an adverse effect on the integrity of any European Sites alone, but may lead to adverse effects when considered in-combination with other plans or projects.

### 6.2 Land-take

#### Teesmouth and Cleveland Coast SPA and Ramsar Site

##### Background

- 6.2.1 Policies SD3 and ED6 of the Publication Local Plan identify areas of land that are safeguarded for employment and other uses, and therefore could conceivably be subject to development under the provisions of these policies. These policies identify areas of land that are adjacent to the proposed extension of the Teesmouth and Cleveland Coast SPA and Ramsar Site (see Figure 2 and Appendix A).
- 6.2.2 At the draft Local Plan stage, the allocations for SD3 and ED6 overlapped with the SPA at Bran Sands Lagoon on the eastern shore of the Tees; the tidal river channel of the Tees adjacent to the southern bank; at Dabholm Gut, a tidal channel on the eastern shore of the Tees; and were adjacent to Coatham Marsh, a Tees Valley Wildlife Trust Reserve located to the west of Redcar. The areas covered by policies SD3 and ED6 have been modified during preparation of the Publication Local Plan, and no longer include land within the existing SPA boundary or the proposed SPA extension. Areas adjacent to the existing and proposed SPA boundary are still included within the allocations.
- 6.2.3 In order to assess the likelihood of an adverse effect occurring as a result of development-related landtake, it is necessary to understand the rationale behind Natural England's recommendation for the extension to the SPA<sup>16</sup> (see Appendix C for further details). Table 10 below, provides a summary of the reasons why the SPA extension has been proposed. Commentary is also provided in relation to the interaction between the proposed extension to the SPA boundary and the interaction between the areas included under policies SD3 and ED6.

<sup>15</sup> Peter Brett Associates (2016). Redcar and Cleveland draft Local Plan: Habitats Regulations Assessment Screening Report.

<sup>16</sup> Natural England (2015) Natural England Technical Information Note TIN172: A possible extension to the Teesmouth and Cleveland Coast Special Protection Area

Table 10: The proposed extension to the Teesmouth and Cleveland Coast SPA

Description of proposed SPA change	Natural England rationale for proposed change	Interaction with policies SD3 and ED6
Addition of breeding avocet <i>Recurvirostra avosetta</i> and breeding common tern <i>Sterna Hirundo</i> as qualifying interests of the SPA boundary.	A review of bird survey data for the Teesmouth area has identified that nationally important numbers of these Annex I species are supported.	Breeding colonies of these species use areas within the existing SPA boundary and are therefore located away from the land covered by policies SD3 and SD6. Some colonies are however known to breed within areas included within the proposed terrestrial extension to the SPA boundary.
Marine extension to the existing SPA boundary to include offshore areas between Hartlepool Headland and Castle Eden Dene, extending up to 3.5 km offshore	This extension has been proposed due to the importance of the identified waters as foraging habitat for breeding little tern. The main colony of breeding little tern in the SPA is located at Crimdon Dene.	At its closest point, this element of the proposed SPA extension is located several kilometres away from the RCBC Local Plan area, and hence is not considered relevant to this assessment.
Marine extension to the SPA boundary to include areas between Marske-by-the-Sea in the south and Crimdon Dene in the north, plus the estuary and main channel of the River Tees upstream as far as the Tees Barrage, extending up to 6 km offshore.	This extension has been proposed due to the importance of the identified waters as foraging habitat for common tern.	The main channel of the tidal River Tees includes areas immediately adjacent to land allocated under Policies SD3 and ED6.
Potential terrestrial extensions to the SPA, to include Bran Sands Lagoon, Coatham Marsh and Dabholm Gut.	This extension has been proposed following a review by Natural England of breeding avocet, breeding common tern and wintering waterfowl data for the Teesmouth area. This review has identified that the potential extension areas may support important numbers of these species.	Bran Sands Lagoon has been removed from the land within the SD3 and ED6 policy allocation areas, but remains adjacent to them. Coatham Marsh is located immediately adjacent to an ED6 employment land allocation. Dabholm Gut has been removed from the SD3 and ED6 allocations but remains adjacent to them.

6.2.4 Further information in relation to Bran Sands Lagoon (located at OS grid reference NZ 552 248) was obtained from the Habitats Regulations Assessment report conducted for the York Potash Facility<sup>17</sup>. Targeted bird surveys were carried out to support the HRA and

<sup>17</sup> Royal Haskoning (2015) York Potash Project Harbour facilities - Habitats Regulations Assessment.

Environmental Statement for the project, which identified that the lagoon was used by a range of bird species. For some species, including redshank, shelduck and turnstone (all SPA and/or Ramsar species), peak counts comprising in excess of 1% of the Teesmouth and Cleveland Coast SPA and Ramsar Site populations were obtained.

- 6.2.5 Additional information on the Coatham Marsh component of the proposed SPA extension was obtained from a review of the Tees Valley Wildlife Trust website<sup>18</sup>. This states that the site supports '*important numbers of ducks and waders including pochard, tufted duck and redshank*'.

#### Potential for adverse effects on site integrity

- 6.2.6 Policy SD3 sets general development limits whilst Policy ED6 identifies areas safeguarded for general industrial use. This includes areas adjacent to the proposed SPA extension area and could therefore potentially result in the loss or damage of habitats used by SPA bird species including redshank, knot (both qualifying interests) and the wider wintering bird assemblage.
- 6.2.7 It should be noted that Policies SD3 and ED6 both include policy wording that identifies the importance of protecting European Sites; see below 'existing protection measures'.
- 6.2.8 The section of the existing SPA and Ramsar site and proposed SPA extension of importance to breeding and foraging little tern is located several kilometres from the areas covered under policies SD3 and ED6. The allocations identified in policies SD3 and ED6 are therefore expected to have **no adverse effects** on the little tern qualifying interest.
- 6.2.9 A study of the foraging behaviour of common tern at Teeside<sup>19</sup> found that the species demonstrated a strong preference for foraging in marine habitats, flying over a range of brackish habitats to reach the estuary and sea beyond. The tidal reaches of the Tees within and adjacent to the SD3 and ED6 Policy allocations have historically and are currently subject to regular use by shipping and associated industrial and commercial activities. The HRA studies conducted in support of major industrial developments on the Tees in recent years (see Table 7) have also been able to conclude (subject to suitable mitigation) that adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site can be avoided. As such, the allocations identified in policies SD3 and ED6 are expected to have **no adverse effect** on foraging common tern.
- 6.2.10 In relation to the Coatham Marsh, Dabholm Gut and Bran Sands Lagoon proposed terrestrial extensions to the SPA, it is considered that there **is no potential for adverse effects** on these areas as a result of policies SD3 and ED6 in relation to landtake. This assessment has been made following the removal of these areas from the Publication Local Plan allocations. This assessment has also been made in consideration of the provisions of Policy SD3, ED6 and N4 requiring individual projects to complete Appropriate Assessments where LSE is predicted. This also takes into account the existing protective measures described below.

#### Existing protective measures

- 6.2.11 Policies SD4, N4 and ED6 include strict policy wording identifying that development will only be permitted where it can be demonstrated there will be no adverse effects on any European Site, or as a last resort that the development demonstrates it is of overriding public interest and suitable compensatory measures can be provided.
- 6.2.12 In relation to the proposed SPA extension at Coatham Marsh, this site is managed by Tees Valley Wildlife Trust for the benefit of nature conservation. Access to the reserve is

<sup>18</sup> <http://www.teeswildlife.org/nature-reserve/coatham-marsh>. Accessed 05/05/2016.

<sup>19</sup> Perrow, M.R., Gilroy, J.J., Skeate, E.R. & Mackenzie, A. (2010). Quantifying the relative use of coastal waters by breeding terns: towards effective tools for planning and assessing the ornithological impacts of offshore wind farms. ECON Ecological Consultancy Ltd. Report to COWRIE Ltd. ISBN: 978-0-9565843-3-5: 148pp

encouraged, with a series of dedicated access points and footpaths through the reserve. It is considered that the ongoing access control measures and habitat management implemented at the reserve by the Tees Valley Wildlife Trust are likely to reduce (although not fully avoid) the likelihood that adverse effects will arise as a result of the development of adjacent land allocated under Policy ED6.

- 6.2.13 The following text has been introduced into Policy ED6 of the Publication Local Plan: *Any proposals for development within the Warrenby Industrial Estate adjacent to Coatham Marsh should include a buffer of undeveloped land and a suitable boundary treatment during both construction and operation, such that direct effects on land within and immediately adjacent to the proposed extension to the Teesmouth and Cleveland Coast SPA are avoided.*
- 6.2.14 Bran Sands Lagoon is subject to a long term habitat enhancement project, with this being delivered as part of mitigation/enhancement measures associated with the York Potash Harbour Project. This will be secured as part of the Harbour Facilities Order for the project, determined earlier in 2016<sup>20</sup>. Assuming the project goes ahead, this will secure the enhancement of the lagoon for SPA and Ramsar Site bird species, although the outcome of the Harbour Facilities Order application cannot of course be pre-judged.
- 6.2.15 The Industry and Nature Conservation Association (INCA) supports businesses and its partners, which include RCBC, on the integration of business activities and ecology in the Tees Valley area. The organisation has delivered a considerable suite of plans and projects since its formation in 1989, aimed at facilitating important economic activity whilst protecting and enhancing the nature conservation interests of the Tees Estuary and surrounds. This has included advising industry on how adverse effects on the Teesmouth and Cleveland Coast SPA and Ramsar Site may be avoided, and delivering projects such as mudflat habitat creation, creating nesting areas for common tern and avocet and developing the Tees Estuary Management Plan.
- 6.2.16 Natural England have produced the Teesmouth and Cleveland Site Improvement Plan<sup>21</sup>, which sets out a range of measures to address existing pressures on the site and to deliver improvements in its condition. RCBC is identified as a delivery partner for a number of these measures, such as the management of recreational pressures and the development and implementation of a Foreshore Management Plan within the district.

### Conclusions on the potential for adverse effects on site integrity

- 6.2.17 It is considered that the Publication Local Plan policies SD3 and ED6 **will not result in adverse effects to the integrity** of the Teesmouth and Cleveland Coast SPA in relation to landtake from within the SPA, either alone or in combination with other plans and projects.

### North York Moors SPA and SAC

- 6.2.18 The North York Moors SPA and SAC are located in excess of 1 km from any of the land allocation covered under policies SD3 and ED6. As such, **no adverse effects** to site integrity are expected to arise in relation to land take, either alone or in combination with other plans or projects.

<sup>20</sup> <http://infrastructure.planninginspectorate.gov.uk/projects/north-east/york-potash-harbour-facilities-order/>. Downloaded 20/05/2016

<sup>21</sup> Natural England (2014). Site Improvement Plan Teesmouth & Cleveland Coast

## 6.3 Displacement and Disturbance from locational and employment allocations

### Background

- 6.3.1 Policies SD3, LS2, LS4, REG1 and ED6 could potentially lead to development taking place in close proximity to European Sites. These allocations are primarily located in the vicinity of the Teesmouth and Cleveland Coast SPA and Ramsar Site, with the allocations in excess of 1 km from the North York Moors SAC and SPA. As such, this impact is considered only in relation to the Teesmouth and Cleveland Coast SPA and Ramsar Site.
- 6.3.2 The Teesmouth and Cleveland Coast SPA and Ramsar Site (and the proposed extension to the SPA referenced in paragraphs 3.1.22 to 3.1.25) have been designated on the basis of the exceptional populations of wetland bird species they support. Further details on the reasons for designation are provided in Section 3.1 of this report.

Construction and industrial activity can lead to the disturbance of wetland bird species, through visual and noise disturbance. Disturbance can (for example) cause birds to make short flights to avoid the source of the disturbance and/or reduce how effectively they can forage for food. In extreme cases, some species may stop using habitats adjacent to a new source of disturbance.

The response of birds to disturbance will depend on the species involved and the nature of the disturbing activity. The duration and timing of any disturbing activity will also affect how birds respond. For example, short duration activities may displace birds from adjacent habitats whilst they are carried out, but birds may rapidly return once the disturbing activity ceases. Assessment of whether a proposed activity will lead to significant disturbance therefore needs to be informed by:

- An understanding of the nature, timing and duration of potentially disturbing activities;
- An understanding of how areas at and adjacent to potentially disturbing activities are used by SPA and Ramsar site interest features; and
- An understanding of how any relevant SPA and Ramsar site interest features are likely to respond to the potentially disturbing activity.

### Potential for adverse effects on site integrity

- 6.3.3 Policy SD3 sets general development limits whilst Policy ED6 identifies areas safeguarded for general industrial use and related employment uses. Policies LS4 and LS2 identify strategies for development in the coastal and south Tees areas of Redcar and Cleveland. Policy REG1 identifies Coatham as a location for a mixed use leisure, tourism. These allocations cover areas adjacent to the existing SPA and its proposed extension. Applications for projects could potentially be brought forward in the allocation areas, that could result in disturbance of SPA bird species using adjacent habitats.
- 6.3.4 It should be noted that Policies SD3, ED6, LS2, LS4 and REG1 include policy wording that identifies the importance of protecting European Sites; see below 'existing measures'.
- 6.3.5 The section of the existing SPA and Ramsar site and proposed SPA extension of importance to breeding and foraging little tern is located several kilometres from the areas covered under these policies. As such, activities carried out within the RCBC Local Plan allocation areas would not lead to disturbance of this species. As such, no adverse effects on the little tern qualifying interest are expected.

- 6.3.6 A study of the foraging behaviour of common tern at Teeside found that the species demonstrated a strong preference for foraging in marine habitats, flying over a range of brackish habitats to reach the estuary and sea beyond. The tidal reaches of the Tees within and adjacent to identified Local Plan allocations have historically and are currently subject to regular use by shipping and associated industrial and commercial activities. The HRA studies conducted in support of consented major industrial developments on the Tees in recent years (see Table 7) have also been able to conclude (subject to suitable mitigation) that adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site can be avoided. As such, the allocations identified are expected to have no adverse effect on foraging common tern.
- 6.3.7 Other SPA and Ramsar site species could potentially use habitats adjacent to the identified Local Plan allocations. As set out above, potential disturbance effects on SPA and Ramsar site bird species require assessment against project-specific proposals. It is possible that projects proposed in the future could result in disturbance of SPA and Ramsar site bird species. Further consideration of the 'existing measures' contained within the Local Plan is therefore required, in order to assess the potential for adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site.

### Existing measures

- 6.3.8 Policies SD4, ED6, LS2, LS4 and REG1 of the Publication Local Plan include strict policy wording identifying that development will only be permitted where it can be demonstrated there will be no adverse effects on any European Site, or as a last resort that the development demonstrates it is of overriding public interest and suitable compensatory measures can be provided.
- 6.3.9 The following text has been introduced into Policy ED6 of the Publication Local Plan: *Any proposals for development within the Warrenby Industrial Estate adjacent to Coatham Marsh should include a buffer of undeveloped land and a suitable boundary treatment during both construction and operation, such that direct effects on land within and immediately adjacent to the proposed extension to the Teesmouth and Cleveland Coast SPA are avoided.*
- 6.3.10 Natural England have produced the Teesmouth and Cleveland Site Improvement Plan, which sets out a range of measures to address existing pressures on the site and to deliver improvements in its condition. RCBC is identified as a delivery partner for a number of these measures, including a role in the management of industrial development within the borough and the development and implementation of a Foreshore Management Plan. It is understood that production of the Foreshore Management Plan will be commenced in 2017, following the collection of additional information on recreational disturbance (which has already commenced).
- 6.3.11 RCBC is committed to engaging with the Tees Estuary Strategic Framework and the opportunities it will provide for a strategic approach to the management of the SPA and potential impacts upon it. It is anticipated that The Tees Estuary Strategic Framework will feed down to the various local authorities, landowners and NGO's with interests in the SPA and adjoining land. This will provide further opportunities to identify strategic data-gathering (survey) requirements and integrate the approach to overall management of the SPA / Ramsar site. It is anticipated that the Framework will inform the Foreshore Management Plan.

### Conclusions regarding the potential for adverse effects

- 6.3.12 At the stage of Local Plan publication, it is not possible to confirm project-specific effects that may arise in the areas covered by the Local Plan allocations. As highlighted above, project-specific information would be needed to assess any such effects.

- 6.3.13 The Publication Local Plan includes a series of development control policies for managing development that may have an adverse effect on European Sites. This includes specific requirements in relation to allocations in close proximity to the Teesmouth and Cleveland Coast SPA and Ramsar site.
- 6.3.14 With these development control policies in place, it is considered there will be no adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site.

## 6.4 Increased recreational disturbance

### Background

#### North York Moors SAC

- 6.4.1 The North York Moors SAC has been designated on the basis of the Annex I habitats it supports (Northern Atlantic wet heaths with *Erica tetralix* and European dry heaths), with the site estimated to support 10% of the upland moor habitats in England. Natural England has identified recreation and other activities resulting in disturbance as a potentially damaging operation (see Table 4).
- 6.4.2 Most types of terrestrial European site can be affected by trampling, which in turn causes soil compaction and erosion. Walkers with dogs can contribute to pressure on sites through nutrient enrichment via dog fouling and also have potential to cause greater disturbance to fauna as dogs are less likely to keep to marked footpaths. Motorcycle scrambling and off-road vehicle use can cause more serious erosion, as well as disturbance to sensitive species.
- 6.4.3 A review of the effects of urban pressures on lowland heathlands<sup>22</sup> carried out by English Nature (now Natural England) identified that heathland habitats had some vulnerabilities to trampling, although in many cases the habitat was resilient to the effect with recovery evident within one year. The review also identified that the impacts of dog walking (via nutrient enrichment, primarily from dog faeces) could result in significant localised eutrophication impacts, leading to localised undesirable effects on heathland habitats.
- 6.4.4 Although outside the RCBC Local Plan area, a number of the policies in the Publication Local Plan could lead to increased recreational usage of the North York Moors, either via policies which promote tourism and recreation at the site or which would lead to increased numbers of residents in RCBC, a proportion of whom may visit the site. Increased numbers of visitors could result in increased recreational effects of the nature described above.

#### North York Moors SPA

- 6.4.5 The North York Moors SPA supports internationally important populations of golden plover and merlin. These species use habitats within the North York Moors to breed, with both species nesting on the ground. Golden plover tend to nest in more open, regularly managed and sparser heathland and moorland habitats, whilst merlin favours areas with denser, deeper heather cover. Both species also use habitats within the SPA to forage during the breeding season.
- 6.4.6 Providing suitable habitat is available, breeding merlin can be relatively resilient to disturbance. Recreational activities such as dog-walking do nevertheless have the potential to cause nesting birds to take flight when approached, with repeated disturbance having the potential for this to result in abandonment of the nest. The species is considered to have

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<sup>22</sup> English Nature (2005). A literature review of urban effects on lowland heaths and their wildlife. English Nature Research Report 623.



moderate tolerance to disturbance providing nests are not approached too closely and direct disturbance is avoided<sup>23</sup>.

- 6.4.7 Equally, golden plover can potentially be vulnerable to the effects of increased recreational disturbance. Research has demonstrated that golden plover will avoid areas of intense human activity whilst rearing their chicks<sup>24</sup>, with evidence that individual birds will avoid areas up to 200 m from regularly used footpaths.
- 6.4.8 However, this and other research<sup>25</sup> has also demonstrated that recreational pressures can be significantly reduced where footpaths are well maintained. The 2007 study referenced above examined the breeding success of golden plover in areas adjacent to the North Pennine Way, before and after the footpath was resurfaced. No evidence of differences in breeding success were found between areas close to (within 30 m) and more distant from (within 30 – 200 m) of the footpath following its repair.

### **Teesmouth and Cleveland Coast SPA and Ramsar Site**

- 6.4.9 The Teesmouth and Cleveland Coast SPA and Ramsar Site (and the proposed extension to the SPA referenced in paragraphs 3.1.22 to 3.1.25) have been designated on the basis of the exceptional populations of wetland bird species they support. Further details on the reasons for designation are provided in Section 3.1 of this report.
- 6.4.10 Parts of the Teeside and Cleveland Coast SPA / Ramsar are not considered to be in favourable condition due to reported declines in the populations of certain bird species. The reasons for the decline are not fully understood and could be linked to recreational disturbance. A recreational disturbance study conducted at Teesmouth and Cleveland Coast SPA and Ramsar Site in 2012<sup>26</sup> found that 28% of observed human activity caused a disturbance event to designated bird species, and that dog walking generally accounted for the majority of disturbance events and caused the greatest mean disturbance.
- 6.4.11 A variety of other studies have been conducted at coastal sites which have demonstrated that wetland bird species, including species that are qualifying interests of the Teesmouth and Cleveland Coast SPA and Ramsar Site, can be vulnerable to the effects of recreational disturbance<sup>27,28,29</sup>. Combined with the findings of the 2012 study which specifically investigated recreational pressures on the Teesmouth and Cleveland Coast SPA and Ramsar Site, these studies indicate recreational activities can result in potentially significant disturbance of SPA bird species.
- 6.4.12 Natural England have identified recreational pressure as a potentially damaging operation, which could lead to damage of the component SSSI of the Teesmouth and Cleveland Coast SPA and Ramsar Site. The Site Improvement Plan<sup>30</sup> for the SPA also identifies public access and disturbance as a pressure and threat to the SPA, and identifies the creation of safe

<sup>23</sup> M. Ruddock & D.P. Whitfield (2007). A Review of Disturbance Distances in Selected Bird Species. A report from Natural Research (Projects) Ltd to Scottish Natural Heritage.

<sup>24</sup> S.K Finneya, J.W Pearce-Higginsa, D.W Yaldenb (2004). The effect of recreational disturbance on an upland breeding bird, the golden plover *Pluvialis apricaria*

<sup>25</sup> EARCE-HIGGINS, J. W., FINNEY, S. K., YALDEN, D. W. and LANGSTON, R. H. W. (2007), Testing the effects of recreational disturbance on two upland breeding waders. *Ibis*, 149: 45–55.

<sup>26</sup> Linaker, R. (2012). Recreational Disturbance at the Teesmouth and Cleveland Coast European Marine Site. Bird disturbance field work Winter 2011/2012

<sup>27</sup> Liley, D. & Fearnley, H. (2011). Bird Disturbance Study, North Kent 2010/11. Footprint Ecology.

<sup>28</sup> Gill, J.A., Sutherland, W.J. & Norris, K. (1998). The consequences of human disturbance for estuarine birds. *RSPB Conservation Review* 12: 67-72.

<sup>29</sup> Thomas, K., Kvittek, R. G. & Bretz, C. (2003). Effects of human activity on the foraging behaviour of sanderlings *Calidris alba*. *Biological Conservation* 109: 67-71

<sup>30</sup> Natural England (2014). Site Improvement Plan Teesmouth and Cleveland Coast.

roosting sites and the management of recreational use as a suitable management measure to respond to this.

## Potential for adverse effects on site integrity

### North York Moors SAC and SPA

- 6.4.13 It is recognised that, increased recreational use of the North York Moors could lead to impacts on the habitats for which the site has been designated, for example as a result of trampling and eutrophication associated with the use of the site by dog walkers. Such activities could also result in increased disturbance of SPA bird species.
- 6.4.14 There are two broad tranches of policies within the Publication Local Plan that could lead to increased recreational use of the North York Moors: those policies which promote the recreational use of the moors as a tourism destination for both residents of the Local Plan area and tourist visitors (ED11, ED12, REG1, ED9, TA4); and those policies which promote locations for residential development (H3.1 to H33.1, H5, H6), leading to a net increase in residents within the borough.
- 6.4.15 It is not possible to quantify the potential effects of tourism promoting policies, as (with the exception of Policy REG1) no allocations are proposed and numeric information on potential increases in tourist visits to the European Sites is not available.
- 6.4.16 In the case of residential development, the proposed housing allocations (policies H3.1 to H33.1) support an anticipated increase in the population of RCBC of 250 people per annum across the local plan period. This equates to population growth across the plan period equivalent to up to 4250 new residents. This is a relatively modest level of growth compared to many parts of the country and reflects the RCBC aspiration to deliver sustainable population growth.
- 6.4.17 The combined effects of tourism and housing allocation policies are difficult to quantify. Given they will encourage access into the North York Moors and will lead to increased numbers of residents living near to the North York Moors, there is the potential for these aspects of the Publication Local plan to contribute to increased recreational impacts on the SAC and SPA qualifying interests. A review of other Local Plans (see Section 5) identifies that several of these include policies promoting the recreational use of the North York Moors National Park (which includes the SPA and SAC within its boundary).
- 6.4.18 All of the Local Plans for adjoining local authorities also identify, or are likely to identify, an aspiration to increase the number of residents living in the relevant Local Plan area. As such, the potential for recreational impacts arising from the RCBC Publication Local Plan needs to be considered in-combination with potential similar effects arising from other local plans.
- 6.4.19 It should be noted that the latest condition assessments for the component SSSI's of the North York Moors SPA and SAC identify that the majority of the site is in an 'unfavourable recovering' condition. The identified causes are largely linked to the management of the Moors, with the level of burning and other management activities having detrimentally affected the ecological value of the habitats present. The most recent condition assessment indicates that many of these factors are now being reversed.
- 6.4.20 In light of the above, it is considered that the policies contained within the Publication Local Plan when considered in isolation are unlikely to result in adverse effects on the integrity of the North York Moors SPA and SAC, due to the relatively low increase in recreational pressure that would arise and in consideration of the existing measures in place (see below). However, when considered in combination with the potential for other Local Plans in the administrative areas surrounding the National Park to result in an increase in recreational use of the site, the potential for **adverse effects on integrity** of the SPA and SAC cannot be discounted.

### **Teesmouth and Cleveland Coast SPA and Ramsar Site**

- 6.4.21 Increased recreational use of the Teesmouth and Cleveland Coast SPA and Ramsar site could lead to increased disturbance of the bird species for which the sites have been designated.
- 6.4.22 There are two broad tranches of policies within the Publication Local Plan that could lead to increased recreational use of the Teesmouth and Cleveland Coast SPA and Ramsar site: those policies which promote the recreational use of the moors as a tourism destination for both residents of the Local Plan area and tourist visitors (ED11, ED12, ED13, REG1, ED9, TA4); and those policies which promote locations for residential development (H3.1 to H33.1, H5, H6), leading to a net increase in residents within the borough.
- 6.4.23 It is not possible to quantify the potential effects of tourism promoting policies, as (with the exception of Policy REG1) no allocations are proposed and numeric information on potential increases in tourist visits to the European Sites is not available.
- 6.4.24 In the latter case, the proposed housing allocations (policies H3.1 to H3.30) support an anticipated increase in the population of RCBC of 250 people per annum across the local plan period. This equates to a population growth across the plan period equivalent to up to 4250 new residents. This is a relatively modest level of growth compared to many parts of the country and reflects the RCBC aspiration to deliver sustainable population growth.
- 6.4.25 Consultation with Natural England and a review of other HRA's conducted by surrounding local authorities<sup>31</sup> has suggested that a 6 km 'significance threshold' can be applied when considering the potential for new housing allocations to lead to increased recreational impacts on the SPA and Ramsar Site. This threshold is considered to represent the distance within which approximately 75% of the visitors to the Teesmouth and Cleveland Coast SPA and Ramsar Site are likely to originate. As such, an analysis has been completed to assess the level of housing growth identified in the Local Plan via Publication Policies H3.1 to H3.30 that would take place within the 6 km 'significance threshold' area.
- 6.4.26 Table 11, below identifies the housing allocations that are located within 6 km of the Teesmouth and Cleveland Coast SPA and Ramsar Site and the potential extension to the SPA. These are shown on Figure 2. The approximate number of residents likely to be associated with each development has been calculated based on the average household size for the Redcar and Cleveland area as reported in the 2011 Census figures (2.24 people per residential unit), multiplied by the number of forecast units. This provides a forecast for the number of new residents expected within 6 km of the Teesmouth and Cleveland Coast SPA and Ramsar site.

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<sup>31</sup> Sunderland City Council (2016). South Sunderland Growth Area: Draft Supplementary Planning Document, HRA Appropriate Assessment.

Table 11: Housing allocations within 6 km of Teesmouth and Cleveland Coast SPA and Ramsar site.

Allocation	Site	Location	Number of Units	Approximate number of residents
H3.1	Low Grange Farm Strategic Site	South Bank	200	448
H3.2	Swan's corner	Nunthorpe	128	287
H3.3	Gypsy Lane	Nunthorpe	10	22
H3.5	Longbank Farm	Ormesby	320	717
H3.6	Spencerbeck Farm	Ormesby	61	137
H3.7	Normanby Hall	Normanby	25	56
H3.8	Normanby High Farm	Normanby	150	336
H3.9	Land at Former Eston Park School	Eston	100	224
H3.10	Corporation Road	Redcar	86	193
H3.11	St Hilda Church	Redcar	30	67
H3.12	Land adjacent to Rye Hills School	Redcar	30	67
H3.13	Wykeham Close	Redcar	35	78
H3.14	Grosmont Close	Redcar	12	27
H3.15	Roseberry Road	Redcar	10	22
H3.16	Land at Mickle Dales	Redcar	100	224
H3.17	West of Kirkleatham Lane	Redcar	550	1232
H3.18	Marske Road	Saltburn	116	260
H3.23	Home Farm	Skelton	47	105
H3.24	Stanghow Road	Skelton	10	22

Allocation	Site	Location	Number of Units	Approximate number of residents
REG3	Skelton	Skelton	200	448
<b>Totals</b>			<b>2220</b>	<b>4973</b>

- 6.4.27 The 2011 census for RCBC identifies a population size of 133,929 across the district. This includes areas outside the 6 km significance threshold for the SPA and Ramsar Site and is also now based on data that is five years old.
- 6.4.28 The predicted increase in population between the RCBC 2011 Census data (133,929 residents in all RCBC) arising from the housing allocations within 6 km of the SPA, as identified in Table 10, is 3.7%. The percentage change in population within 6 km of the SPA and Ramsar Site may be greater than this, as the Census population estimate relates to the entire Borough. As a result of the predicted increase in population and the associated predicted increase in visitor pressure, there is the potential for adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site. It should be noted that these calculations are indicative, as they are based on relatively historic population estimates and assume delivery of all the proposed housing allocations with an average density of 2.24 residents per unit.
- 6.4.29 The effects of the Publication Local Plan policies that promote tourism and tourism-related developments are difficult to quantify as no specific allocations are identified (other than Reg 1: Coatham), but given they directly promote increased access into the Teesmouth and Cleveland Coast SPA and Ramsar Site, there is the potential for these aspects of the Local plan to contribute to increased recreational impacts on the SPA and Ramsar site qualifying interests.
- 6.4.30 Increased disturbance of SPA and Ramsar site bird species could lead to increased mortality rates through a general reduction in fitness due to birds having to take flight more frequently or reduce feeding times in response to disturbance events. In the case of species that breed within the SPA, disturbance events could potentially also lead to reduced breeding success, either as a result of direct abandonment of young by parent birds or through adult birds being able to devote less resources to bringing up their young.

## Existing measures

### North York Moors SAC and SPA

- 6.4.31 Policies SD4, N4 and ED6 of the Publication Local Plan include strict policy wording identifying that development will only be permitted where it can be demonstrated there will be no adverse effects on any European Site, or as a last resort that the development demonstrates it is of overriding public interest and suitable compensatory measures can be provided.
- 6.4.32 Core Policy C of the North York Moors National Park Core Strategy sets out measures for the conservation of the natural environment, biodiversity and geodiversity. It specifically identifies that proposals that would lead to adverse effects on the integrity of European Sites will not be permitted.

- 6.4.33 The North York Moors Management Plan<sup>32</sup> includes a target for an increase in annual visitors of 1.6 million between 2012 and 2017. The Management Plan also identifies that there is potential for an increase in recreational visits to the Park to impact upon the special wildlife interests that occur there, including those associated with the North York Moors SPA / SAC and constituent SSSI. The National Park Authority identify in the Management plan that it is considered the Park can accommodate significant increases in recreational usage, in light of the implementation of existing policies and controls and with the implementation of measures contained within the Management Plan that are designed to minimise impacts on the ecology of the Park.
- 6.4.34 The National Park Authority also currently deliver a number of measures to manage recreational pressures at the Park, as follows:
- Interpretation boards across the Park and interpretation provided at visitor centres encourages people to act in a way which will not harm habitats and wildlife;
  - Maintenance of a network of public rights of way which provide sustainable means of access into and through the Park;
  - Production and promotion of 'The Moors Message', the countryside code for the North York Moors, which provides users of the National Park with advice as to how they can reduce the impact of their visit. Specific advice is given in relation to the use of footpaths and keeping dogs under effective control;
  - The National Park Authority has powers to impose Traffic Regulation Orders in instances where vehicular use is damaging the National Park's special qualities; and
  - The National Park Authority work closely with Natural England, landowners, and environmental organisations such as the Hawk and Owl Trust (also a landowner within the Park).

#### **Teesmouth and Cleveland Coast SPA and Ramsar Site**

- 6.4.35 Policies SD4, N4 and H3 of the Publication Local Plan include strict policy wording identifying that development will only be permitted where it can be demonstrated there will be no adverse effects on any European Site, or as a last resort that the development demonstrates it is of overriding public interest and suitable compensatory measures can be provided.
- 6.4.36 Policy N3 identifies that RCBC will seek contributions from developers towards the provision of open green space and green infrastructure, either through on-site provision or via Developer Contributions. Such measures could divert a proportion of the potential increased recreational use of the SPA and Ramsar site, although would be unlikely to completely divert it, given the intrinsic and unique appeal of the coast.
- 6.4.37 Policy REG1 (Coatham) identifies that 'any proposal will be required to carry out a screening exercise to determine the need for Appropriate Assessment'. Policy LS2 of the Publication Local Plan promotes the ... 'sustainable use of the foreshore and dunes in the South Gare and Coatham Sands SSSI, Redcar Rocks SSSI and the Coatham Marsh Nature Reserve whilst protecting and enhancing the features of the Teesmouth and Cleveland Coast SPA/Ramsar site.
- 6.4.38 In relation to the proposed SPA extension at Coatham Marsh, this site is managed by Tees Valley Wildlife Trust for the benefit of nature conservation. Access to the reserve is encouraged, with a series of dedicated access points and footpaths through the reserve. It is

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<sup>32</sup> North York Moors National Park Authority (2012) North York Moors National Park Management Plan: a wider view

considered that the ongoing beneficial management of the reserve by the Tees Valley Wildlife Trust is likely to control any increased recreational use of this component of the SPA.

- 6.4.39 Natural England have produced the Teesmouth and Cleveland Coast Site Improvement Plan<sup>33</sup>, which sets out a range of measures to address existing pressures on the site and to deliver improvements in its condition. RCBC is identified as a delivery partner for a number of these measures, such as the management of recreational pressures and the development and implementation of a Foreshore Management Plan within the district. It is understood that production of the Foreshore Management Plan will be commenced in 2017, following from work currently being undertaken to better understand recreational impacts on the site and to inform the implementation of appropriate mitigation and management.
- 6.4.40 INCA have produced a European Marine Site (EMS) Code of Conduct for the Teesmouth and Cleveland Coast SPA and Ramsar site, in partnership with a range of organisations including RCBC. This sets out measures that users of the marine site, such as bait-diggers, dog walkers and horse-riders can follow to reduce recreational impacts on birds and habitats within and adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar Site.
- 6.4.41 Little tern were recorded attempting to breed at Coatham Sands in 2014 and 2015, for the first time since 2005. In coordination with INCA and supported by funding from the EU Life Project<sup>34</sup> the Redcar and Cleveland Countryside Service fenced off the breeding site and provided wardening to protect the nesting area. It is understood that similar measures were instigated in 2016.
- 6.4.42 The measures described above provide a series of mechanisms by which potential adverse effects arising from increased recreational use of Teesmouth and Cleveland Coast SPA and Ramsar site could be avoided, reduced and / or mitigated. The implementation and effectiveness of some of the measures described above is however uncertain.
- 6.4.43 Natural England previously provided a consultation response to the 2013 RCBC draft Local Plan and accompanying HRA. They identified that increased recreational disturbance arising from housing allocations and other sources could best be managed by a strategic approach, delivered by all the local authorities surrounding the Teesmouth and Cleveland Coast SPA and Ramsar Site.

### Conclusions regarding the potential for adverse effects

- 6.4.44 Given the existing measures in place to manage both existing and possible future increases in recreational use of the North York Moors, **no adverse effects** to the North York Moors SPA or SAC are anticipated.
- 6.4.45 Given the proximity of a number of housing allocations to the Teesmouth and Cleveland Coast SPA and Ramsar Site, and given the uncertainties over the potential effects of tourism related policies and existing mitigation measures, there is the **potential for adverse effects** to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site. Consideration of additional mitigation measures is provided in Section 7 of this Appropriate Assessment.

## 6.5 Air quality effects

### Background

- 6.5.1 The main pollutants of concern are oxides of nitrogen (NO<sub>x</sub>), ammonia (NH<sub>3</sub>) and sulphur dioxide (SO<sub>2</sub>). NO<sub>x</sub> can have a directly toxic effect upon vegetation. In addition, greater NO<sub>x</sub> or ammonia concentrations within the atmosphere will lead to greater rates of nitrogen

<sup>33</sup> Natural England (2014). Site Improvement Plan Teesmouth & Cleveland Coast

<sup>34</sup> LIFE is the EU's financial instrument supporting environmental, nature conservation and climate action projects throughout the EU.

deposition to soils. An increase in the deposition of nitrogen from the atmosphere to soils is generally regarded to lead to an increase in soil fertility, which can have a negative effect on the quality of semi-natural, nitrogen-limited terrestrial habitats.

- 6.5.2 Heathland habitats have been identified as one habitat type which can be adversely affected by nitrogen and acid deposition, with reductions in cover of desirable plant species such as heather and increases in less desirable species such as purple moor grass *Molinia caerulea*.<sup>35</sup>
- 6.5.3 Policies promoting continued industrial activity around the Tees, and policies which could lead to increased amounts of vehicle traffic accessing areas within 200 m of the designated sites, could lead to increased deposition of nitrogen and other air pollution effects on habitats within the Teesmouth and Cleveland Coast SPA and Ramsar Site.
- 6.5.4 The NE Site Improvement Plans for both the North York Moors SAC / SPA and the Teesmouth and Cleveland Coast SPA and Ramsar Site identify that the impact of atmospheric nitrogen deposition may be an issue in relation to some of the interest features.

### Potential for adverse effects on site integrity

- 6.5.5 In the case of heathland habitats that are qualifying interests of the North York Moors SAC and are used by SPA bird species, this could lead to changes in the structure of the heathland communities present. Such changes could be detrimental to the heathland habitats and reduce the suitability of these for use by ground-nesting merlin and/or golden plover.
- 6.5.6 In the case of the Teesmouth and Cleveland Coast SPA and Ramsar Site, increases in nitrogen deposition and sulphur deposition and emissions of other pollutants could reduce water quality within the river and estuarine habitats.

### Existing protective measures

- 6.5.7 The trend for air quality in the UK has been, for several decades, generally improving. This has occurred as a result of reductions in emissions across a range of industries and other groups, with reductions in emissions of ammonia, sulphur dioxide and nitrogen oxides<sup>36</sup>. There are also increasingly tight restrictions regarding emissions from motor vehicles, with significant reductions in the level of pollutants emitted having been achieved over recent decades. Further improvements are anticipated as a result of the introduction of the new Euro 6 standard<sup>37</sup>. There are also a series of government policies that promote the purchase and use of low emission vehicles<sup>38</sup>.
- 6.5.8 Policy TA1 of the Publication Local Plan promotes demand management measures to maintain capacity on the public highway network, including the provision of public transport measures. Policies TA3 and TA4 also support the development of sustainable transport within the Local Plan area, including the promotion of improved rail and bus links and integration. These measures are explored in further detail in the RCBC adopted Local Transport Plan<sup>39</sup>.
- 6.5.9 Policy ED6 includes strict policy wording requiring that any projects brought forward for development must avoid adverse effects to the integrity of European Sites. Any major emitting development would also require assessment under the UK environmental permitting regime, which assesses projects against the requirements of several pieces of UK legislation. The environmental permitting regime grants permits to the operators of waste facilities, power stations and other facilities and provides for ongoing regulation to ensure that environmental targets associated with issued permits are met. Any permits issued must consider the

<sup>35</sup> Centre for Ecology and Hydrology (undated). The Impacts of Acid and Nitrogen Deposition on Lowland Heath.

<sup>36</sup> Defra National Statistics Release (2015) Emissions of air pollutants in the UK, 1970 to 2014.

<sup>37</sup> <http://ec.europa.eu/environment/air/transport/road.htm>

<sup>38</sup> Department for Transport (May 2015). 2010 to 2015 government policy: transport emissions

<sup>39</sup> RCBC (2013). Local Transport Plan 3.



requirements of the Habitats Regulations, including consideration of potential in-combination effects<sup>40</sup>.

### Conclusions regarding the potential for adverse effects

- 6.5.10 The North York Moors are located greater than ten kilometres from the major safeguarded industrial areas in the vicinity of the Tees Estuary covered under Policy ED6 of the Publication Local Plan. As such, any increases in emissions arising from subsequent developments in those locations would be highly unlikely to lead to any perceptible effects on the North York Moors SPA and SAC, given the distances involved.
- 6.5.11 It is also considered unlikely that any significant increased atmospheric pollution resulting from increased use of motor vehicles would occur. The housing allocations contained within the Publication Local Plan are relatively modest, leading to a maximum predicted increase in population within RCBC of 2.3%. No housing or development allocations are located within 1 km of the SPA / SAC, and there is only one major trunk road (the A171) that passes within 200 m of the North York Moors SPA and SAC, with less than 1% of the SAC / SPA (by area) located within 200 m of the A171. According to the Department of Transport's Transport Analysis Guidance, "Beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant"<sup>41</sup>.
- 6.5.12 Taking into account the factors set out above and the existing measures described in paragraph 6.5.7 to 6.5.9, it is considered that there will be **no adverse effects to the integrity** of the North York Moors SAC and SPA in relation to air quality effects resulting from the Publication Local Plan.
- 6.5.13 Policy ED6 of the Publication Local Plan allocates large extents of land adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar Site for industrial development. It is impossible to predict with certainty what further development uses may come forward over the plan period, but it is noted that there are a number of other projects which will lead to emissions to air, that are at various stages of the planning process and could result in air quality impacts to the Teesmouth and Cleveland Coast SPA and Ramsar Site.
- 6.5.14 As Policy ED6 does not identify any specific projects with identifiable air quality impacts, the Policy in itself will not lead to adverse effects on the Teesmouth and Cleveland Coast SPA and Ramsar site. It is possible that such projects could however be brought forwards within ED6 allocated areas in future years, that would lead to such impacts. Any large scale industrial projects could also lead to air quality impacts as a result of increased road traffic during both their construction and operation.
- 6.5.15 Taking into account the existing regulatory regime and the existing measures contained within the Publication Local Plan requiring individual projects to undergo HRA screening and Habitats Regulations Assessment (as set out between paragraphs 6.5.7 and 6.5.9), **no adverse effects** to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site are anticipated.

## 6.6 Water supplies and water quality

- 6.6.1 A key issue that potentially affects both the Teesmouth and Cleveland Coast SPA / Ramsar site and the North York Moors SPA / SAC is water availability. Impacts on the hydrology of these sites could impact upon their qualifying interests. The Tees Valley Water Cycle Study provides an overview of water resource availability within the Local Plan area, with a summary of the findings set out below.

<sup>40</sup> DEFRA (2013). Environmental Permitting Guidance: Core guidance For the Environmental Permitting (England and Wales) Regulations 2010

<sup>41</sup> [www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf](http://www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf)

- 6.6.2 The Tees Valley Water Cycle Study<sup>42</sup> reports that there is adequate water availability within the Tees Valley to meet future water demand up to 2035 (according to the Water Resource Management Plans for both Northumbrian and Hartlepool Water). The majority of the available water is sourced from Northumbrian Water's Kielder Water Resources Zone (WRZ), which has 'surplus of supply to the forecast demands over the whole of the planning horizon', i.e. Northumbrian Water Ltd has calculated that there is sufficient water available in the Kielder WRZ to meet forecasted population increases until 2035.
- 6.6.3 The Tees Valley Water Cycle Study concludes that the Teesmouth and Cleveland Coast SPA / Ramsar (and Seal Sands SSSI) is coastal/estuarine/tidal in nature and therefore unlikely to be adversely impacted by water quality issues. Additional nutrient loading as a result of development is unlikely due to tighter treatment standards and the discharge would also be diluted by the tidal volume of the North Sea. It is therefore concluded that there would be no adverse effects on the designated site from proposed development within the Graythorpe Wastewater Treatment Works catchment (which covers the SPA / Ramsar site catchment).
- 6.6.4 The Teesmouth and Cleveland Coast SPA Site Improvement Plan<sup>43</sup> also identifies that whilst there are some residual issues, water quality within the SPA has improved significantly over recent years, due to a reduction in nutrient inputs and other pollutants.
- 6.6.5 The North York Moors SPA and SAC sit within a predominantly upland environment. A review of the North York Moors river catchments<sup>44</sup> shows that, as would be expected, these drain the moors as they flow towards more low-lying areas. The Redcar and Cleveland Local Plan area is located downstream of the North York Moors SPA and SAC, and as such there is no potential for increased nutrient loading or other water quality impacts from increased levels of development within the Local Plan area.
- 6.6.6 In light of the above, it is considered that the existing regulatory regime and the existing measures contained within the Publication Local Plan requiring individual projects to undergo HRA screening and Habitats Regulations Assessment will ensure that there will be **no adverse effects** to the integrity of European Sites in relation to water supply and water quality effects resulting from the Publication Local Plan.

## 6.7 Increased predation of SPA bird species by domestic cats

- 6.7.1 Domestic cats are recognised as a predator of British wildlife. A questionnaire survey of cat owners conducted by the Mammal Society in 2003<sup>45</sup> was used to assess the level of predation likely to result from the British domestic cat population. This study concluded that the British cat population (estimated at that time to be in the order of 9,000,000) had brought in the order of 92,000,000 prey items back to their owners properties over a four month period. A more recent study<sup>46</sup> in 2013 found that whilst hunting efficiency varied considerably between individual cats, the average number of prey items estimated to be killed per cat in Britain was 18.3 per annum.
- 6.7.2 These data indicate that predation of wildlife by domestic cats can be significant. Given that as many as 26% of British households may own one or more pet cats<sup>47</sup>, it is necessary to consider the potential for the increased number of households proposed under the Local Plan to lead to increased predation pressures on SPA bird species. In order to assess this, consideration has been given to the likely ranging distance of domestic cats, as assessed

<sup>42</sup> URS (2012). Tees Valley Water Cycle Study. Prepared for Stockton-on-Tees Borough Council.

<sup>43</sup> Natural England (2014). Site Improvement Plan: Teesmouth and Cleveland Coast.

<sup>44</sup> <http://www.northyorkmoors.org.uk/discover/rivers>

<sup>45</sup> Woods, M., McDonald, R.M. & Harris, S. Predation of wildlife by domestic cats *Felis catus* in Great Britain

<sup>46</sup> Thomas RL, Fellowes MDE, Baker PJ (2012) Spatio-Temporal Variation in Predation by Urban Domestic Cats (*Felis catus*) and the Acceptability of Possible Management Actions in the UK. PLoS ONE 7(11)

<sup>47</sup> Veterinary Record 2010;166:163-168 doi:10.1136/vr.b4712

J. K. Murray, BScEcon, MSc, PhD, W. J. Browne, BSc, MSc, PhD, M. A. Roberts, BVM&S, MRCVS, A. Whitmarsh and T. J. Gruffydd-Jones, BVetMed, PhD, MRCV. Number and ownership profiles of cats and dogs in the UK. *Veterinary Record* 2010;166:163-168 doi:10.1136/vr.b4712

through a review of relevant literature, combined with an assessment of the proximity of the Publication Local Plan housing allocations to the North York Moors SPA / SAC and the Teesmouth and Cleveland Coast SPA and Ramsar site.

- 6.7.3 The ranging distance of domestic cats has been reported to vary from between 300 - 400m<sup>48</sup> to as much as 1.3 km<sup>49</sup>. The evidence gathered suggests that for the majority of domestic cats, particularly in urban areas, the distances travelled regularly will be less than this. Natural England have previously advised that it is not usually possible to rule out the potential for adverse effects on European Sites designated for their bird interest for residential development proposed within 400 m of these.
- 6.7.4 An analysis of the proposed housing allocations within the Publication Local Plan identifies that the closest to any European Site is H3.11 (Corporation Road), which is located approximately 600 m from the proposed Coatham Marsh extension to the Teesmouth and Cleveland Coast SPA. This allocation is also separated from Coatham Marsh by a number of roads and existing areas of developed land. In light of the distances between the proposed housing allocations and the European Sites, it is considered unlikely that any increase in the RCBC cat population associated with the proposed housing allocations will result in significant increases in predation of SPA bird species.
- 6.7.5 It is possible that sub-divisions of properties (Publication Local Plan Policy H5) and increases in houses in multiple occupation (Publication Local Plan Policy H6) could also lead to increases in the cat population within RCBC. The locations where development would be brought forward under these policies cannot be known at this time. There are however very limited locations within RCBC where any such properties could be brought forward and be within 400 m of an SPA, as the majority of development limits for housing are set in excess of 400 m from SPA locations and in the case of the North York Moors SPA in excess of 1 km.
- 6.7.6 In light of the above **no adverse effects** to the integrity of European Sites are expected as a result of the proposed Local Plan housing policies H3, H5 or H6, either alone or in combination with other plans or projects.

## 6.8 Summary

- 6.8.1 Table 12, below, summarises the findings of the Appropriate Assessment. It sets out which of the potential impacts arising from the Publication Local Plan policies are considered to have potential to lead to adverse effects on the integrity of the European Sites, and which are not.

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<sup>48</sup> Rebecca L. Thomas & Philip J. Baker & Mark D. E. Fellowes. Ranging characteristics of the domestic cat (*Felis catus*) in an urban environment. Urban Ecosystems 2014 DOI 10.1007/s11252-014-0360-5

<sup>49</sup> Turner, D.C. & Meister, O. (1988). Hunting behaviour of the domestic cat. In The Domestic Cat: the Biology of its Behaviour (ed. Turner, D.C. & Bateson, P.). Cambridge University Press.

Table 12: Findings of Appropriate Assessment

Potential Impact Pathways with LSE	Potential for adverse effects to site integrity?
Direct landtake from within and adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar Site	No
Potential for development in areas adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar Site to result in disturbance and displacement of SPA bird species.	No
Increased recreational disturbance (as a result of increased numbers of local residents and/or increased tourism activity) of habitats within the North York Moors SAC, and of the bird species that are the qualifying interests of the North York Moors SPA and the Teesmouth and Cleveland Coast SPA and Ramsar Site;	Yes
Air quality impacts arising from emissions from increased motor vehicle traffic and/or increased levels of emitting developments in the vicinity of the North York moors SAC / SPA or Teesmouth and Cleveland Coast SPA and Ramsar site	No
Increased demand on local water supplies, leading to diminished ground and/or surface water availability that affects water balance in the European Sites.	No
Increased pressure on Waste Water Treatment Works as a result of new development, leading to decreased water quality in the tidal and marine sections of the Teesmouth and Cleveland Coast SPA and Ramsar Site or in watercourses within the North York Moors SPA / SAC	No
Increased predation of SPA bird species by domestic cats as a result of increased numbers of residents, a proportion of whom are likely to be cat owners, adjacent to the SPA and Ramsar sites.	No

## 7 Recommendations

### 7.1 Overview

- 7.1.1 This section of the report provides recommendations for additional measures that could be employed to avoid, reduce or otherwise mitigate potential residual adverse effects on the integrity of European Sites. Adverse effects may arise in relation to recreational impacts associated with increases in the local population or increased tourism.

### 7.2 Recommendations for further measures

- 7.2.1 The Appropriate Assessment conducted in Section 6 of this report has identified the potential for the Publication Local Plan policies to result in adverse effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site. Adverse effects are predicted to arise in relation to increased recreational disturbance arising from increased numbers of residents and increased tourism activity within the RCBC area.

#### Recreational disturbance

- 7.2.2 The Appropriate Assessment in Section 6 has identified the potential for the policies contained in the Publication Local Plan to increase recreational impacts upon the Teesmouth and Cleveland Coast SPA and Ramsar site bird species. This could arise as a result of increased recreational use of coastal habitats within and adjacent to the SPA by new residents and by increased numbers of tourists. In order to be confident that adverse effects on the integrity of the SPA / Ramsar site are avoided, a number of measures are recommended. Several of these are already being progressed.
- 7.2.3 These recommended measures are set out below. The work described below will be captured in an RCBC strategy document (working title: Teesmouth and Cleveland Coast SPA and Ramsar Recreational Mitigation Strategy). This will set out the overall approach to be adopted by RCBC in relation to recreational impacts, with reference to other underpinning documents such as the proposed Foreshore Management Plan, where necessary.

### Engagement with relevant stakeholders

- 7.2.4 Further consultation is proposed with Natural England to discuss the sensitivities of the publicly accessible sections of the Teesmouth and Cleveland Coast SPA and Ramsar site within the Local Plan area and to discuss potential measures to address any increased recreational activity that may arise as a result of the Local Plan housing and tourism policies. Further engagement with INCA is also recommended, given their experience in relation to the Teesmouth and Cleveland Coast SPA and Ramsar site and their role in coordinating the EMS Management Plan. Engagement with the RSPB is also likely to be beneficial, given their role in managing parts of the SPA and the information they hold on bird distribution across parts of the SPA.
- 7.2.5 It is also understood that as part of proposals for the expansion of the Teesmouth and Cleveland Coast SPA, Natural England and partners, as the Tees Estuary Partnership which includes local authorities that border the site, are involved in the preparation of a Framework which will consider wider strategic approaches to management across the entire site. It is understood that this will include consideration of recreational impacts<sup>50</sup> (referred to as The Tees Estuary Strategic Framework for the remainder of this report).
- 7.2.6 RCBC is committed to engaging with the Tees Estuary Strategic Framework and the opportunities it will provide for a strategic approach to the management of the SPA and potential impacts upon it. It is anticipated that The Tees Estuary Strategic Framework will feed down to the various local authorities, landowners and NGO's with interests in the SPA and adjoining land. RCBC will continue to engage with this process. It is hoped that the Framework will provide opportunities to consider recreational effects on the SPA across all adjoining Local Authorities.
- 7.2.7 The Tees Estuary Strategic Framework also provides a mechanism for determining where additional survey effort of SPA bird species is required across the entire estuary, and for sharing existing data. This will support the identification of where survey effort should be delivered within the RCBC Local Plan area, to meet wider strategic needs.
- 7.2.8 RCBC Officers have met with Natural England to discuss the Teesmouth and Cleveland Coast Ramsar site on several occasions since publication of the draft Local Plan. This engagement will continue via the Tees Estuary Partnership and bespoke meetings with NE when beneficial.
- 7.2.9 RCBC are also working with INCA in relation to bird disturbance, primarily in relation to impacts arising from recreation. This work is at a relatively early stage, but is beginning to identify additional sources of existing information on bird disturbance at the Tees Estuary. Engagement with INCA is also beginning to clarify requirements for and implement measures to collect additional bird survey and disturbance data to inform measures to manage recreational disturbance impacts.

### Foreshore Management Plan

- 7.2.10 RCBC are identified in the Teesmouth and Cleveland Coast Site Improvement Plan as the intended author of the Foreshore Management Plan for Redcar and Cleveland. It is recommended that production of this report is progressed in parallel with examination and submission of the Local Plan.
- 7.2.11 The Foreshore Management Plan (FMP) will need to be informed by further development of the Tees Estuary Strategic Framework. It is expected that this would cover a range of aspects relevant to the Teesmouth and Cleveland Coast SPA and Ramsar site, as set out in Table 13, below.

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<sup>50</sup> Andrew Whitehead, pers. Comm. April 24<sup>th</sup> 2016 and local authority meeting with Natural England 17<sup>th</sup> November 2016

Table 12: Recommended Topic Items for Foreshore Management Plan

Topic Area	Description
Coverage of Foreshore Management Plan	This section would set out the spatial area and management activities included in the FMP, including an overview of nature conservation activities
Designated Sites description	This section would set out the designated sites within and adjacent to the areas covered by the FMP. It would include a description of the Teesmouth and Cleveland Coast SPA and Ramsar site, including reference to the qualifying interests and conservation objectives.
Aims and objectives in relation to the Teesmouth and Cleveland Coast SPA and Ramsar Site.	<p>This section of the FMP would set out the objectives of the FMP in relation to the SPA and Ramsar site qualifying interests and conservation objectives. It is envisaged that the aims and objectives in relation to the SPA will be broadly as follows:</p> <ul style="list-style-type: none"> <li>▪ Avoid and manage recreational impacts on SPA and Ramsar site qualifying interests;</li> <li>▪ Monitor and, where appropriate manage, SPA and Ramsar habitats within the FMP area;</li> <li>▪ Monitor and, where appropriate manage, the potential impacts of climate change and coastal squeeze on SPA and Ramsar site bird species.</li> <li>▪ Monitor the use of the SPA and Ramsar site within the FMP area by qualifying interest bird species;</li> <li>▪ Monitor the effectiveness of mitigation and management measures in relation to the SPA and Ramsar site.</li> </ul>
Bird monitoring	This section of the FMP would include a specification for monitoring of SPA and Ramsar bird species. It is envisaged that any monitoring proposed would be specified based on wider survey and monitoring requirements emerging from the Tees Strategic Framework. Any monitoring proposed will also need to address specific RCBC requirements.
Habitat Monitoring and Management	This section of the FMP would set out measures proposed to monitor the condition of SPA and Ramsar site habitats within the FMP area. Any management measures to be included within the FMP would also be set out here.
Monitoring and management of coastal squeeze and climate change	This section of the FMP would set out RCBC's approach to monitoring and managing the effects of climate change and coastal squeeze. Consideration would be given to the work of the Environment Agency, Marine Management Organisation and other stakeholders in this area, to minimise duplication of effort with other organisations.

Topic Area	Description
<p>Management of recreational impacts</p>	<p>This section of the FMP would set out measures to monitor and manage recreational impacts upon SPA bird species. It is envisaged that this would include, but not be limited to, the following broad measures:</p> <ul style="list-style-type: none"> <li>▪ Wardening to monitor disturbance of SPA and Ramsar site bird species and provide advice and guidance to foreshore users;</li> <li>▪ Use of zoning to restrict particularly disturbing activities within and adjacent to the SPA and Ramsar site and important supporting habitats;</li> <li>▪ The use of relevant byelaws, for instance restricting dog access onto the foreshore at certain times of the year and/or in certain locations;</li> <li>▪ Protocols for the use of fencing of key sensitive locations and / or at certain times of the year; and</li> <li>▪ Provision of permanent and seasonal interpretation materials, providing advice to users of the foreshore on best practice use of the foreshore.</li> </ul> <p>Further details on potential measures to avoid and manage recreational impacts are provided below.</p>

### Wardening and Zoning

- 7.2.12 Consideration will be given to continuing and potentially expanding wardening of publicly accessible coastal habitats within the SPA and Ramsar site within the RCBC jurisdiction. Wardening at Crimdon Dene and more recently at Coatham Sands and South Gare has been shown to assist with maintaining the favourable conservation status of SPA and Ramsar site bird species whilst allowing sensitive recreational use of coastal habitats within the SPA and Ramsar site to continue.
- 7.2.13 Consultation with Natural England<sup>51</sup> identified that consideration could also be given to zoning certain parts of the beach at Coatham Sands and South Gare, in order to control the locations where more disturbing activities can take place. Such measures will be considered through development of the proposed FMP and coordinated with the Tees Estuary Framework.
- 7.2.14 Such measures could be funded via Developer Contributions, collected from new residential and tourism-related development. Collections could be sought from within the 6 km 'significance threshold' distance from the SPA (see paragraph 6.4.25, above for a description of the significance threshold).

### Interpretation

- 7.2.15 A number of existing measures are currently in place to provide users of the Teesmouth and Cleveland Coast SPA and Ramsar Site with information on how they can minimise their environmental impact whilst using coastal habitats within and adjacent to the European Site. It is recommended that additional interpretive materials to encourage the sustainable use of the SPA and foreshore be provided.

<sup>51</sup> Andrew Whitehead, pers. Comm. May 20<sup>th</sup> 2016.



- 7.2.16 This could include measures integrated with the provision of wardening and zoning recommended above, such as the use of temporary signage to divert beach users away from sensitive areas and further emphasise existing byelaws relating to dog control and other aspects of beach usage. Wardens could also be trained to engage with members of the public to discourage behaviour leading, or likely to lead, to significant disturbance of SPA and other bird species. Permanent interpretation boards could also be used at key access points onto the foreshore.

### 7.3 Appropriate Assessment

- 7.3.1 Further work will be required to develop the measures set out above to ensure they are proportionate and effective in relation to the potential increases in recreational pressure that may arise as a result of the Publication Local Plan. The suitable development and appropriate implementation of these measures will be captured via the proposed Teesmouth and Cleveland Coast SPA and Ramsar Recreational Mitigation Strategy and supporting Foreshore Management Plan. Subject to delivery of this, it is considered that there will be **no adverse effects** to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site arising from Local Plan recreational impacts, including in-combination with other plans and projects.

## 8 Conclusions

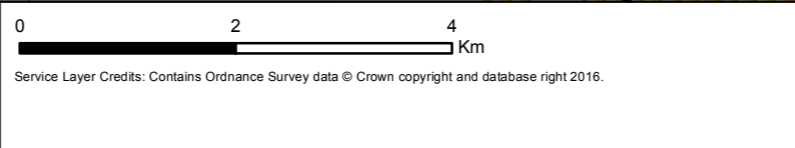
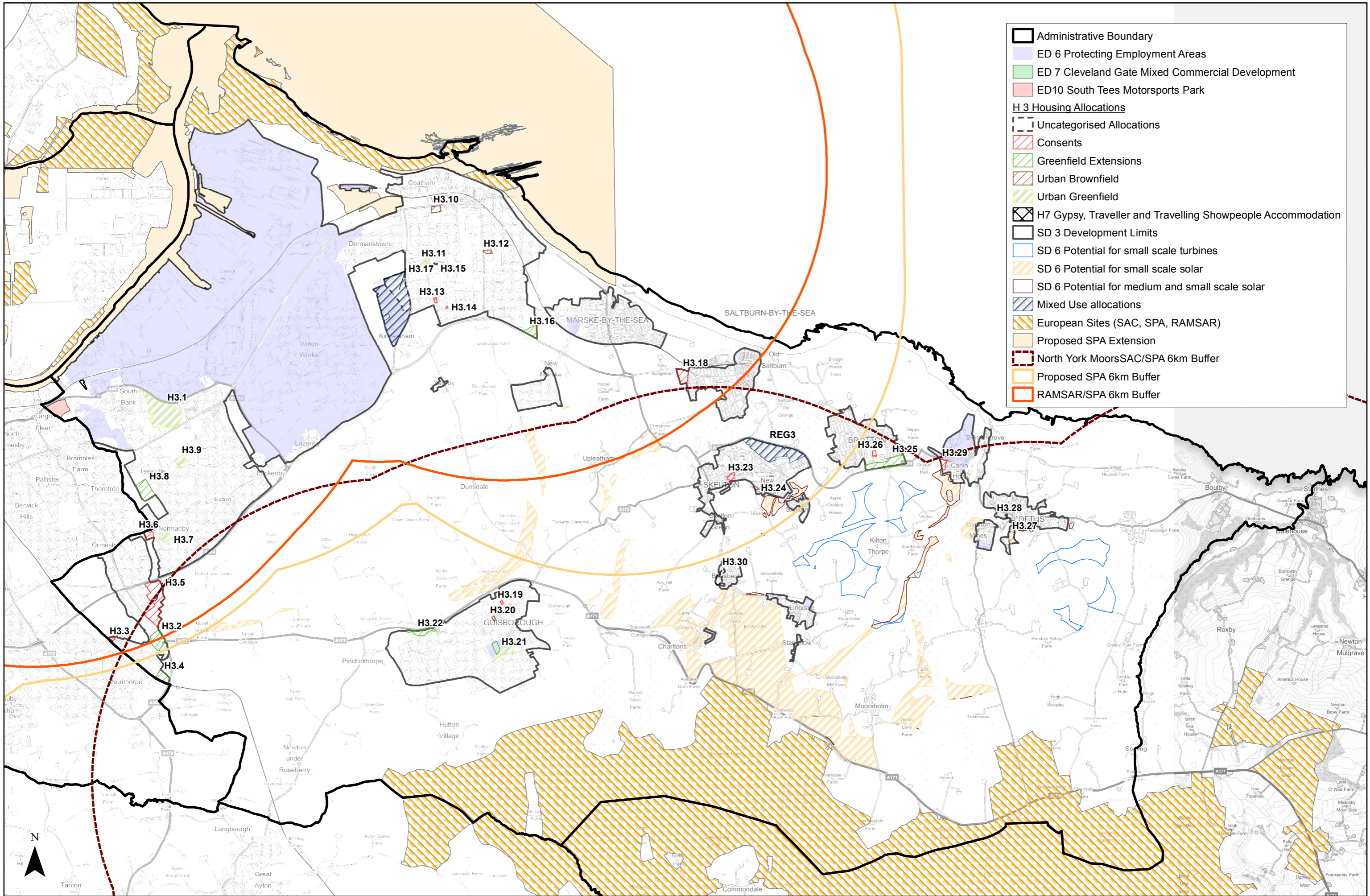
- 8.1.1 The draft Local Plan HRA Screening Report<sup>52</sup> identified that policies within the RCBC that could lead to Likely Significant Effects (LSE) on one or more European Sites. The sites considered at risk were the North York Moors SAC and SPA and the Teesmouth and Cleveland Coast SPA and Ramsar site. In accordance with the requirements of the Habitats Regulations, this Appropriate Assessment report has considered the potential for those policies to lead to adverse effects on the integrity of the identified European Sites.
- 8.1.2 In order to assess the potential for adverse effects to occur, the potential impact pathways that could arise from each policy within the draft Local Plan have been identified and grouped together. It is a requirement of the Habitats Regulations that plan and projects are assessed 'in-combination' with other plans and projects. As such, other key plans and projects that could act 'in-combination' with the policies in the Publication Local plan have been identified and included in the assessment.
- 8.1.3 The assessment of potential impact pathways associated with each Publication Local Plan policy with LSE identified the following potential impact pathways that could lead to adverse effects on the integrity of one or more European Sites:
- Direct Landtake from within and adjacent to the Teesmouth and Cleveland Coast SPA and Ramsar Site;
  - Disturbance and / or displacement of SPA and Ramsar site bird species resulting from nearby development allocations;
  - Increased recreational disturbance of habitats and species;
  - Air quality impacts arising from industrial development and increased numbers of motor vehicle journeys and associated emissions;
  - Increased demand for water supplies and increased pressure on waste water treatment systems arising from new development and increased numbers of residents within the borough; and
  - Heightened predation of SPA bird species as a result of an increased population of domestic cats associated with new residents in new housing allocations.
- 8.1.4 This Appropriate Assessment has concluded that direct landtake, disturbance and displacement, air quality impacts, increased demand for water supplies and waste water treatment and heightened predation from domestic cats **would not lead to adverse effects** on the integrity of any European Sites.
- 8.1.5 The Teesmouth and Cleveland Coast SPA and Ramsar site could be subject to increased recreational disturbance and it is considered that **an adverse effect** to the integrity of the European Site could occur.
- 8.1.6 Measures have been proposed in Section 7 of this report that, subject to suitable development and implementation, would avoid, control or otherwise mitigate potential residual adverse effects. Further consultation with Natural England and other relevant stakeholders has been recommended, to support the development of these measures. Detailed development of these measures will be captured under the proposed Teesmouth and Cleveland Coast SPA and Ramsar Recreational Mitigation Strategy.

<sup>52</sup> Peter Brett Associates (2015). Habitats Regulations Assessment Screening Report, Redcar and Cleveland Draft Local Plan.

- 8.1.7 Once such measures have been developed, these will be incorporated into a Supplementary Planning Document or another suitable document, if required in addition to the proposed Foreshore Management Plan. Subject to agreement of these measures with Natural England and their implementation, the Local Plan will not lead to adverse effects on any European Site and no further HRA work is considered necessary in support of the Local Plan process.

## Figures

Figure 2: European Sites and Publication Local Plan policy allocations



Client:  
 Redcar and Cleveland District Council

1:70,000 @ A3  
 31/10/16  
 Drawn: CM/DRL  
 Checked: CP

Redcar and Cleveland Local Plan Allocations

Figure 2 Rev F

# Appendix A European Site Citations

# NATURA 2000 – STANDARD DATA FORM

## **Special Areas of Conservation under the EC Habitats Directive (includes candidate SACs, Sites of Community Importance and designated SACs).**

Each Natura 2000 site in the United Kingdom has its own Standard Data Form containing site-specific information. The data form for this site has been generated from the Natura 2000 Database submitted to the European Commission on the following date:

22/12/2015

The information provided here, follows the officially agreed site information format for Natura 2000 sites, as set out in the [Official Journal of the European Union recording the Commission Implementing Decision of 11 July 2011](#) (2011/484/EU).

The Standard Data Forms are generated automatically for all of the UK's Natura 2000 sites using the European Environment Agency's Natura 2000 software. The structure and format of these forms is exactly as produced by the EEA's Natura 2000 software (except for the addition of this coversheet and the end notes). The content matches exactly the data submitted to the European Commission.

Please note that these forms contain a number of codes, all of which are explained either within the data forms themselves or in the end notes.

Further technical documentation may be found here  
[http://bd.eionet.europa.eu/activities/Natura\\_2000/reference\\_portal](http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal)

As part of the December 2015 submission, several sections of the UK's previously published Standard Data Forms have been updated. For details of the approach taken by the UK in this submission please refer to the following document:  
[http://jncc.defra.gov.uk/pdf/Natura2000\\_StandardDataForm\\_UKApproach\\_Dec2015.pdf](http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf)

More general information on Special Areas of Conservation (SACs) in the United Kingdom is available from the [SAC home page on the JNCC website](#). This webpage also provides links to Standard Data Forms for all SACs in the UK.

Date form generated by the Joint Nature Conservation Committee  
25 January 2016.



# NATURA 2000 - STANDARD DATA FORM

For Special Protection Areas (SPA),  
Proposed Sites for Community Importance (pSCI),  
Sites of Community Importance (SCI) and  
for Special Areas of Conservation (SAC)

SITE UK0030228  
SITENAME North York Moors

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- [1. SITE IDENTIFICATION](#)
- [2. SITE LOCATION](#)
- [3. ECOLOGICAL INFORMATION](#)
- [4. SITE DESCRIPTION](#)
- [5. SITE PROTECTION STATUS AND RELATION WITH CORINE BIOTOPES](#)
- [6. SITE MANAGEMENT](#)

## 1. SITE IDENTIFICATION

<b>1.1 Type</b> B	<b>1.2 Site code</b> UK0030228	<a href="#">Back to top</a>
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### 1.3 Site name

North York Moors

<b>1.4 First Compilation date</b> 2001-03	<b>1.5 Update date</b> 2015-12
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### 1.6 Respondent:

**Name/Organisation:** Joint Nature Conservation Committee  
**Address:** Joint Nature Conservation Committee Monkstone House City Road Peterborough  
PE1 1JY  
**Email:**

**Date site proposed as SCI:** 2001-03  
**Date site confirmed as SCI:** 2004-12  
**Date site designated as SAC:** 2005-04

**National legal reference of SAC designation:**

Regulations 11 and 13-15 of the Conservation of Habitats and Species Regulations 2010  
(<http://www.legislation.gov.uk/uksi/2010/490/contents/made>).

## 2. SITE LOCATION

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## 2.1 Site-centre location [decimal degrees]:

### Longitude

-0.904166667

### Latitude

54.40916667

## 2.2 Area [ha]:

44053.29

## 2.3 Marine area [%]

0.0

## 2.4 Sitelength [km]:

0.0

## 2.5 Administrative region code and name

### NUTS level 2 code

### Region Name

UKC1	Tees Valley and Durham
UKE2	North Yorkshire

## 2.6 Biogeographical Region(s)

Atlantic (100.0  
%)

## 3. ECOLOGICAL INFORMATION

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### 3.1 Habitat types present on the site and assessment for them

Annex I Habitat types						Site assessment			
Code	PF	NP	Cover [ha]	Cave [number]	Data quality	A B C D	A B C		
						Representativity	Relative Surface	Conservation	Global
4010			8163.07		G	A	C	B	A
4030			24057.5		G	B	B	B	A
7130	X		524.23		G	C	C	B	C

- **PF:** for the habitat types that can have a non-priority as well as a priority form (6210, 7130, 9430) enter "X" in the column PF to indicate the priority form.
- **NP:** in case that a habitat type no longer exists in the site enter: x (optional)
- **Cover:** decimal values can be entered
- **Caves:** for habitat types 8310, 8330 (caves) enter the number of caves if estimated surface is not available.
- **Data quality:** G = 'Good' (e.g. based on surveys); M = 'Moderate' (e.g. based on partial data with some extrapolation); P = 'Poor' (e.g. rough estimation)

## 4. SITE DESCRIPTION

#### 4.1 General site character

Habitat class	% Cover
N23	1.0
N08	73.0
N19	1.0
N16	2.0
N09	15.0
N06	1.0
N10	2.0
N17	1.0
N07	4.0
<b>Total Habitat Cover</b>	<b>100</b>

#### Other Site Characteristics

1 Terrestrial: Soil & Geology: nutrient-poor,acidic,sandstone,limestone,peat 2 Terrestrial: Geomorphology and landscape: upland,hilly

#### 4.2 Quality and importance

Northern Atlantic wet heaths with Erica tetralix for which this is considered to be one of the best areas in the United Kingdom. European dry heaths for which this is considered to be one of the best areas in the United Kingdom. Blanket bogs for which the area is considered to support a significant presence.

#### 4.3 Threats, pressures and activities with impacts on the site

The most important impacts and activities with high effect on the site

Negative Impacts			
Rank	Threats and pressures [code]	Pollution (optional) [code]	inside/outside [i o b]
H	M01		B
H	H04		B
H	I01		B
H	K04		I
H	J01		I

Positive Impacts			
Rank	Activities, management [code]	Pollution (optional) [code]	inside/outside [i o b]
H	B02		I
H	A04		I
H	A03		I
H	A02		I
H	B06		I

Rank: H = high, M = medium, L = low

Pollution: N = Nitrogen input, P = Phosphor/Phosphate input, A = Acid input/acidification,

T = toxic inorganic chemicals, O = toxic organic chemicals, X = Mixed pollutions

i = inside, o = outside, b = both

#### 4.5 Documentation

Conservation Objectives - the Natural England links below provide access to the Conservation Objectives (and other site-related information) for its terrestrial and inshore Natura 2000 sites, including conservation advice packages and supporting documents for European Marine Sites within English waters and for cross-border sites. See also the 'UK Approach' document for more information (link via the JNCC website).

Link(s): <http://publications.naturalengland.org.uk/category/6490068894089216>

<http://publications.naturalengland.org.uk/category/3212324>

[http://jncc.defra.gov.uk/pdf/Natura2000\\_StandardDataForm\\_UKApproach\\_Dec2015.pdf](http://jncc.defra.gov.uk/pdf/Natura2000_StandardDataForm_UKApproach_Dec2015.pdf)

## 5. SITE PROTECTION STATUS (optional)

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### 5.1 Designation types at national and regional level:

Code	Cover [%]	Code	Cover [%]	Code	Cover [%]
UK04	100.0				

## 6. SITE MANAGEMENT

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### 6.1 Body(ies) responsible for the site management:

Organisation:	Natural England
Address:	
Email:	

### 6.2 Management Plan(s):

An actual management plan does exist:

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No, but in preparation
<input checked="" type="checkbox"/>	No

### 6.3 Conservation measures (optional)

For available information, including on Conservation Objectives, see Section 4.5.

## EXPLANATION OF CODES USED IN THE NATURA 2000 STANDARD DATA FORMS

The codes in the table below are also explained in the [official European Union guidelines for the Standard Data Form](#). The relevant page is shown in the table below.

### 1.1 Site type

CODE	DESCRIPTION	PAGE NO
A	Designated Special Protection Area	53
B	SAC (includes candidates Special Areas of Conservation, Sites of Community Importance and designated SAC)	53
C	SAC area the same as SPA. Note in the UK Natura 2000 submission this is only used for Gibraltar	53

### 3.1 Habitat representativity

CODE	DESCRIPTION	PAGE NO
A	Excellent	57
B	Good	57
C	Significant	57
D	Non-significant presence	57

### 3.1 Habitat code

CODE	DESCRIPTION	PAGE NO
1110	Sandbanks which are slightly covered by sea water all the time	57
1130	Estuaries	57
1140	Mudflats and sandflats not covered by seawater at low tide	57
1150	Coastal lagoons	57
1160	Large shallow inlets and bays	57
1170	Reefs	57
1180	Submarine structures made by leaking gases	57
1210	Annual vegetation of drift lines	57
1220	Perennial vegetation of stony banks	57
1230	Vegetated sea cliffs of the Atlantic and Baltic Coasts	57
1310	Salicornia and other annuals colonizing mud and sand	57
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1330	Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	57
1340	Inland salt meadows	57
1420	Mediterranean and thermo-Atlantic halophilous scrubs (Sarcocornetea fruticosi)	57
2110	Embryonic shifting dunes	57
2120	Shifting dunes along the shoreline with Ammophila arenaria ("white dunes")	57
2130	Fixed coastal dunes with herbaceous vegetation ("grey dunes")	57
2140	Decalcified fixed dunes with Empetrum nigrum	57
2150	Atlantic decalcified fixed dunes (Calluno-Ulicetea)	57
2160	Dunes with Hippophila rhamnoides	57
2170	Dunes with Salix repens ssp. argentea (Salicion arenariae)	57
2190	Humid dune slacks	57
21A0	Machairs (* in Ireland)	57
2250	Coastal dunes with Juniperus spp.	57
2330	Inland dunes with open Corynephorus and Agrostis grasslands	57
3110	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	57
3130	Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoëto-Nanojuncetea	57
3140	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	57
3150	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	57

CODE	DESCRIPTION	PAGE NO
3160	Natural dystrophic lakes and ponds	57
3170	Mediterranean temporary ponds	57
3180	Turloughs	57
3260	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation	57
4010	Northern Atlantic wet heaths with Erica tetralix	57
4020	Temperate Atlantic wet heaths with Erica ciliaris and Erica tetralix	57
4030	European dry heaths	57
4040	Dry Atlantic coastal heaths with Erica vagans	57
4060	Alpine and Boreal heaths	57
4080	Sub-Arctic Salix spp. scrub	57
5110	Stable xerothermophilous formations with Buxus sempervirens on rock slopes (Berberidion p.p.)	57
5130	Juniperus communis formations on heaths or calcareous grasslands	57
6130	Calaminarian grasslands of the Violetalia calaminariae	57
6150	Siliceous alpine and boreal grasslands	57
6170	Alpine and subalpine calcareous grasslands	57
6210	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)	57
6230	Species-rich Nardus grasslands, on silicious substrates in mountain areas (and submountain areas in Continental Europe)	57
6410	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)	57
6430	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	57
6510	Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis)	57
6520	Mountain hay meadows	57
7110	Active raised bogs	57
7120	Degraded raised bogs still capable of natural regeneration	57
7130	Blanket bogs (* if active bog)	57
7140	Transition mires and quaking bogs	57
7150	Depressions on peat substrates of the Rhynchosporion	57
7210	Calcareous fens with Cladium mariscus and species of the Caricion davallianae	57
7220	Petrifying springs with tufa formation (Cratoneurion)	57
7230	Alkaline fens	57
7240	Alpine pioneer formations of the Caricion bicoloris-atrofuscae	57
8110	Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani)	57
8120	Calcareous and calcshist screes of the montane to alpine levels (Thlaspietea rotundifolii)	57
8210	Calcareous rocky slopes with chasmophytic vegetation	57
8220	Siliceous rocky slopes with chasmophytic vegetation	57
8240	Limestone pavements	57
8310	Caves not open to the public	57
8330	Submerged or partially submerged sea caves	57
9120	Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (Quercion robori-petraeae or Ilici-Fagenion)	57
9130	Asperulo-Fagetum beech forests	57
9160	Sub-Atlantic and medio-European oak or oak-hornbeam forests of the Carpinion betuli	57
9180	Tilio-Acerion forests of slopes, screes and ravines	57
9190	Old acidophilous oak woods with Quercus robur on sandy plains	57
91A0	Old sessile oak woods with Ilex and Blechnum in the British Isles	57
91C0	Caledonian forest	57
91D0	Bog woodland	57
91E0	Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	57
91J0	Taxus baccata woods of the British Isles	57

### 3.1 Relative surface

CODE	DESCRIPTION	PAGE NO
A	15%-100%	58
B	2%-15%	58
C	< 2%	58

### 3.1 Conservation status habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	59
B	Good conservation	59
C	Average or reduced conservation	59

### 3.1 Global grade habitat

CODE	DESCRIPTION	PAGE NO
A	Excellent value	59
B	Good value	59
C	Significant value	59

### 3.2 Population (abbreviated to 'Pop.' in data form)

CODE	DESCRIPTION	PAGE NO
A	15%-100%	62
B	2%-15%	62
C	< 2%	62
D	Non-significant population	62

### 3.2 Conservation status species (abbreviated to 'Con.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent conservation	63
B	Good conservation	63
C	Average or reduced conservation	63

### 3.2 Isolation (abbreviated to 'Iso.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Population (almost) Isolated	63
B	Population not-isolated, but on margins of area of distribution	63
C	Population not-isolated within extended distribution range	63

### 3.2 Global Grade (abbreviated to 'Glo.' Or 'G.' in data form)

CODE	DESCRIPTION	PAGE NO
A	Excellent value	63
B	Good value	63
C	Significant value	63

### 3.3 Assemblages types

CODE	DESCRIPTION	PAGE NO
WATR	Non breeding waterfowl assemblage	UK specific code
SBA	Breeding seabird assemblage	UK specific code
BBA	Breeding bird assemblage (applies only to sites classified pre 2000)	UK specific code

#### 4.1 Habitat class code

CODE	DESCRIPTION	PAGE NO
N01	Marine areas, Sea inlets	65
N02	Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins)	65
N03	Salt marshes, Salt pastures, Salt steppes	65
N04	Coastal sand dunes, Sand beaches, Machair	65
N05	Shingle, Sea cliffs, Islets	65
N06	Inland water bodies (Standing water, Running water)	65
N07	Bogs, Marshes, Water fringed vegetation, Fens	65
N08	Heath, Scrub, Maquis and Garrigue, Phygrana	65
N09	Dry grassland, Steppes	65
N10	Humid grassland, Mesophile grassland	65
N11	Alpine and sub-Alpine grassland	65
N14	Improved grassland	65
N15	Other arable land	65
N16	Broad-leaved deciduous woodland	65
N17	Coniferous woodland	65
N19	Mixed woodland	65
N21	Non-forest areas cultivated with woody plants (including Orchards, groves, Vineyards, Dehesas)	65
N22	Inland rocks, Screes, Sands, Permanent Snow and ice	65
N23	Other land (including Towns, Villages, Roads, Waste places, Mines, Industrial sites)	65
N25	Grassland and scrub habitats (general)	65
N26	Woodland habitats (general)	65

#### 4.3 Threats code

CODE	DESCRIPTION	PAGE NO
A01	Cultivation	65
A02	Modification of cultivation practices	65
A03	Mowing / cutting of grassland	65
A04	Grazing	65
A05	Livestock farming and animal breeding (without grazing)	65
A06	Annual and perennial non-timber crops	65
A07	Use of biocides, hormones and chemicals	65
A08	Fertilisation	65
A10	Restructuring agricultural land holding	65
A11	Agriculture activities not referred to above	65
B01	Forest planting on open ground	65
B02	Forest and Plantation management & use	65
B03	Forest exploitation without replanting or natural regrowth	65
B04	Use of biocides, hormones and chemicals (forestry)	65
B06	Grazing in forests/ woodland	65
B07	Forestry activities not referred to above	65
C01	Mining and quarrying	65
C02	Exploration and extraction of oil or gas	65
C03	Renewable abiotic energy use	65
D01	Roads, paths and railroads	65
D02	Utility and service lines	65
D03	Shipping lanes, ports, marine constructions	65
D04	Airports, flightpaths	65
D05	Improved access to site	65
E01	Urbanised areas, human habitation	65
E02	Industrial or commercial areas	65

CODE	DESCRIPTION	PAGE NO
E03	Discharges	65
E04	Structures, buildings in the landscape	65
E06	Other urbanisation, industrial and similar activities	65
F01	Marine and Freshwater Aquaculture	65
F02	Fishing and harvesting aquatic resources	65
F03	Hunting and collection of wild animals (terrestrial), including damage caused by game (excessive density), and taking/removal of terrestrial animals (including collection of insects, reptiles, amphibians, birds of prey, etc., trapping, poisoning, poaching, predator control, accidental capture (e.g. due to fishing gear), etc.)	65
F04	Taking / Removal of terrestrial plants, general	65
F05	Illegal taking/ removal of marine fauna	65
F06	Hunting, fishing or collecting activities not referred to above	65
G01	Outdoor sports and leisure activities, recreational activities	65
G02	Sport and leisure structures	65
G03	Interpretative centres	65
G04	Military use and civil unrest	65
G05	Other human intrusions and disturbances	65
H01	Pollution to surface waters (limnic & terrestrial, marine & brackish)	65
H02	Pollution to groundwater (point sources and diffuse sources)	65
H03	Marine water pollution	65
H04	Air pollution, air-borne pollutants	65
H05	Soil pollution and solid waste (excluding discharges)	65
H06	Excess energy	65
H07	Other forms of pollution	65
I01	Invasive non-native species	65
I02	Problematic native species	65
I03	Introduced genetic material, GMO	65
J01	Fire and fire suppression	65
J02	Human induced changes in hydraulic conditions	65
J03	Other ecosystem modifications	65
K01	Abiotic (slow) natural processes	65
K02	Biocenotic evolution, succession	65
K03	Interspecific faunal relations	65
K04	Interspecific floral relations	65
K05	Reduced fecundity/ genetic depression	65
L05	Collapse of terrain, landslide	65
L07	Storm, cyclone	65
L08	Inundation (natural processes)	65
L10	Other natural catastrophes	65
M01	Changes in abiotic conditions	65
M02	Changes in biotic conditions	65
U	Unknown threat or pressure	65
XO	Threats and pressures from outside the Member State	65

### 5.1 Designation type codes

CODE	DESCRIPTION	PAGE NO
UK00	No Protection Status	67
UK01	National Nature Reserve	67
UK02	Marine Nature Reserve	67
UK04	Site of Special Scientific Interest (UK)	67



## EC Directive 79/409 on the Conservation of Wild Birds: Special Protection Area (SPA)

**Name:** North York Moors

**Unitary Authority/County:** North Yorkshire County and Redcar & Cleveland Unitary Authority

**Consultation proposal:** North York Moors Site of Special Scientific Interest (SSSI) (which includes the renotification of Tripsdale SSSI, Fylingdales Moor SSSI and May Moss SSSI) has been recommended has a Special Protection Area because of the site's European Ornithological importance.

The North York Moors SPA contains the largest continuous tract of heather moorland in England. The site displays a wide range of high quality dry heathland and blanket bog vegetation types dominated by *Calluna*. The transition from dry heathland to blanket bog is complemented by a diverse mosaic of wet heath and flush communities.

**Boundary of SPA:** The SPA boundary is coincident with North York Moors SSSI. See SPA map for detail of boundary.

**Size of SPA:** The SPA covers an area of 44,087.68 ha.

**European ornithological importance of the SPA:** North York Moors SPA is of European importance because:

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 population of two species listed in Annex I in any season:

Annex I species	Estimated breeding population 1996	% GB population
Merlin <i>Falco columbarius</i>	35 - 40 pairs	2.7 - 3.1 % GB
Golden Plover <i>Pluvialis apricaria</i>	526 -706 pairs	2.3- 3.1 % GB

### Data sources:

Charlton, T. & Archer, R (1996). *North York Moors National Park breeding wader survey 1996*. RSPB.

Nattrass, M. & Downing, R. (1991) *Survey of merlins breeding in the North York Moors National Park, 1991*. RSPB.

Rebecca, G. & Bainbridge, I (In press) The status of breeding merlin *Falco columbarius* in Britain in 1993-94. *Bird study*.

Stone, B.H., Sears, J.E., Cranswick, P.A., Gregory, R.D., Gibbons, D.W., Rehfisch, M.M., Aebischer, N.J. & Reid, J.B. (1997) Population estimates of birds in Britain and the United Kingdom. *British Birds* 90:1-22.

### Non-qualifying species of interest

In addition, the site supports a rich upland breeding bird assemblage which includes Short-eared Owl *Asio flammeus*, Peregrine *Falco peregrinus* and Hen Harrier *Circus cyaneus* (all Annex I species), together with Redshank *Tringa totanus*, Red Grouse *Lagopus lagopus scoticus* and a nationally important population of Curlew *Numenius arquata*.

### Status of SPA:

North York Moors was classified as a Special Protection Area on 12 May 2000.

JNCC is a statutory adviser to UK Government and devolved administrations



Joint Nature Conservation Committee

Home > UK > UK Protected Sites > Special Protection Areas > SPA Review > SPA Review site accounts

## SPA description

(information as published 2001)

### Teessmouth and Cleveland Coast

Country	England
Unitary Authority	Redcar and Cleveland, Stockton-on-Tees, Hartlepool
SPA status	Classified 15/08/1995
Latitude	54 37 50 N
Longitude	01 07 07 W
SPA EU code	UK9006061
Area (ha)	1247.31
Component	Cowpen Marsh
SSSI/ASSIs	Durham Coast Redcar Rocks Seal Sands Seaton Dunes and Common South Gare and Coatham Sands Tees and Hartlepool Foreshore and Wetlands

Teessmouth and Cleveland Coast SPA is located on the coast of north-east England. It includes a range of coastal habitats – sand- and mud-flats, rocky shore, saltmarsh, freshwater marsh and sand dunes – on and around an estuary which has been considerably modified by human activities. Together these habitats provide feeding and roosting opportunities for important numbers of waterbirds in winter and during passage periods. In summer Little Tern *Sterna albifrons* breed on beaches within the site, while Sandwich Tern *Sterna sandvicensis* are abundant on passage.



#### Qualifying species

For individual species accounts visit the [Species Accounts section](#)

This site qualifies under **Article 4.1** of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

#### During the breeding season;

Little Tern *Sterna albifrons*, 37 pairs representing at least 1.5% of the breeding population in Great Britain (4 year mean 1993-1996)

#### On passage;

Sandwich Tern *Sterna sandvicensis*, 2,190 individuals representing at least 5.2% of the population in Great Britain (5 year mean 1991-1995)

This site also qualifies under **Article 4.2** of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

#### On passage;

Ringed Plover *Charadrius hiaticula*, 634 individuals representing at least 1.3% of the Europe/Northern Africa - wintering population (5 yr mean spring 91-95)

#### Over winter;

Knot *Calidris canutus*, 4,190 individuals representing at least 1.2% of the wintering Northeastern Canada/Greenland/Iceland/Northwestern Europe population (5 year peak mean 1991/2 - 1995/6)

Redshank *Tringa totanus*, 1,648 individuals representing at least 1.1% of the wintering Eastern Atlantic - wintering population (5 year peak mean 87-91)

#### Assemblage qualification: A wetland of international importance.

The area qualifies under **Article 4.2** of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl

Over winter, the area regularly supports 21,406 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Sanderling *Calidris alba*, Lapwing

*Vanellus vanellus*, Shelduck *Tadorna tadorna*, Cormorant *Phalacrocorax carbo*, Redshank *Tringa totanus*, Knot *Calidris canutus*.

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**Note:**

*Many designated sites are on private land: the listing of a site in these pages does not imply any right of public access.*

Note that sites selected for waterbird species on the basis of their occurrence in the breeding, passage or winter periods also provide legal protection for these species when they occur at other times of the year.

last updated: 16/12/2005

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Tel: 01733 562626 Fax: 01733 555948 Email: [comment@jncc.gov.uk](mailto:comment@jncc.gov.uk)

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## **Appendix B    European Site Conservation Objectives**



## European Site Conservation Objectives for North York Moors Special Area of Conservation Site code: UK0030228

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;**

- **The extent and distribution of the qualifying natural habitats**
- **The structure and function (including typical species) of the qualifying natural habitats, and,**
- **The supporting processes on which the qualifying natural habitats rely**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

### **Qualifying Features:**

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

H7130. Blanket bogs\*

\* denotes a priority natural habitat or species (supporting explanatory text on following page)

## \* Priority natural habitats or species

Some of the natural habitats and species listed in the Habitats Directive and for which SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (\*) in Annex I and II of the Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Directive or the Habitats Regulations.

## Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in Article 1 of the Habitats Directive.

**Publication date:** 30 June 2014 – version 2. This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014.



## European Site Conservation Objectives for Teessmouth and Cleveland Coast Special Protection Area Site Code: UK9006061

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

### **Qualifying Features:**

- A143 *Calidris canutus*; Red knot (Non-breeding)
  - A162 *Tringa totanus*; Common redshank (Non-breeding)
  - A191 *Sterna sandvicensis*; Sandwich tern (Non-breeding)
  - A195 *Sterna albifrons*; Little tern (Breeding)
- Waterbird assemblage

## This is a European Marine Site

This SPA is a part of the Teesmouth and Cleveland Coast European Marine Site (EMS). These Conservation Objectives should be used in conjunction with the Regulation 35 Conservation Advice document for the EMS. For further details about this please visit the Natural England website at: <http://www.naturalengland.org.uk/ourwork/marine/protectandmanage/mpa/europeansites.aspx> or contact Natural England's enquiry service at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk) or by phone on 0845 600 3078.

## Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment' including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where this is available) will also provide a framework to inform the management of the European Site under the provisions of Articles 4(1) and 4(2) of the Wild Birds Directive, and the prevention of deterioration of habitats and significant disturbance of its qualifying features required under Article 6(2) of the Habitats Directive.

These Conservation Objectives are set for each bird feature for a [Special Protection Area \(SPA\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

**Publication date:** 30 June 2014 (Version 2). This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014. Previous references to additional features identified in the 2001 UK SPA Review have also been removed.





## European Site Conservation Objectives for North York Moors Special Protection Area Site Code: UK9006161

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

**Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;**

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

### **Qualifying Features:**

A098 *Falco columbarius*; Merlin (Breeding)

A140 *Pluvialis apricaria*; European golden plover (Breeding)

## Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations”) and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a ‘Habitats Regulations Assessment’ including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where this is available) will also provide a framework to inform the management of the European Site under the provisions of Articles 4(1) and 4(2) of the Wild Birds Directive, and the prevention of deterioration of habitats and significant disturbance of its qualifying features required under Article 6(2) of the Habitats Directive.

These Conservation Objectives are set for each bird feature for a [Special Protection Area \(SPA\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

**Publication date:** 30 June 2014 (Version 2). This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England’s Strategic Standard on European Site Conservation Objectives 2014.

## **Appendix C    Teesmouth and Cleveland Coast SPA Extension**

# A possible extension to the Teesmouth and Cleveland Coast Special Protection Area

This Technical Information Note (TIN) has been prepared to help inform you about the development of recommendations to extend and add features to the existing Teesmouth and Cleveland Coast Special Protection Area (SPA). It also provides information on a review of Sites of Special Scientific Interest (SSSI) in the area. Other TINs about the process for classifying SPAs and about the species to be protected within them are available. For details see *Further Information* below.

## Background

The Teesmouth and Cleveland Coast SPA was classified under the European Union Directive on the Conservation of Wild Birds (the 'Birds Directive') in 1995 and extended in 2000. The UK Government has ongoing obligations under the Birds Directive requiring it to protect the breeding, moulting and wintering areas and staging posts along migration routes of bird species.

As part of the commitment to improving seabird protection within the SPA network, Natural England is advising the Government on sites that should be considered for classification or extension. We have:

- Reviewed information from the Joint Nature Conservation Committee (JNCC) based on survey work carried out in the waters around a number of seabird colonies.
- Reviewed a range of bird data for the area, including areas of land outside the existing SPA.

We are compiling recommendations for the Department for the Environment, Food and Rural Affairs (Defra) to consider proposals to:

- Protect common tern *Sterna hirundo* and avocet *Recurvirostra avosetta* as new 'qualifying features' within the extended SPA.
- Extend the boundary of the Teesmouth and Cleveland Coast SPA into the marine environment to protect foraging areas for little tern *Sternula albifrons* and common tern.
- Include additional terrestrial areas within the SPA to protect breeding colonies of common tern and avocet, and non-breeding waterbirds.

## Special Protection Areas

The Birds Directive was adopted in 1979 to tackle declines in wild bird populations across Europe. Each member state must identify SPAs to protect:

- rare or vulnerable bird species (as listed in Annex I of the Directive); and
- other regularly occurring migratory bird species.

SPAs on land are now well established, but to provide seabirds such as terns with the protection they need, further work is required to establish SPAs at sea. The UK Government is committed to identifying a network of SPAs in the marine environment by November 2015.

## A possible extension to the Teesmouth and Cleveland Coast Special Protection Area

### The Teesmouth and Cleveland Coast: an important place for birds

The existing Teesmouth and Cleveland Coast SPA is centred on the Tees estuary and the adjacent open coastlines. The SPA includes a wide range of coastal habitats, including sandflats, mudflats, rocky foreshore, saltmarsh, sand-dunes, wet grassland and freshwater lagoons, which co-exist with a wide range of human activities in this busy industrial area.

The species protected by the existing SPA are breeding little tern, passage Sandwich tern *Sterna sandvicensis*, wintering knot *Calidris canutus* and wintering redshank *Tringa totanus*. The site is also classified for an assemblage of over 20,000 non-breeding waterbirds.



Little tern, *Sternula albifrons*. © Paul Lacey

### Possible additional features to the existing SPA

Natural England has a responsibility to make recommendations regarding SPAs to Defra. As part of this process we have reviewed bird data for the Teesmouth area and intend to recommend the addition of features to the existing SPA as follows:

- breeding avocet; and
- breeding common tern.

These are both Annex I species which are present in nationally-important populations.

### Possible marine extensions for foraging terns

During the breeding season all seabirds, including terns, are 'central place' foragers, meaning they must return to a central place (ie their nest) after each foraging trip. This constraint means that they have a limited foraging range and so have a strong energetic incentive to forage as close to their colony as they can, especially when rearing their chicks. Therefore, the estuarine and marine waters around the existing areas of SPA near where these birds breed and within which they forage, need to be considered for protection.

The possible marine extension for little tern foraging areas has been identified on the basis of shore-based and boat-based surveys of marine waters around the colony at Crimdon Dene. This possible extension reaches 5 km in both directions along the coast from the colony; between Hartlepool Headland and Castle Eden Dene mouth, and extends up to 3.5 km offshore.

For similar reasons, another extension to protect foraging areas for common tern has also been identified. These include the main channel of the River Tees below the barrage, estuary waters, and marine areas between Marske-by-the-Sea in the south and Crimdon Dene in the north, extending up to 6 km offshore.

This proposed foraging extension is based on visual tracking surveys of other common tern colonies in the UK by JNCC. On the basis of this survey work, and the development of statistical models of the tracking data that describe the environmental characteristics of the places where larger tern foraging was most concentrated, the JNCC provided suggestions as to the locations of the sea areas around colonies which might be most suitable for inclusion within SPA boundaries.

Natural England has identified a source of visual tracking data for the Tees, and has requested that JNCC carry out additional modelling using this data so that the draft boundary can be refined if necessary. In addition, Natural England is carrying out additional work over the summer of 2015 to add to our understanding of bird

## A possible extension to the Teesmouth and Cleveland Coast Special Protection Area

movements in the area and to ascertain whether common terns are using more complex and artificial habitat features such as inlets and harbours.

### Possible terrestrial extensions to the SPA

Natural England has reviewed a wide range of data for breeding avocet, breeding common tern and wintering waterbirds, primarily Wetland Bird Survey core count data. This has identified a number of areas used by waterbirds outside the current SPA for potential inclusion, including intertidal, wet grassland, reedbed and open water habitats.

Natural England has commissioned wintering waterbird surveys on these sites and the results of these surveys are being looked at to refine the indicative boundaries shown on the map.

### Review of Site of Special Scientific Interest (SSSI)

If the SPA recommendations are approved for consultation by Defra, we would also need to consider the notification as SSSI of the additional terrestrial and intertidal parts of the SPA. In addition, Natural England is therefore reviewing existing biological data and hopes to carry out further survey work to identify other features of interest that might warrant inclusion in a new, extended or revised SSSI, including vegetation and invertebrates. We will be contacting relevant landowners and occupiers to request access for these surveys.

### What happens next?

Natural England is responsible for recommending potential SPAs, and extensions of current SPAs, in English waters out to 12 nautical miles to Defra for classification.

Once we have developed initial site recommendations and held informal discussions with stakeholders we will submit proposals (approved by our Executive Board) as formal advice to Defra.

The informal discussions are intended to ensure that as many stakeholders as possible are aware of our proposal and to give them an opportunity to provide information to inform our recommendations. Towards the end of 2015, subject to Ministerial approval, the formal public consultation process will commence and will last twelve weeks. This period is the opportunity for stakeholders formally to submit views on the proposals. After the consultation we will consider the responses and submit our final recommendations to Defra. It is Defra's intention to have made a decision regarding the classification of the site by December 2016.

### How can you get involved?

We are contacting stakeholders with an interest in the proposals from 1<sup>st</sup> July 2015 over an initial nine week period. We would like to hear from you if:

- You wish to discuss further the scientific proposals.
- You hold any additional bird data that you would like to share with us to inform the recommendations.
- You have any information about your interests or activities in the area that could help us determine the potential economic environmental and social impacts of the classification.

### Further information

Natural England Technical Information Notes are available to download from the Natural England website: [Establishing Marine Special Protection Areas](#). In particular see:

- TIN120: *Establishing marine Special Protection Areas*
- TIN135: *Sandwich tern: species information for marine Special Protection Area consultations*
- TIN138: *Common tern: species information for marine Special Protection Area consultations*
- TIN139: *Little tern: species information for marine Special Protection Area consultations*

## A possible extension to the Teesmouth and Cleveland Coast Special Protection Area

### If you want to know more

If you would like to know more about the proposals or ask any questions, please get in touch with:

#### **Katie Coombs**

Northumbria Area Team, Natural England, 2<sup>nd</sup> Floor, Lancaster House, Hampshire Court, Newcastle-Upon-Tyne, Tyne and Wear, NE4 7YH

Telephone: 0300 060 2313 or email:

[teemouthandclevelandcoastspa@naturalengland.org.uk](mailto:teemouthandclevelandcoastspa@naturalengland.org.uk)

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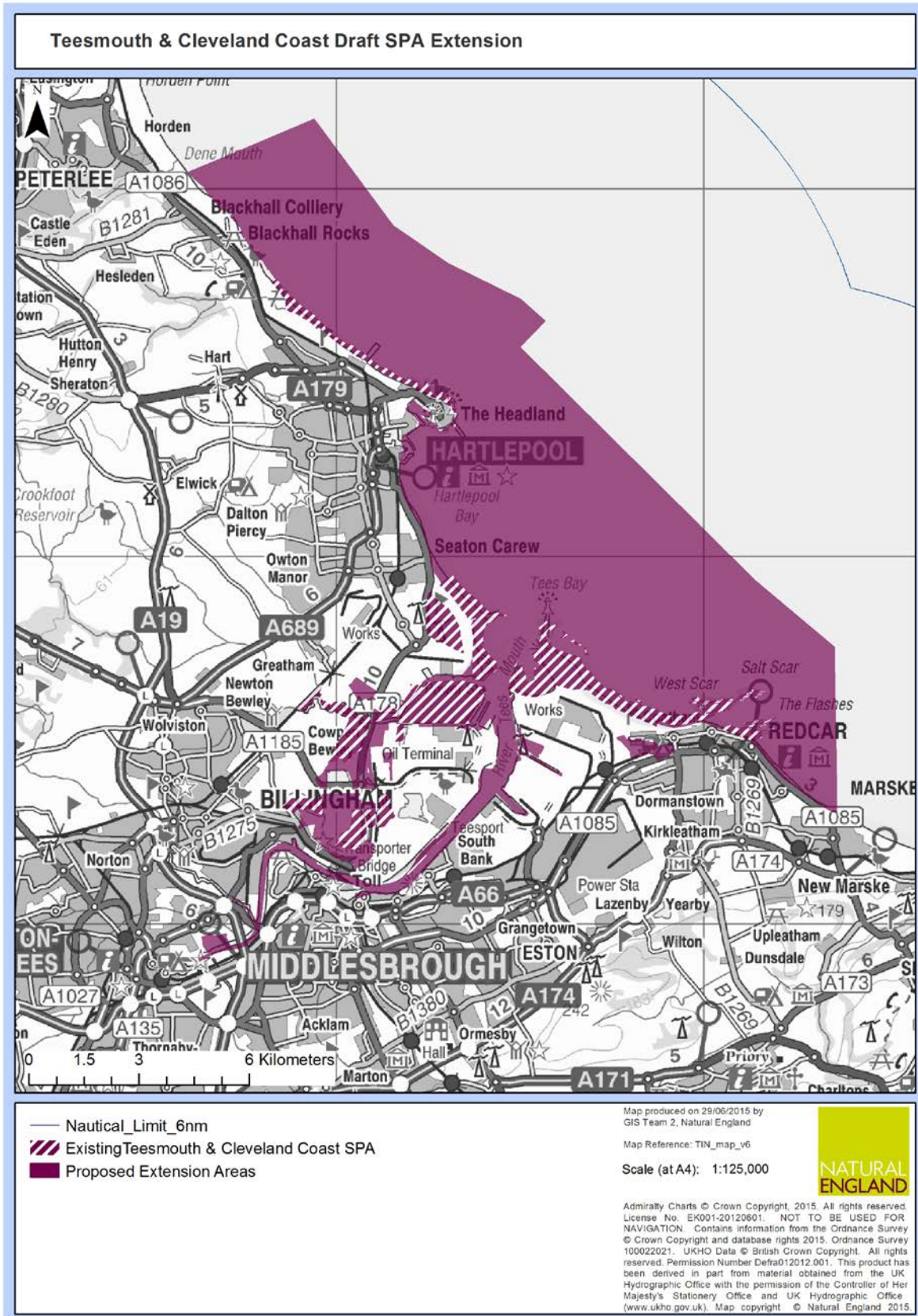
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# A possible extension to the Teesmouth and Cleveland Coast Special Protection Area



Possible extension to the Teesmouth and Cleveland Coast Special Protection Area



## **Appendix D Natural England and RSPB Consultation Responses**

- D.1 Appendix D\_1 – Natural England comments**
- D.2 Appendix D\_2 Response to Natural England comments**
- D.3 Appendix D\_3 RSPB comments**
- D.4 Appendix D\_4 Response to RSPB comments**

Date: 08 August 2016  
Our ref: 189251, Case 7524  
Your ref: Redcar & Cleveland Draft Local Plan Consultation



Mr A. Conti  
Strategic Planning Team  
Redcar and Cleveland Borough Council  
Redcar and Cleveland House  
Kirkleatham Street  
Redcar  
TS10 1RT

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Mr Conti

**Planning consultation:** Redcar & Cleveland Draft Local Plan Consultation

Thank you for your consultation on the above dated 27 June 2016 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Draft Local Plan May 2016**

Vision for Redcar and Cleveland

Natural England welcomes the commitment set out within the visions to ensure continued protection and enhancement of the biodiversity, natural environment, designated sites and coastline area within the borough, and the further enhancement of pedestrian, cycle and equestrian routes.

Policy SD 2

Natural England notes the wording within this policy relating to Appropriate Assessment (AA) under the Habitats Regulations – An AA is required for all developments that either alone or in combination with other plans and projects have the potential to have a **likely significant effect** upon a European site. The AA will determine whether a plan or project will have an adverse effect on the integrity of the site. We therefore suggest the wording is changed as follows:

‘The acceptability of development proposals will in a particular location will depend, among other things, on the type of use proposed. An Appropriate Assessment will be required for all development that, either alone, or in combination with other plans or developments is likely to have ~~an adverse~~ **a significant effect** on a Natura 2000 site.’

Policy SD 4

To ensure consistency with the wording of the Habitats Regulations we advise that criteria g is amended to read:

‘will not result in an adverse ~~impact~~ **effect on the integrity** of a Natura 2000 site, either alone or in combination with other plans and projects’.

We welcome the inclusion at criteria m for development proposals to respect or enhance landscape, biodiversity geological features, the historic environment and designated and non-designated heritage assets within the borough.

Policy SD 5

We welcome the inclusion of improvements to landscape, water environments, biodiversity and heritage assets within the list of matters for which developer contributions will be sought.

### Policy SD 6

Natural England welcomes the inclusion of environmental impacts as an issue to be considered when determining renewable energy applications. Furthermore we welcome the safeguard provided by the cross reference to Policy N4, and the exception tests contained within that Policy.

### Policy SD 7

We welcome the commitment within this policy to ensuring SuDS is incorporated in the drainage proposals for all new development, unless it can be demonstrated to be inappropriate. SuDS can have beneficial impacts upon biodiversity as well as fulfilling its primary role of drainage management.

We also welcome the inclusion of the hierarchy of surface water discharge.

### Policy LS 2

Natural England welcomes the specific reference to the designated sites found within the Coastal Spatial Strategy Area, and the commitment to protecting and enhancing the features of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. We also note the commitment to support the development of new hotels and other visitor accommodation within the Coastal Area – this has the potential to increase recreational activity within the designated sites, and thereby increase the potential for disturbance to the interest features of these sites, particularly the birds associated with the SPA, Ramsar site and South Gare and Coatham Sands SSSI, which has been recognised and considered within the accompanying Habitats Regulations Assessment.

### Policy LS 3

We welcome the recognition of the landscape character of the areas peripheral to the North York Moors National Park within this Policy, and the commitment to improving biodiversity and geodiversity assets within the Strategy Area where opportunities arise.

### Policy LS 4

Natural England welcomes the commitment within this Policy to protecting European sites, and safeguarding and improving areas of biodiversity interest, and the commitment to encouraging integrated habitat creation and management. We also welcome the inclusion of wording to encourage improvements to access, interpretation and wildlife conservation and enhancement across the area.

### Policy REG 1

This Policy area lies in close proximity to the Teesmouth and Cleveland Coast SPA and Ramsar site, and allocates land for leisure, tourism and visitor uses. It therefore has the potential to lead to increased visitor pressure within the SPA. We note and welcome the inclusion within the Policy of the requirement for any proposal to undertake a screening exercise to determine the need for AA.

### Policy ED 1

This policy sets out a hierarchy of centres within the Borough and implies a sequential assessment as per the NPPF favouring locations within existing centres. We welcome the inclusion of this Policy to enhance town centres, as this may relieve some of the pressure from visitor numbers on the designated sites which lie outside of the central areas.

### Policy ED 4

We welcome the inclusion of this policy, which is essentially a change of use policy and will promote redevelopment of brownfield land.

### Policy ED 5

Light pollution can have a negative effect on nature conservation (particularly bats and invertebrates). Therefore we would urge consideration of the effects 'where illumination is proposed' upon protected species.

### Policy ED 6

We welcome the recognition within this Policy that some of the employment areas are in close

proximity to designated sites, and the requirement within the policy wording to ensure that adverse effects on the interest features of the Teesmouth and Cleveland Coast SPA and Ramsar site can be avoided, and mitigation measures secured where appropriate.

#### Policy ED 8

We welcome the inclusion within this policy of the commitment to avoiding impacts and losses from development on areas of best and most versatile agricultural land.

#### Policy ED 9

Natural England welcomes the inclusion within the policy wording of the need for leisure and tourism developments to carry out a screening exercise to determine whether there will be a need for appropriate assessment under the Habitats Regulations. We do, however, query the basis of the 16km buffer proposed?

We also note within the supporting text relating to this policy the recognition that recreational disturbance impacts may already be occurring within the SPA and that with further developments possible further cumulative impacts may occur. The production of a Recreation Management Plan to manage these impacts is an approach supported by Natural England, and we would be happy to comment on this document as it is produced.

#### Policy ED 11

We welcome the recognition for potential impacts on European sites as a result of this policy, and again query the basis for the 16km buffer proposed?

#### Policy ED 12

This policy directs new hotel accommodation towards Redcar and Saltburn in particular. Sites within Redcar have the potential increase visitor numbers to the SPA and its surrounds. While some protection is offered by Policy ED 9, and the requirement within that policy for leisure and tourism activities to undertake a screening exercise to determine the need for AA, it may be beneficial to explicitly state this again within Policy ED 12.

#### Policies H 3 to H 3.31

We note and welcome the recognition within the policy wording for housing developments within a 16km buffer to carry out a screening exercise to determine the need for Appropriate Assessment under the Habitats Regulations. Research elsewhere has shown that approximately 75% of visitors to coastal sites come from within a 6km radius of the site, and so within other Local Planning Authority areas we have recommended a 6km buffer is used for determining whether housing developments have the potential to have a likely significant effect upon a Natura 2000 site.

We note a 6km buffer has been used within the accompanying 'Statement to inform Appropriate Assessment'.

#### Policy N 1

Natural England welcomes the recognition within the policy of the landscape value of the North York Moors National Park and the Cleveland Heritage Coast, and the commitment within the policy to ensuring development does not harm the landscape setting, scenic beauty and special qualities of these designations.

We also welcome the inclusion of the Natural England Character Areas, and the commitment to considering opportunities for landscape enhancement identified within these documents.

#### Policy N 2

We welcome the inclusion of this policy, and we support the aims and objectives identified within it.

#### Policy N 3

We welcome the inclusion of this policy, and support the aims within it. The provision of open space and recreational facilities has the potential to improve public health and wellbeing, and also has the potential to mitigate some of the pressures of recreational impacts upon designated sites.

#### Policy N 4

We fully support the inclusion of this policy, and the safeguards and protection that it provides to designated sites.

To ensure the policy follows the Habitats Regulations process, where the purpose of an Appropriate Assessment is to determine the potential for a proposal to have an adverse effect on the integrity of a site, we advise that the wording of the third paragraph is amended to read:

‘Priority will be given to protecting our internationally important sites, including the Teesmouth and Cleveland Coast SPA/ Ramsar and European Marine Site, and the North York Moors SPA and Special Area of Conservation. Development that is not directly related to the management of the site, but is likely to have an ~~an~~ **adverse significant effect** on any internationally designated site...’.

#### Policy TA 4

While we welcome the inclusion of this policy as a means of improving public access, including to sites at the coast and the North York Moors it does have the potential to increase recreational pressures on these sites.

### **Statement to Inform Appropriate Assessment**

#### HRA Screening

Natural England agrees with the policies identified as having the potential to have a likely significant effect upon the interest features of the Teesmouth and Cleveland Coast SPA and Ramsar site, and the North York Moors SPA and SAC

#### Potential Extension to the Teesmouth and Cleveland Coast SPA

The official consultation period for the extension to Teesmouth and Cleveland Coast SPA was originally scheduled to commence in 2015, but was delayed until December 2016 following initial feedback from landowners and stakeholders. The extensions, and potential new features, described within this section are correct.

Given the timescales involved it is considered appropriate that these SPA extension features are included within this assessment.

#### Potential Impact Pathways arising from Local Plan Policies

We agree with the potential impact pathways identified, and with the assessment contained within Table 7 of the ways that each policy could contribute towards these pathways.

#### Plans and Projects for in-combination assessment

It should be noted within Table 8 that the Greatham Managed Realignment Scheme was developed to compensate for SPA habitat loss arising from the Redcar Flood Alleviation Scheme as well as the losses arising from the Tees Tidal Flood Risk Management Strategy identified within the Table.

We agree with the plans and projects identified as having the potential to act in combination with the policies contained with the Redcar and Cleveland Local Plan.

#### Appropriate Assessment – Land take

The policies identified as having the potential to impact on the Teesmouth and Cleveland Coast SPA from land take have been correctly documented. We note and welcome that background data has been obtained from other developments to help support the conclusions reached with the assessment of impacts, and agree with the conclusions reached that these policies are not likely to have an adverse effect on the SPA extension for little tern and common tern foraging. We also agree with the conclusion of a potential adverse effect on the proposed extension sites at Bran Sands and Coatham Marsh. It should be noted that these sites already receive some protection under the Habitats Regulations as ‘functional land’ supporting SPA birds outside of the current designated site.

We agree with the conclusion of no adverse effect on the integrity of the North York Moors SPA and Special Area of Conservation (SAC).

### Appropriate Assessment – Increased recreational disturbance

We agree with the policies identified, and the conclusions reached in relation to impacts upon the North York Moors SPA and SAC, in that there is not likely to be an adverse effect alone, and given the measures and safeguards in place within this Plan and the North York Moors Management Plan, there is also not likely to be an adverse effect on the integrity of the site.

We also agree with the policies identified as potentially having an impact on the Teesmouth and Cleveland Coast SPA and Ramsar site from increased recreational disturbance, and note a 6km buffer has been used to assess potential impacts from new housing allocations, as per previous advice.

We note the safeguards provided by Policies SD4, N4 and H3, and the measures identified to reduce the potential from increased recreational impacts, but given the uncertainties associated with impacts effectiveness and implementation of these measure, we agree with the conclusion that adverse effects cannot be ruled out.

### Appropriate Assessment – Air quality

Given the distance of the North York Moors SPA and SAC from the safeguarded industrial sites identified within the Plan, and the safeguards provided by policies N4 and ED4 we agree with the conclusion of no adverse effect on the integrity of either the North York Moors SPA and SAC, or the Teesmouth and Cleveland Coast SPA.

### Appropriate Assessment – Water supplies and water quality

Natural England agrees with the conclusion of no adverse effect on the integrity of either the Teesmouth and Cleveland Coast SPA and Ramsar site, or the North York Moors SPA and SAC, as a result of policies contained within the plan.

### Appropriate Assessment – Increased predation of SPA bird species by domestic cats

As no housing is proposed within 400m of the boundary of either the North York Moors SPA and SAC, or the Teesmouth and Cleveland Coast SPA and Ramsar site, or potential extension areas, we agree with the conclusion of no adverse effect on the integrity of these sites.

### Recommendations – Land take

Natural England welcomes the recommendation to remove Bran Sands Lagoon from the allocations within Policy SD3 and ED6, and agree that this would remove the potential for these policies to have an adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site.

We also welcome the recommendation that the wording of Policy ED6 be amended to include the requirement for a buffer and suitable boundary treatment to avoid the potential to disturbance to Coatham Sands, and agree that implementing this amendment will remove the potential for adverse effect on integrity as a result of this policy.

### Recommendations – Recreational disturbance

We have previously advised a strategic approach to managing the effects of recreational disturbance, including the provision of alternative greenspace and access management, and this approach should be pursued.

A Recreation/ Foreshore Management Plan is proposed, and we welcome this approach.

A number of measures are identified within the recommendations section, and ideally these should all be incorporated into the Management Plan. Policy SD5 details areas where the Council will seek developer contributions to fund infrastructure and other community benefits including 'improvements to...biodiversity and heritage assets, including habitat creation'. This could be expanded to include wardening, interpretation and access management. The wardening detailed within the report focusses on safeguarding SPA bird nesting sites – this could be expanded to include public liaison and education (verbal interpretation), and also policing of beach zoning should this element be progressed. The management Plan also provides an opportunity to identify likely costs for the provision of these elements, and detail how developer contributions could be used. We would be happy to assist or comment on the document as it is produced.

It should also be noted that that interpretation section of the report appears incomplete

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0208 0265533 or [andrew.whitehead@naturalengland.org.uk](mailto:andrew.whitehead@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Andrew Whitehead  
Northumbria Area Team

Comment	Response
<p><u>Vision for Redcar and Cleveland</u></p> <p>Natural England welcomes the commitment set out within the visions to ensure continued protection and enhancement of the biodiversity, natural environment, designated sites and coastline area within the borough, and the further enhancement of pedestrian, cycle and equestrian routes.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy SD 2</u></p> <p>Natural England notes the wording within this policy relating to Appropriate Assessment (AA) under the Habitats Regulations – An AA is required for all developments that either alone or in combination with other plans and projects have the potential to have a <b>likely significant effect</b> upon a European site. The AA will determine whether a plan or project will have an adverse effect on the integrity of the site. We therefore suggest the wording is changed as follows:</p> <p>'The acceptability of development proposals will in a particular location will depend, among other things, on the type of use proposed. An Appropriate Assessment will be required for all development that, either alone, or in combination with other plans or developments is likely to have <del>an adverse</del> <b>a significant effect</b> on a Natura 2000 site.'</p>	<p>We accept the proposed change of wording and have incorporated this into the Publication Local Plan as follows: 'The acceptability of development proposals in a particular location will depend, among other things, on the type of use proposed. An Appropriate Assessment will be required for all development that, either alone, or in combination with other plans or developments is likely to have a significant effect on a Natura 2000 site.'</p>
<p><u>Policy SD 4</u></p> <p>To ensure consistency with the wording of the Habitats Regulations we advise that criteria g is amended to read:</p> <p>'will not result in an adverse <del>impact</del> <b>effect on the integrity</b> of a Natura 2000 site, either alone or in combination with other plans and projects'.</p> <p>We welcome the inclusion at criteria m for development proposals to respect or enhance landscape, biodiversity geological features, the historic environment and designated and non-designated heritage assets within the borough.</p>	<p>This wording has been amended in the Publication Local Plan</p>
<p><u>Policy SD 5</u></p> <p>We welcome the inclusion of improvements to landscape, water environments, biodiversity and heritage assets within the list of matters for which developer contributions will be sought.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>



Comment	Response
<p><u>Policy SD 6</u></p> <p>Natural England welcomes the inclusion of environmental impacts as an issue to be considered when determining renewable energy applications. Furthermore we welcome the safeguard provided by the cross reference to Policy N4, and the exception tests contained within that Policy.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy SD 7</u></p> <p>We welcome the commitment within this policy to ensuring SuDS is incorporated in the drainage proposals for all new development, unless it can be demonstrated to be inappropriate. SuDS can have beneficial impacts upon biodiversity as well as fulfilling its primary role of drainage management.</p> <p>We also welcome the inclusion of the hierarchy of surface water discharge.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy LS 2</u></p> <p>Natural England welcomes the specific reference to the designated sites found within the Coastal Spatial Strategy Area, and the commitment to protecting and enhancing the features of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. We also note the commitment to support the development of new hotels and other visitor accommodation within the Coastal Area – this has the potential to increase recreational activity within the designated sites, and thereby increase the potential for disturbance to the interest features of these sites, particularly the birds associated with the SPA, Ramsar site and South Gare and Coatham Sands SSSI, which has been recognised and considered within the accompanying Habitats Regulations Assessment.</p>	<p>Consultation comment noted. We have added additional detail to the Publication version of the HRA reporting regarding the engagement of RCBC with the Tees Estuary Strategic Framework, the proposed Foreshore Management Plan and the approach to recreational issues.</p>
<p><u>Policy LS 3</u></p> <p>We welcome the recognition of the landscape character of the areas peripheral to the North York Moors National Park within this Policy, and the commitment to improving biodiversity and geodiversity assets within the Strategy Area where opportunities arise.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy LS 4</u></p> <p>Natural England welcomes the commitment within this Policy to protecting European sites, and safeguarding and improving areas of biodiversity interest, and the commitment to encouraging integrated habitat creation and management. We also welcome the inclusion of wording to encourage improvements to access, interpretation and wildlife conservation and enhancement across the area.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>

Comment	Response
<p><u>Policy REG 1</u></p> <p>This Policy area lies in close proximity to the Teesmouth and Cleveland Coast SPA and Ramsar site, and allocates land for leisure, tourism and visitor uses. It therefore has the potential to lead to increased visitor pressure within the SPA. We note and welcome the inclusion within the Policy of the requirement for any proposal to undertake a screening exercise to determine the need for AA.</p>	<p>Consultation comment noted.</p> <p>We have added additional detail to the Publication version of the HRA reporting regarding the engagement of RCBC with the Tees Estuary Strategic Framework, the proposed Foreshore Management Plan and the approach to recreational issues.</p>
<p><u>Policy ED 1</u></p> <p>This policy sets out a hierarchy of centres within the Borough and implies a sequential assessment as per the NPPF favouring locations within existing centres. We welcome the inclusion of this Policy to enhance town centres, as this may relieve some of the pressure from visitor numbers on the designated sites which lie outside of the central areas.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy ED 4</u></p> <p>We welcome the inclusion of this policy, which is essentially a change of use policy and will promote redevelopment of brownfield land.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy ED 5</u></p> <p>Light pollution can have a negative effect on nature conservation (particularly bats and invertebrates). Therefore we would urge consideration of the effects 'where illumination is proposed' upon protected species.</p>	<p>Not relevant to HRA report.</p>
<p><u>Policy ED 6</u></p> <p>We welcome the recognition within this Policy that some of the employment areas are in close proximity to designated sites, and the requirement within the policy wording to ensure that adverse effects on the interest features of the Teesmouth and Cleveland Coast SPA and Ramsar site can be avoided, and mitigation measures secured where appropriate.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy ED 8</u></p> <p>We welcome the inclusion within this policy of the commitment to avoiding impacts and losses from development on areas of best and most versatile agricultural land.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>

Comment	Response
<p><u>Policy ED 9</u></p> <p>Natural England welcomes the inclusion within the policy wording of the need for leisure and tourism developments to carry out a screening exercise to determine whether there will be a need for appropriate assessment under the Habitats Regulations. We do, however, query the basis of the 16km buffer proposed?</p> <p>We also note within the supporting text relating to this policy the recognition that recreational disturbance impacts may already be occurring within the SPA and that with further developments possible further cumulative impacts may occur. The production of a Recreation Management Plan to manage these impacts is an approach supported by Natural England, and we would be happy to comment on this document as it is produced.</p>	<p>The Local Plan has been amended to refer to the 6 km buffer agreed during consultation with Natural England and used in the HRA Screening and Appropriate Assessment Reports.</p> <p>Further detail relating to the approach to Recreation Management has been included in the latest version of the Statement to Inform Appropriate Assessment report.</p>
<p><u>Policy ED 11</u></p> <p>We welcome the recognition for potential impacts on European sites as a result of this policy, and again query the basis for the 16km buffer proposed?</p>	<p>Please refer to our response to the comment against Policy ED 9.</p>
<p><u>Policy ED 12</u></p> <p>This policy directs new hotel accommodation towards Redcar and Saltburn in particular. Sites within Redcar have the potential increase visitor numbers to the SPA and its surrounds. While some protection is offered by Policy ED 9, and the requirement within that policy for leisure and tourism activities to undertake a screening exercise to determine the need for AA, it may be beneficial to explicitly state this again within Policy ED 12.</p>	<p>Policy ED12 has been updated to include explicit reference to the need to comply with the Habitats Regulations.</p> <p>Please also refer to our response to the comments in relation to Policy ED9.</p>
<p><u>Policies H 3 to H 3.31</u></p> <p>We note and welcome the recognition within the policy wording for housing developments within a 16km buffer to carry out a screening exercise to determine the need for Appropriate Assessment under the Habitats Regulations. Research elsewhere has shown that approximately 75% of visitors to coastal sites come from within a 6km radius of the site, and so within other Local Planning Authority areas we have recommended a 6km buffer is used for determining whether housing developments have the potential to have a likely significant effect upon a Natura 2000 site.</p> <p>We note a 6km buffer has been used within the accompanying 'Statement to inform Appropriate Assessment'</p>	<p>The Local Plan has been amended to refer to the 6 km buffer agreed during consultation with Natural England and used in the HRA Screening and Appropriate Assessment Reports.</p> <p>Further detail relating to the approach to Recreation Management has been included in the latest draft of the Statement to Inform Appropriate Assessment report.</p>

Comment	Response
<p><u>Policy N 1</u></p> <p>Natural England welcomes the recognition within the policy of the landscape value of the North York Moors National Park and the Cleveland Heritage Coast, and the commitment within the policy to ensuring development does not harm the landscape setting, scenic beauty and special qualities of these designations.</p> <p>We also welcome the inclusion of the Natural England Character Areas, and the commitment to considering opportunities for landscape enhancement identified within these documents.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy N 2</u></p> <p>We welcome the inclusion of this policy, and we support the aims and objectives identified within it.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy N 3</u></p> <p>We welcome the inclusion of this policy, and support the aims within it. The provision of open space and recreational facilities has the potential to improve public health and wellbeing, and also has the potential to mitigate some of the pressures of recreational impacts upon designated sites.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Policy N 4</u></p> <p>We fully support the inclusion of this policy, and the safeguards and protection that it provides to designated sites.</p> <p>To ensure the policy follows the Habitats Regulations process, where the purpose of an Appropriate Assessment is to determine the potential for a proposal to have an adverse effect on the integrity of a site, we advise that the wording of the third paragraph is amended to read:</p> <p>'Priority will be given to protecting our internationally important sites, including the Teesmouth and Cleveland Coast SPA/ Ramsar and European Marine Site, and the North York Moors SPA and Special Area of Conservation. Development that is not directly related to the management of the site, but is likely to have <del>an adverse</del> <b>significant effect</b> on any internationally designated site</p>	<p>Consultation comment noted.</p> <p>The wording of Policy N4 has been updated during the drafting of the Publication Local Plan.</p>
<p><u>Policy TA 4</u></p> <p>While we welcome the inclusion of this policy as a means of improving public access, including to sites at the coast and the North York Moors it does have the potential to increase recreational pressures on these sites.</p>	<p>Further detail relating to the approach to Recreation Management has been included in the latest version of the Statement to Inform Appropriate Assessment report.</p>



Statement to Inform Appropriate Assessment

Comment	Response
<p><u>HRA Screening</u></p> <p>Natural England agrees with the policies identified as having the potential to have a likely significant effect upon the interest features of the Teesmouth and Cleveland Coast SPA and Ramsar site, and the North York Moors SPA and SAC</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Potential Extension to the Teesmouth and Cleveland Coast SPA</u></p> <p>The official consultation period for the extension to Teesmouth and Cleveland Coast SPA was originally scheduled to commence in 2015, but was delayed until December 2016 following initial feedback from landowners and stakeholders. The extensions, and potential new features, described within this section are correct.</p> <p>Given the timescales involved it is considered appropriate that these SPA extension features are included within this assessment.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Potential Impact Pathways arising from Local Plan Policies</u></p> <p>We agree with the potential impact pathways identified, and with the assessment contained within Table 7 of the ways that each policy could contribute towards these pathways.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Plans and Projects for in-combination assessment</u></p> <p>It should be noted within Table 8 that the Greatham Managed Realignment Scheme was developed to compensate for SPA habitat loss arising from the Redcar Flood Alleviation Scheme as well as the losses arising from the Tees Tidal Flood Risk Management Strategy identified within the Table.</p> <p>We agree with the plans and projects identified as having the potential to act in combination with the policies contained with the Redcar and Cleveland Local Plan.</p>	<p>Consultation comments noted. We have updated Table 8 in the Statement to Inform Appropriate Assessment to reflect Natural England's comments relating to the Greatham Managed Realignment Scheme.</p>

Comment	Response
<p><u>Appropriate Assessment – Land take</u></p> <p>The policies identified as having the potential to impact on the Teesmouth and Cleveland Coast SPA from land take have been correctly documented. We note and welcome that background data has been obtained from other developments to help support the conclusions reached with the assessment of impacts, and agree with the conclusions reached that these policies are not likely to have an adverse effect on the SPA extension for little tern and common tern foraging. We also agree with the conclusion of a potential adverse effect on the proposed extension sites at Bran Sands and Coatham Marsh. It should be noted that these sites already receive some protection under the Habitats Regulations as 'functional land' supporting SPA birds outside of the current designated site.</p> <p>We agree with the conclusion of no adverse effect on the integrity of the North York Moors SPA and Special Area of Conservation (SAC).</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response. It should be noted that the Local Plan allocations in the vicinity of Bran Sands and Coatham Marsh have been modified to avoid direct effects on areas within the SPA extension.</p>
<p><u>Appropriate Assessment – Increased recreational disturbance</u></p> <p>We agree with the policies identified, and the conclusions reached in relation to impacts upon the North York Moors SPA and SAC, in that there is not likely to be an adverse effect alone, and given the measures and safeguards in place within this Plan and the North York Moors Management Plan, there is also not likely to be an adverse effect on the integrity of the site.</p> <p>We also agree with the policies identified as potentially having an impact on the Teesmouth and Cleveland Coast SPA and Ramsar site from increased recreational disturbance, and note a 6km buffer has been used to assess potential impacts from new housing allocations, as per previous advice.</p> <p>We note the safeguards provided by Policies SD4, N4 and H3, and the measures identified to reduce the potential from increased recreational impacts, but given the uncertainties associated with impacts effectiveness and implementation of these measure, we agree with the conclusion that adverse effects cannot be ruled out.</p>	<p>Consultation comments noted. Further detail relating to the approach to Recreation Management has been included in the latest version of the Statement to Inform Appropriate Assessment report.</p>
<p><u>Appropriate Assessment – Air quality</u></p> <p>Given the distance of the North York Moors SPA and SAC from the safeguarded industrial sites identified within the Plan, and the safeguards provided by policies N4 and ED4 we agree with the conclusion of no adverse effect on the integrity of either the North York Moors SPA and SAC, or the Teesmouth and Cleveland Coast SPA.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Appropriate Assessment – Water supplies and water quality</u></p> <p>Natural England agrees with the conclusion of no adverse effect on the integrity of either the Teesmouth and Cleveland Coast SPA and Ramsar site, or the North York Moors SPA and SAC, as a result of policies contained within the plan.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>

Comment	Response
<p><u>Appropriate Assessment – Increased predation of SPA bird species by domestic cats</u></p> <p>As no housing is proposed within 400m of the boundary of either the North York Moors SPA and SAC, or the Teesmouth and Cleveland Coast SPA and Ramsar site, or potential extension areas, we agree with the conclusion of no adverse effect on the integrity of these sites.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Recommendations – Land take</u></p> <p>Natural England welcomes the recommendation to remove Bran Sands Lagoon from the allocations within Policy SD3 and ED6, and agree that this would remove the potential for these policies to have an adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site.</p> <p>We also welcome the recommendation that the wording of Policy ED6 be amended to include the requirement for a buffer and suitable boundary treatment to avoid the potential to disturbance to Coatham Sands, and agree that implementing this amendment will remove the potential for adverse effect on integrity as a result of this policy.</p>	<p>Consultation comment noted. No changes to Local Plan or HRA reports proposed in response.</p>
<p><u>Recommendations – Recreational disturbance</u></p> <p>We have previously advised a strategic approach to managing the effects of recreational disturbance, including the provision of alternative greenspace and access management, and this approach should be pursued.</p> <p>A Recreation/ Foreshore Management Plan is proposed, and we welcome this approach.</p> <p>A number of measures are identified within the recommendations section, and ideally these should all be incorporated into the Management Plan. Policy SD5 details areas where the Council will seek developer contributions to fund infrastructure and other community benefits including 'improvements to...biodiversity and heritage assets, including habitat creation'. This could be expanded to include wardening, interpretation and access management. The wardening detailed within the report focusses on safeguarding SPA bird nesting sites – this could be expanded to include public liaison and education (verbal interpretation), and also policing of beach zoning should this element be progressed. The management Plan also provides an opportunity to identify likely costs for the provision of these elements, and detail how developer contributions could be used. We would be happy to assist or comment on the document as it is produced.</p> <p>It should also be noted that that interpretation section of the report appears incomplete</p>	<p>Consultation comments noted. Further detail relating to the approach to Recreation Management has been included in the latest version of the Statement to Inform Appropriate Assessment report. This includes reference to how RCBC will develop measures in relation to recreational disturbance impacts.</p>



8<sup>th</sup> August 2016

BY EMAIL ONLY to:

[strategic.planning@redcar-cleveland.gov.uk](mailto:strategic.planning@redcar-cleveland.gov.uk)

Dear Sirs

### **Redcar and Cleveland Borough Council Draft Local Plan**

The RSPB welcomes the opportunity to respond to the above consultation.

Our comments (attached) relate to both the Draft Local Plan and the associated Habitat Regulations Assessment.

We are pleased to see that the Council have considered some of our submitted comments relating to the Draft Local Plan 2013, which was subsequently withdrawn. However, some of our suggestions/advice still remains.

We note that further iterations of both documents will be produced and will welcome the opportunity to further contribute to the development of the Local Plan going forward.

We hope that you find our comments/suggestions helpful and we are very happy to further discuss these with you.

Yours sincerely



Christina Taylor  
Conservation Officer – North East England

#### **Northern England Region**

1 Sirius House  
Amethyst Road  
Newcastle Business Park  
Newcastle Upon Tyne  
NR4 7YL

Tel 0300 777 2676

[rspb.org.uk](http://rspb.org.uk)



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

Annex 1 – RSPB response to Redcar & Cleveland Borough Council Draft Local Plan

Pg 16	<p>Vision for Redcar and Cleveland</p> <p><i>“the majority of development will take place in the most sustainable locations in our urban and <b>coastal</b> areas”</i></p> <p>Please see also our comments regarding SD2 Locational Policy.</p>
Pg 16	<p>Vision for Redcar and Cleveland</p> <p>The RSPB welcomes the intention to enhance important natural and historic assets, and suggest a change of wording to obtain the maximum benefit from this:</p> <p><i>“The designated international, national and local nature conservation sites will continue to be protected <b>and enhanced</b>. <b>Opportunities will continue to be taken to expand and reconnect habitats and communities of wildlife and ensure that the variety of species and habitats both in rural and urban areas is increasing.</b>”</i></p>
Pg 17	<p>Sustainability Appraisal (SA) and Habitat Regulations Assessment</p> <p>1.55 We welcome the preparation of Habitat Regulations Assessment (HRA) including the Appropriate Assessment (AA) at this stage so that it can be progressed alongside other local plan preparations and its evidence utilised to underpin the Plan.</p> <p>We note that the recommendations made in the HRA have been used in finalising the Draft Local Plan. However, we are concerned that some recommendations do not appear to have been implemented or policy wording amended – these are:</p> <p>SD3 – Development Limits  ED6 – Protecting Employment Areas  SD6 – Renewable and Low Carbon Energy  ED13 – Equestrian Development</p>
Pg 26	<p>Outcome 3: Improve Quality of Life</p> <p>1.99 The RSPB welcome the recognition given to the coastline and world class natural environment as assets which contribute to the quality of life enjoyed by existing residents, future generations and help to attract new investment. Designated sites provide a core for wider wildlife tourism opportunities and ecosystem services, contributing to the attractiveness of the borough. However, we would like to see a change of wording so that</p> <p><i>“The Local Plan will ensure that opportunities are taken to protect, promote and <b>enhance</b>” (rather than develop) “our unique assets.” (where this relates to designated sites).</i></p>
Pg 35	<p>Sustainability and Design</p> <p>2. The RSPB welcome the inclusion of a definition and explanation of sustainable development in the Local Plan.</p>

Pg 38	<p>SD2 Locational Policy</p> <p>The RSPB is concerned that the policy will aim to:</p> <p><i>“e. achieve a minimum of 60% of all new development taking place in the urban and <b>coastal</b> areas”</i></p> <p>The RSPB recognise the importance of key industries in the borough to the local and national economy, but consider further planning is required to ensure that industrial expansion is compatible with the area’s protected wildlife populations, particularly in coastal locations.</p> <p>The Tees estuary and coastline supports internationally important populations of waterbirds which use intertidal areas, semi-natural habitats around the estuary and areas of open space interspersed among the industrial developments of Teesside. Some of the area is designated as part of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site. However, other non-designated sites are functionally linked to the SPA by providing foraging and roosting sites for SPA species as they move around the estuary in response to changing conditions, e.g. tides or weather. Development that could cause direct disturbance or displacement of notified populations from the SPA, or associated functional land could have an adverse effect on the integrity of the SPA and Ramsar site.</p>
Pg 38	<p>SD2 Locational Policy</p> <p>Provision for the need for Appropriate Assessment for all development likely to have an adverse effect on a Natura 2000 site (either alone or in combination) within Policy SD 2 is supported.</p> <p>2.1.3 However, we would advise caution in deferring any consideration of the viability of development allocations to the planning proposal stage, which could lead to wasted resources being put into the preparation and submission of unviable applications, or lack of due consideration being given to the combined effects on Natura 2000 sites at the individual application stage. This approach can lead to serious doubts over the deliverability of the allocations and thus the soundness of the overall plan.</p> <p>At the scoping stage of the 2013 plan, the RSPB recommended investing in further data and evidence gathering to make informed and evidence-led decisions in the HRA.</p> <p>We recommend that a strategic master plan for the conservation and enhancement of biodiversity is produced: this should include assessment of biodiversity assets within the borough and identification of appropriate management measures, a Recreation Management Plan and any other strategic mitigation considered necessary to ensure no adverse effects Natura 2000 sites and other biodiversity assets. This could be produced working with an appropriate nature conservation body.</p> <p>It is important to note that in order for mitigation for adverse effects on a Natura 2000 site to be considered effective it must be secured for the duration of the effects being mitigated for. Where this relates to development (eg housing) the mitigation must be in</p>

	<p>effect for the lifetime of that development (“in perpetuity”).</p> <p>Please see our separate comments in this regard to individual policies.</p>
Pg 40	<p>SD3 Development Limits (see also ED6 Protecting Employment Areas)</p> <p>Allocated Development Limits within the Draft RCBC Local Plan could potentially result in applications for developments, which alone, or in combination, could have an adverse effect on the integrity of Natura 2000 sites within the influence of the borough. Development limits are currently to the boundary of protected sites, including the Teesmouth and Cleveland Coast SPA, and include supporting areas outside the designated areas that are known for their waterbird congregations.</p> <p>The areas of Dabholm Gut and Bran Sands Lagoon, which are currently within the allocated development limits, have been surveyed by the Industry Nature Conservation Association since 2006, because they support an increasing population of waterbirds, including a significant number of redshank, in addition to other bird populations from the waterbird assemblage of the Teesmouth and Cleveland Coast SPA and Ramsar site. Development should be avoided in such functionally related areas around the SPA. We do note, however that the HRA recommends removal of Bran Sands from the allocations pertaining to this policy and ED6 Protecting Employment Areas). Please see our further comments pertaining to the HRA/AA.</p>
Pg 42	<p>SD4 General Development Principles</p> <p>The RSPB welcomes the inclusion of the following wording within this policy:</p> <p><i>“g. will not result in an adverse impact on a Natura 2000 site, either alone or in combination with other plans or projects.”</i></p> <p>and that development proposals will be expected to:</p> <p><i>“m. Respect or enhance the landscape, biodiversity .....”</i></p> <p>However, the wording within this policy should also reflect the requirement in paragraph 113 of the National Planning Policy Framework that <i>“...distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.”</i></p> <p>Where Policy SD4, part (c), refers to the unacceptable loss or significant adverse impact on environmental assets, <b>this should not be limited to those considered important to the quality of the local environment and should make distinctions between the hierarchy of international, national and local designations.</b> This includes consideration of statutory protection above and beyond any importance to the quality of the local environment, particularly for European designated Natura 2000 sites and nationally designated Sites of Special Scientific Interest.</p> <p>It is recommended that this policy makes a distinction between the requirements to protect internationally, nationally and locally important environmental assets and provides for their enhancement.</p>



	<p><i>the South Gare and Coatham Sands SSSI, Redcar Rocks SSSI and the Coatham Marsh Nature Reserve whilst protecting and enhancing the features of the Teesmouth and Cleveland Coast SPA/Ramsar site;”</i></p> <p>and</p> <p><i>“ag. ensure the coastline is managed in an appropriate manner;”</i></p> <p>3.1.3 <i>“The town has an attractive and varied coastal setting extending to include important areas of biodiversity and geological interest. These include the internationally important Teesmouth and Cleveland Coast SPA/Ramsar site, protected by the Habitats Regulations.”</i></p> <p>We welcome consideration of the above within this policy, however, where conflicts exist between potential adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and current use including recreational access and bait digging, we encourage the preparation of a strategic master plan for the conservation and enhancement of biodiversity. Please refer to Policy SD 2 comments.</p>
Pg 68	<p>LS4 South Tees Spatial Strategy</p> <p>Environment</p> <p>The RSPB notes the wording contained within this policy in that the Council and its partners will aim to:</p> <p><i>“v. enhance the environmental quality of employment through well planned boundary treatments;”</i></p> <p><i>“x. protect European sites, and safeguard and improve sites of biodiversity interest particularly along the River Tees and the estuary and encourage integrated habitat creation and management;”</i></p> <p><i>“y. enhance the environmental quality of the River Tees and coastline;”</i></p> <p>and</p> <p><i>“aa. encourage improvements to access, interpretation and wildlife consideration and biodiversity across the area.”</i></p> <p>Protection, safeguarding and improving sites with biodiversity interest along the River Tees and the estuary and encouragement of integrated habitat creation and management is supported. However, consideration should be given to potential conflicts between adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and encouragement of recreational access. This could be achieved through the preparation of a strategic master plan for the conservation and enhancement of biodiversity, please refer to comments on Policy SD 2.</p> <p>3.31 We welcome the inclusion of the wording within the policy that:</p>

	<p><i>“Despite a history of industrial development, the River Tees and estuary retain important wildlife sites, in particular the Teesmouth and Cleveland Coast SPA/Ramsar site, protected by the Habitat Regulations. All developments should be considered against the requirements of Policy N4 ‘ Biodiversity and Geological Conservation”</i></p> <p>Considerable investment and effort has been made on the part of the RSPB and other charitable organisations to ensure the protection and enhancement of habitats and communities of wildlife in the River Tees and estuary. Please see recommendations for Policy SD2. Please see our separate comments regarding deferral to planning application stage.</p>
Pg 72	<p>REG1 Coatham</p> <p><i>“Land at Coatham (8.7 ha) is allocated for a mixed use development comprising leisure, tourism and visitor uses”</i></p> <p><i>Any proposal will be required to carry out a screening exercise to determine the need for an appropriate assessment.”</i></p> <p>The Teesmouth and Cleveland Coast SPA and Ramsar site at Coatham has experienced a recent decline in wintering knot and the loss of the breeding colony of little tern.</p> <p>Unmitigated or inappropriate development at Coatham is likely to have an adverse effect on this SPA, because of its proximity and existing combined pressures on its notified bird populations. It is recommended that this policy explicitly includes mitigation, as recommended for Policy SD 2.</p> <p>In an effort to address the effects of coastal change, the second edition of the Environment Agency’s Shoreline Management Plan for the River Tyne to Flamborough Head recommended consideration of a transition between the development area and Coatham Sands. This recommendation has not been included in the HRA assessment.</p> <p>Please see our separate comments regarding deferral to planning application stage.</p>
Pg 92	<p>ED6 Protecting Employment Areas</p> <p><i>“Land and buildings within existing industrial estates and business parks will continue to be developed and safeguarded for general industrial and business uses (B1, B2 &amp; B8 uses).”</i></p> <p><i>“Some of the above general employment sites lie adjacent to, or are within, the proximity of protected landscapes and nature conservations sites. <b>Where appropriate, proposals will need to demonstrate that there will be no significant 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.”</b></i></p> <p>Development up to the boundary of the Teesmouth and Cleveland Coast SPA and Ramsar site and in sensitive surrounding areas is unlikely to meet the requirements of the HRA,</p>

	<p>through likely displacement effects on adjacent land, which include high tide roosting and loafing areas at the landward edges of the site, and through loss of functional areas beyond the designated area, which support notified bird populations. It is likely that difficulties would be encountered identifying and securing suitable mitigation for any such adverse effects.</p> <p>There is a need to identify potential adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA, which should include in-combination effects, and other designated sites and secure any necessary mitigation measures in advance of development. This could be better met through a strategic master plan for the conservation and enhancement of biodiversity assets potentially affected by the local plan, including identification of strategic mitigation for development allocations; please see recommendations for Policy SD2.</p> <p><i>5.37 “The River Tees and its estuary contain a wildlife site of European importance, protected by the Habitats Regulations. This site is known as the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site and consists of several different but supporting habitats, many of which are located close to industry. Where appropriate, proposals will need to demonstrate that there will be no significant adverse impact on the integrity of protected sites, alone or in combination with other development, plans or projects.”</i></p> <p><b>The wording “no significant adverse impact” should be replaced with “no adverse effects”</b></p>
Pg 99	<p>ED9 Leisure and Tourism Development</p> <p>The RSPB notes the decision that the Council has taken to extend the distance set to determine the need for an Appropriate Assessment (16km) arising from this policy.</p> <p>5.54 We also note the wording within section 5.54:</p> <p><i>“It is recognised that some Natura 2000 sites, such as the Teesmouth and Cleveland Coast Special Protection Area, are already impacted by recreation and, given the potential for leisure and tourism development coming forward near these sites, some degree of cumulative impact is possible. Development will only be permitted where it can be demonstrated that it will not have an adverse effect on the integrity of a Natura 2000 site, either alone or in combination. It is likely that a Recreation Management Plan will be required that sets out the measures that will be adopted to ensure that increased recreational pressure arising from the proposed development will not have a significant effect on a Natura 2000 site.”</i></p> <p>It is our opinion that where the SPA is <b>already</b> being adversely affected by recreation, without mitigation, <b>any further development</b> is likely to result in further detrimental effects.</p> <p>Any mitigation from a Recreation Management Plan must ensure no adverse effects on the SPA. This could work as part of a wider strategic master plan for the conservation and enhancement of biodiversity and planning for strategic mitigation to support</p>



	development in the borough.
Pg 103	ED11 Caravan Sites and Tourist Accommodation  Please see our comments regarding Policy ED9 Leisure and Tourism
Pg 106	ED13 Equestrian Development  We note RCBC's recommendation that consideration be given to amending the policy wording (as detailed within the AA - Table B.4. Consideration of Measures to avoid or reduce LSE) as follows:  <i>"Consider whether policy wording can be incorporated into Local Plan (or other RCBC policy and /or byelaws) to manage equestrian use of SAC and SPA habitats, particularly at sensitive times of the year. "</i>  The RSPB endorses this approach, which could be incorporated into the aforementioned strategic master plan (See our separate comments regarding SD2 Locational Policy)
Pg 115	H3 Housing Allocations  6.35 The RSPB notes the decision that the Council has taken to extend the distance set to determine the need for an Appropriate Assessment (16km) arising from this policy.  Please refer to our recommendations for Policy SD2.
Pg 175	H5 Sub-division and conversion of buildings to residential uses
Pg 177	H6 Housing in Multiple Occupation  Please see our comments regarding screening for LSE within the HRA in relation to these policies.
Pg 192	N4 Biodiversity and Geological Conservation  There are many aspects of this policy which are supported by the RSPB and the positive intentions with regard to the protection and enhancement of the borough's biodiversity assets are noted. We also note and welcome that many of our suggestions regarding additions/amendments have been applied to the wording in this policy.  However, we would still like to see the following amendments:  In respect of SSSIs  <i>"c. the benefits clearly outweigh any adverse impact on the site"</i>  the following wording should be added to this sentence:  <i>"and any broader impacts on the network of SSSI's"</i>  7.36 We also welcome consideration within the policy wording of the proposed extension to the Teesmouth and Cleveland Coast SPA, and particularly that the Council will continue to work with partners <i>"to agree a collective vision for ongoing management of the interest of wildlife and industry in the Tees Estuary master plan."</i> Further that <i>"any</i>

*proposals within, or impacting on, the SPA should be informed by the master plan.”*

A collaborative and strategic approach on the Tees Estuary is important to secure positive outcomes for the nature interests of the estuary and may be particularly important in securing strategic mitigation sites.

7.41 *“We will continue to attach a significant importance to protecting these sites”.*

In line with our previous comments we would like to see more ambition in the wording of this policy with regards to nationally important sites.

Annex 2: RSPB Response to Redcar & Cleveland Borough Council Draft Local Plan – Habitat Regulations Assessment and Appropriate Assessment

HRA

Pg 5	<p>2.2 Identifying potentially relevant Natura 2000 Sites</p> <p>2.2.2 We note the application of a 15 km buffer around the authority boundary to identify Natural 2000 sites that could conceivably be affected by the Local Plan.</p> <p>The RSPB welcomes the consideration as to LSE of the Plan outside of the geographical area to which the plan pertains. However, we note the adoption of a 15km buffer to determine the scope of the HRA Stage 1 Screening. Whilst we accept that distance from an internationally designated site is an important factor in determining the likelihood of adverse effects resulting from the Plan, we urge caution in using a buffer approach. We strongly recommend that, if used, buffers are justified on a combination of a proper understanding of the designated site’s characteristics; it’s qualifying interests; their sensitivities; the underlying ecosystem processes they depend on and relevant published scientific research.</p> <p>The selected boundaries of buffer zones should be clearly related to the type of effect being considered and the distance at which it is known to be an issue e.g. recreational disturbance. Inappropriate use of a buffer zone, without objective information to back it up, could result in effects of policies or proposals outside the buffer being missed or, conversely, unnecessary inclusion of policies or proposals that result in further work at the AA stage to rule out possible adverse effects. Furthermore we suggest that distance is not the only important factor. The RSPB prefers to see the use of a source-pathway-receptor model.</p>
Pg 8	<p>3 Natura 2000 Sites Considered</p> <p>Northumbria Coast SPA/Ramsar Arnecliffe and Park Hole Woods SAC</p> <p>3.1.3 and 3.1.4 We note that the above Natura 2000 sites have been screened out of LSE by virtue of distance (covered in 2.22 above) and because of their similarities (in terms of their sensitivities) with the Teesmouth and Cleveland Coast SPA/Ramsar site and the North York Moors SAC respectively. We recommend caution in using this approach and suggest that the Council present further evidence to demonstrate that these sites need not be considered further. For example, provision of a map and consideration of the Site Conservation Objectives. Work undertaken by neighbouring local authorities to assess recreational disturbance/visitor impact on coastal sites may also be of use.</p>
Pg 11	<p>Table 2: Teesmouth and Cleveland Coast constituent SSSI: Potentially damaging operations</p> <p>We note the inclusion of <b>direct habitat loss or disturbance</b> amongst the list of potentially damaging operations which must be considered within the context of the Local Plan. Whilst it may be true that none of the proposed Local Plan policies will result in direct habitat loss within the SPA/Ramsar site (although please note our comments with regards to the proposed SPA extension), it is important that the Council also consider the potential</p>

	<p>for adverse effects on site integrity arising from the following:</p> <ul style="list-style-type: none"> <li>• the loss of supporting habitat i.e. habitat that is functionally linked to the SPA</li> <li>• indirect habitat loss due to disturbance and displacement</li> </ul> <p>The Council has rightly considered the latter within the context of housing and tourism policies, however, there is a lack of consideration as to the same resulting from allocations for other development. Please see our separate comments regarding policies SD3 Development Limits and ED6 Protecting Employment Areas.</p>
Pg 17	<p>4 Screening Assessment Results and Appendix B Screening Matrices</p> <p>The RSPB largely agrees with the screening decisions made regarding LSE arising from individual policies within the Draft Local Plan.</p> <p>However, we are concerned that SD2 Locational Policy aims to achieve 60% of all new development taking place in the urban and coastal areas. Whilst this is a high level policy which expresses general aspirations, if the full extent of potential coastal development is not considered within other policies this policy should be robustly assessed as to the likely effect of new development upon the Teesmouth and Cleveland Coast SPA.</p> <p>Please also see our further comments within Annex 1 with regards to SD2 Locational Policy.</p>
Appendix B	<p>B.1.3 In combination assessment of Local Plan elements</p> <p>Policies H5 (Sub-division and conversion of building to residential uses) and H6 (Houses in multiple occupation) have been considered for LSE in combination with other housing policies. The assessment rightly assumes that both these policies are likely to contribute to an increase in population. We do not feel that the explanation as to why these policies have been ultimately screened out is adequate.</p>

#### Appropriate Assessment

Pg 5	<p>Table 2: Potential impacts arising from draft Local Plan policies that could lead to LSE</p> <p>SD3: Development Limits.</p> <p>The wording within this section should be amended to include recognition of the potential for this policy to result in indirect habitat loss through displacement/disturbance of SPA interest features.</p>
Pg 5	<p>Table 2: Potential impacts arising from draft Local Plan policies that could lead to LSE</p> <p>LS4: South Tees Spatial Strategy</p> <p>The wording within this section should be amended to include recognition of the potential for this policy to result in disturbance of SPA interest features through development in addition to recreational disturbance.</p>
Pg 22	<p>Table 7: Summary of Potential Impact Pathways for all policies with potential LSE</p>

	<p>This table should also include consideration of the potential for policies to result in indirect habitat loss through displacement/disturbance of SPA interest features.</p>
Pg 24	<p>Table 8: Plans identified for in-combination assessment</p> <p>Please note submission of the following planning applications which may be relevant:</p> <p>H/2016/0168 - 21m long extension to Quay 1, three mooring dolphins and associated walkway</p> <p>Able UK Ltd, Tees Road, Hartlepool TS25 2DB</p> <p>16/0720/EIS - Change of use from undeveloped reclaimed land to a permanent waiting/parking area for HGVs, vans and cars with associated welfare facilities PD Teesport Limited, Land West of Conoco Phillips Petroleum Company, Seal Sands, Middlesbrough</p> <p>We would also suggest consideration of the English Coastal Path - Filey Brigg to North Gare Stretch, proposed to open in 2016, particularly with regards to the potential for increased recreational disturbance. (<a href="https://www.gov.uk/government/publications/england-coast-path-plan-of-the-filey-brigg-to-north-gare-stretch">https://www.gov.uk/government/publications/england-coast-path-plan-of-the-filey-brigg-to-north-gare-stretch</a>)</p>
Pg 27	<p>Table 8: Plans identified for in-combination assessment</p> <p>Greatham Managed Realignment Scheme</p> <p>The Environment Agency have submitted a planning application (16/1461/EIS – Stockton Borough Council) Improvement of flood defence embankment and associated works at Greatham South East and are drawing up plans for a further managed realignment scheme at Greatham South West (Cowpen Marsh).</p> <p>Hartlepool Local Plan</p> <p>Hartlepool Borough Council have recently consulted on their Local Plan Preferred Options and associated HRA.</p>
Pg 32/33	<p>6.2 Land Take</p> <p>6.2.2 and Table 10: The proposed extension to the Teesmouth and Cleveland Coast SPA</p> <p>Specific consideration should also be given to Dabholm Gut – which is technically part of the marine extension but, given its orientation, proximity to Bran Sands lagoon and its use by SPA interest features, it would be prudent to consider the two areas together.</p>
Pg 34	<p>Potential for adverse effects on site integrity</p> <p>6.2.8 <i>“The section of the existing SPA and Ramsar site and proposed SPA extension of importance to breeding and foraging little tern is located several kilometres from the areas covered under policies SD3 and ED6. The allocations identified in policies SD3 and ED6 are</i></p>

	<p><i>therefore expected to have no adverse effects on the little tern qualifying interest”</i></p> <p>There is an historic little tern breeding site at Coatham Sands which is actively managed and monitored by INCA to encourage a return of breeding little tern at the site. In 2015 a pair of little tern successfully nested 1.5km from the Coatham site at South Gare. Given the proximity of allocations for SD3 and ED to Coatham and that successful breeding at Coatham is being actively encouraged, we strongly suggest that potential for adverse effects on site integrity (in respect of little tern) resulting from these policies cannot be ruled out.</p> <p>We do note, however, that the above has been taken into account within 6.3.41. which states that RCBC are actively involved in the above management which has been ongoing in 2016.</p>
Pg 34	<p>Potential for adverse effects on site integrity</p> <p>6.2.9 <i>“A study of the foraging behaviour of common tern at Teeside<sup>17</sup> found that the species demonstrated a strong preference for foraging in marine habitats, flying over a range of brackish habitats to reach the estuary and sea beyond. The tidal reaches of the Tees within and adjacent to the SD3 and ED6 Policy allocations have historically and are currently subject to regular use by shipping and associated industrial and commercial activities. The HRA studies conducted in support of major industrial developments on the Tees in recent years (see Table 7) have also been able to conclude (subject to suitable mitigation) that adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site can be avoided. As such, the allocations identified in policies SD3 and ED6 are expected to have no adverse effect on foraging common tern.”</i></p> <p>A study undertaken by Natural England to inform proposals for a marine extension to the Teesmouth and Cleveland Coast SPA has shown heavy use of the River Tees corridor up to the Tees Barrage by foraging common tern. Accepting that the Tees river corridor is subject to regular use by shipping and associated activities, we strongly suggest that potential for adverse effects on site integrity (in respect of common tern) resulting from these policies cannot be ruled out without further assessment.</p>
Pg 35	<p>Conclusions on the potential for adverse effects on site integrity</p> <p>6.2.16 We agree that there is potential for adverse effects to the integrity of the Teesmouth and Cleveland Coast SPA which include those detailed above. We would also like to reiterate that consideration should be given to the potential for indirect habitat loss through displacement/disturbance of SPA interest features.</p>
Pg 38	<p>6.3 Increased Recreational Disturbance</p> <p>6.3.22 Error</p> <p>Remove <i>“North York Moors”</i> and replace with <i>“Teesmouth and Cleveland Coast SPA and Ramsar Site”</i></p>
Pg 42	<p>Existing measures – Teesmouth and Cleveland Coast SPA and Ramsar site</p> <p>6.3.41 Please see our previous comments in relation to breeding little tern at Coatham Sands (6.2.8)</p>
Pg 42	<p>Existing measures – Teesmouth and Cleveland Coast SPA and Ramsar site</p>

	<p>6.3.43 The RSPB fully agrees with Natural England in the best way to manage increased recreational disturbance arising from housing allocations and other sources, is through a strategic approach undertaken by all local authorities surrounding the Teesmouth and Cleveland SPA and Ramsar site. Please see our separate comments in that regard.</p>
Pg 42	<p>Conclusions regarding the potential for adverse effects</p> <p>6.3.44 We note RCBC’s conclusion that no adverse effects to the North York Moors SPA or SAC are anticipated from recreational impacts, given the existing measure in place to manage both existing and possible future increases in visits. The Council should determine whether policies within the Local Plan will result in an increase in recreational disturbance that is within the limits set by the National Park Authority in that regard.</p>
Pg 42	<p>Conclusions regarding the potential for adverse effects</p> <p>6.3.45 The RSPB agrees that there is the potential for adverse effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site.</p>
Pg 44	<p>6.4 Air Quality</p> <p>6.4.9 Policy ED6 – Protecting Employment Areas</p> <p>We note the wording within the policy requiring that any project brought forward for development must avoid adverse effects to the integrity of Natura 2000 sites and that any major emitting development would also require assessment under the UK environmental permitting regime.</p> <p>6.4.15 We also note the conclusion that there will be no adverse effect to the integrity of the Teesmouth and Cleveland Coast SPA due to the aforementioned existing regulatory regime and measures contained within Local plan requiring a HRA at the planning application stage. We accept that it is difficult to predict potential effects on air quality given that the policy does not allocate for specific projects. Nevertheless, please see our separate comments on deferral to the planning application stage.</p>
Pg 45	<p>6.5 Water supplies and water quality</p> <p>Please see our comments regarding 6.4 Air Quality which are also relevant here.</p>
pg 48 (7.2.2)	<p>7 Recommendations</p> <p>Land Take</p> <p>7.2.2 to 7.2.4 The RSPB welcomes consideration of the proposed extension to the Teesmouth and Cleveland Coast SPA to include both marine and terrestrial extensions and additional interest features. Bran Sands lagoon forms part of the proposed terrestrial extension. We note and welcome that the AA recommends removal of Bran Sands Lagoon from allocations contained within Policy SD3 and ED6. We also note that the aforementioned exclusion is not referred to within the wording of either policy within the Draft Local Plan nor on the corresponding allocations maps.</p> <p>Nevertheless, whilst removal of this area from allocations will avoid direct habitat loss, we do not agree that this action will <i>“allow RCBC to conclude that there will be no adverse effects to integrity of the SPA/Ramsar site as a result of Policies SD3 and ED6”</i>.</p>

	<p>Consideration should also be given to specifically exclude Dabholm Gut – which is technically part of the marine extension but, given its orientation, proximity to Bran Sands lagoon and its use by SPA interest features, it would be prudent to consider the two areas together.</p> <p>Please see our separate comments regarding the lack of consideration within the HRA/AA as to the potential for policies/allocation contained within the local plan to result in indirect habitat loss through displacement/disturbance of interest features as a result of development in areas adjacent or close to the designated sites.</p>
Pg 48	<p>Recreational Disturbance</p> <p>7.2.5 to 7.2.12 The RSPB welcomes the recommendations outlined in these sections, particularly regarding engagement and collaboration with relevant stakeholders to address the issue of recreational disturbance within a wider master plan for the Estuary and to produce a Foreshore Management Plan in parallel with the Local Plan. We also note that consideration will be given to wardening and zoning which could be funded via Developer Contributions.</p>
Pg 50	<p>Appropriate Assessment – Summary</p> <p>We acknowledge that further work is required to develop the recommendations set out above and look forward to seeing a more detailed set of proposals aimed at ensuring there are no adverse effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site in relation to recreational impacts. We would like to reiterate our advice regarding a strategic master plan. (see comments SD2 – Locational Policy).</p>
Pg 51	<p>8 Conclusions</p> <p>8.1.3 The assessment of potential impact pathways associated with draft Local Plan policies should include the potential for indirect habitat loss through displacement/disturbance of SPA interest features resulting arising from development in addition to disturbance arising from an increase in recreational disturbance.</p>
Pg 51	<p>8.1.7 The RSPB looks forward to seeing the next iteration of the Local Plan and an updated Appropriate Assessment, which should include the recommendations we have made above.</p>



Position in document	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
<b>Local Plan Comments</b>				
Pg 16	Vision for Redcar and Cleveland <i>"the majority of development will take place in the most sustainable locations in our urban and coastal areas"</i>  Please see also our comments regarding SD2 Locational Policy.	Please refer to our response to comments on SD2 and SD3.		
Pg 16	Vision for Redcar and Cleveland  The RSPB welcomes the intention to enhance important natural and historic assets, and suggest a change of wording to obtain the maximum benefit from this:  "The designated international, national and local nature conservation sites will continue to be protected and enhanced. Opportunities will continue to be taken to expand and reconnect habitats and communities of wildlife and ensure that the variety of species and habitats both in rural and urban areas is increasing."	Not a HRA matter.	Amendments considered unnecessary.	Does not require addressing in HRA.
Pg 17	1.55 We welcome the preparation of Habitat Regulations Assessment (HRA) including the Appropriate Assessment (AA) at this stage so that it can be progressed alongside other local plan preparations and its evidence utilised to underpin the Plan.  We note that the recommendations made in the HRA have been used in finalising the Draft Local Plan. However, we are concerned that some recommendations do not appear to have been implemented or policy wording amended – these are:  SD3 – Development Limits ED6 – Protecting Employment Areas SD6 – Renewable and Low Carbon Energy ED13 – Equestrian Development	RSPB comment relates to text in first draft of Local Plan. Text has now been revised for the Publication draft of the Local Plan.	The Local Plan Publication version was amended in response to the HRA of the draft Local Plan	No amendments required, as comment relates to Local Plan specifically.
Pg 26	Outcome 3: Improve Quality of Life  1.99 The RSPB welcome the recognition given to the coastline and world class natural environment as assets which contribute to the quality of life enjoyed by existing residents, future generations and help to attract new investment. Designated sites provide a core for wider wildlife tourism opportunities and ecosystem services, contributing to the attractiveness of the borough. However, we would like to see a change of wording so that  "The Local Plan will ensure that opportunities are taken to protect, promote and <i>enhance</i> " (rather than develop) "our unique assets." (where this relates to designated sites).	Amended wording to be considered.		No amendments required, relates to Local Plan only.
Pg 35	Sustainability and Design  2. The RSPB welcome the inclusion of a definition and explanation of sustainable development in the Local Plan.	Comments noted.	None proposed	None proposed
Pg 38	SD2 Locational Policy  The RSPB is concerned that the policy will aim to:  <i>"e. achieve a minimum of 60% of all new development taking place in the urban and coastal areas"</i>  The RSPB recognise the importance of key industries in the borough to the local and national economy, but consider further planning is required to ensure that industrial expansion is compatible with the area's protected wildlife populations, particularly in coastal locations. The Tees estuary and coastline supports internationally important populations of waterbirds which use intertidal areas, semi-natural habitats around the estuary and areas of open space interspersed among the industrial developments of Teesside. Some of the area is designated as part of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site. However, other non-designated sites are functionally linked to the SPA by providing foraging and roosting sites for SPA species as they move around the estuary in response to changing conditions, e.g. tides or weather. Development that could cause direct disturbance or displacement of notified populations from the SPA, or associated functional land could have an adverse effect on the integrity of the SPA and Ramsar site.	This allocation contains a general aspiration for the broad focus of development, with specific detail in relation to spatial allocations and development limits provided in subsequent policies. As such, Policy SD2 is not considered to lead to LSE. This finding accords with the guidance contained within the Habitats Regulations Assessment Handbook.  Natural England have agreed with this finding in their consultation response to the draft Local Plan and accompanying HRA.	None proposed	None proposed

Position in document	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
	<p>SD2 Locational Policy</p> <p>Provision for the need for Appropriate Assessment for all development likely to have an adverse effect on a Natura 2000 site (either alone or in combination) within Policy SD 2 is supported.</p> <p>2.1.3 However, we would advise caution in deferring any consideration of the viability of development allocations to the planning proposal stage, which could lead to wasted resources being put into the preparation and submission of unviable applications, or lack of due consideration being given to the combined effects on Natura 2000 sites at the individual application stage. This approach can lead to serious doubts over the deliverability of the allocations and thus the soundness of the overall plan.</p> <p>At the scoping stage of the 2013 plan, the RSPB recommended investing in further data and evidence gathering to make informed and evidence-led decisions in the HRA.</p> <p>We recommend that a strategic master plan for the conservation and enhancement of biodiversity is produced: this should include assessment of biodiversity assets within the borough and identification of appropriate management measures, a Recreation Management Plan and any other strategic mitigation considered necessary to ensure no adverse effects Natura 2000 sites and other biodiversity assets. This could be produced working with an appropriate nature conservation body.</p> <p>It is important to note that in order for mitigation for adverse effects on a Natura 2000 site to be considered effective it must be secured for the duration of the effects being mitigated for. Where this relates to development (eg housing) the mitigation must be in place for the lifetime of the development.</p> <p>Please see our separate comments in this regard to individual policies.</p>	<p>This allocation contains a general aspiration for the broad focus of development, with specific detail in relation to spatial allocations and development limits provided in subsequent policies. As such, Policy SD2 is not considered to lead to LSE. This finding has been reached following guidance contained within the Habitats Regulations Assessment Handbook.</p> <p>Natural England have agreed with this finding in their consultation response to the draft Local Plan and accompanying HRA.</p> <p>In relation to the comments on Recreation Management, this is one strand of the strategic approaches to SPA bird species protection and management required in relation to the wider Tees Framework. Any RMP would be informed by the wider strategy developed under the Tees Framework and additional information on bird disturbance.</p>	None proposed	None proposed
Pg 40	<p>SD3 Development Limits (see also ED6 Protecting Employment Areas)</p> <p>Allocated Development Limits within the Draft RCBC Local Plan could potentially result in applications for developments, which alone, or in combination, could have an adverse effect on the integrity of Natura 2000 sites within the influence of the borough. Development limits are currently to the boundary of protected sites, including the Teesmouth and Cleveland Coast SPA, and include supporting areas outside the designated areas that are known for their waterbird congregations.</p> <p>The areas of Dabholm Gut and Bran Sands Lagoon, which are currently within the allocated development limits, have been surveyed by the Industry Nature Conservation Association since 2006, because they support an increasing population of waterbirds, including a significant number of redshank, in addition to other bird populations from the waterbird assemblage of the Teesmouth and Cleveland Coast SPA and Ramsar site. Development should be avoided in such functionally related areas around the SPA. We do note, however that the HRA recommends removal of Bran Sands from the allocations pertaining to this policy and ED6 Protecting Employment Areas). Please see our further comments pertaining to the HRA/AA.</p>	<p>Dabholm Gut and Bran Sands Lagoon have now been removed from the allocations. Indirect effects will be subject to the requirement for project specific HRA. As there is no confirmation of the exact locations, layout, timing, quantum or exact nature of development that may be delivered within the SD3 Limits it is not considered appropriate or achievable to conduct individual site assessments at Plan Level.</p> <p>Policy scale consideration has been given, and policy wording amended for the Publication Local Plan.</p> <p>RCBC have also committed to engage with the Tees Estuary Framework and the delivery of a Foreshore Management Plan for relevant sections of the RCBC coastal frontage.</p>	Local Plan allocations have been amended in response the HRA of the draft Local Plan and the RSPB comments.	None proposed.
Pg 45	<p>2.27 The RSPB recommends that a general development principle is to incorporate biodiversity enhancement measures, to provide net gains where possible, similar to the explicit policy to include an artistic element, but not limited to major development. This could range from inclusion of appropriately placed 'swift-bricks', or other on-site enhancements, which can help to address biodiversity decline and encourage urban wildlife.</p>	<p>Policy N4 includes provision for this, stating that "<i>Biodiversity and geodiversity should be considered at an early stage in the development process, with appropriate protection and enhancement measures incorporated into the design of development proposals, recognising wider ecosystem services and providing net gains wherever possible. Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative, should be avoided. Where this is not possible mitigation, or lastly compensation, must be provided as appropriate.</i>"</p>	None proposed	Not relevant to HRA.

Position in document	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
Pg 48 - 52	<p>SD6 Renewable and Low Carbon Energy</p> <p>The RSPB welcomes the commitment by RCBC to support and encourage renewal and low carbon energy schemes. Climate change is one of the greatest long-term threats to wildlife, and renewable energy is an important part of the solution to tackling this threat.</p> <p>The RSPB notes the policy wording that "we will support appropriate schemes for wind and solar energy where they are located within the South Tees and Wilton industrial area and other suitable areas as identified on the Policies Map.</p> <p>The Policies Map 2016 identifies potentially suitable broad locations for the following type of renewal energy developments:</p> <ul style="list-style-type: none"> <li>• Small scale turbines</li> <li>• Medium and small scale solar development</li> <li>• Small scale solar development</li> </ul> <p>However, we also note RCBC's decision not to specifically allocate for renewal and low carbon technology within the Local Plan stage and RCBC's intention to amend the policy wording (as detailed within the AA - Table B.4. Consideration of Measures to avoid or reduce LSE) to include the following wording:</p> <p><i>"Sites being brought forward for small and medium scale wind turbine deployment should be subject to survey to assess their use by the bird species that are qualifying interests of the North York Moors SPA and the Teesmouth and Cleveland Coast SPA and Ramsar site. Where the presence of the relevant species is confirmed, an assessment on the relevant bird species, including assessment of the risk of mortality from turbine blade strikes shall be undertaken"</i></p> <p>Whilst any proposal should be subject to robust assessment as described above, we strongly advise that the Council undertake an assessment of the suitability of the broad locations already identified (as they relate to potential impacts upon the interest features of Teesmouth and Cleveland Coast and North York Moors SPA). Please see our separate comments regarding deferral to planning application stage.</p>	<p>It is not appropriate to survey these sites for SPA interest features at Plan Level as there is no way to know if any/all of the sites will ever actually be brought forward. The areas of suitability have been selected on the basis of initial assessments of technical viability only (avoiding obvious key constraints, e.g. direct effects on Natura 2000 Sites).</p>	<p>None proposed</p>	<p>None proposed</p>
Pg. 61	<p>LS2 Coast Area Spatial Strategy Environment</p> <p>The RSPB notes the wording contained within this policy in that the Council and its partners will aim to:</p> <p><i>"ab. promotes and support the sustainable use of the foreshore and dunes in the South Gare and Coatham Sands SSSI, Redcar Rocks SSSI and the Coatham Marsh Nature Reserve whilst protecting and enhancing the features of the Teesmouth and Cleveland Coast SPA/Ramsar site;" and "ag. ensure the coastline is managed in an appropriate manner;" 3.1.3 "The town has an attractive and varied coastal setting extending to include important areas of biodiversity and geological interest. These include the internationally important Teesmouth and Cleveland Coast SPA/Ramsar site, protected by the Habitats Regulations." We welcome consideration of the above within this policy, however, where conflicts exist between potential adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and current use including recreational access and bait digging, we encourage the preparation of a strategic master plan for the conservation and enhancement of biodiversity. Please refer to Policy SD 2 comments.</i></p>	<p>Please refer to our response to comments in relation to SD2 and SD3.</p>	<p>None proposed beyond those described under our response to comments on SD2 and SD3.</p>	<p>None proposed beyond those described under our response to SD2 and SD3.</p>

Position in document	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
Pg 68	<p>LS4 South Tees Spatial Strategy Environment</p> <p>The RSPB notes the wording contained within this policy in that the Council and its partners will aim to:</p> <p><i>"v. enhance the environmental quality of employment through well planned boundary treatments;"</i></p> <p><i>"x. protect European sites, and safeguard and improve sites of biodiversity interest particularly along the River Tees and the estuary and encourage integrated habitat creation and management;"</i></p> <p><i>"y. enhance the environmental quality of the River Tees and coastline;"</i></p> <p>and</p> <p><i>"aa. encourage improvements to access, interpretation and wildlife consideration and biodiversity across the area."</i></p> <p>Protection, safeguarding and improving sites with biodiversity interest along the River Tees and the estuary and encouragement of integrated habitat creation and management is supported. However, consideration should be given to potential conflicts between adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and encouragement of recreational access. This could be achieved through the preparation of a strategic master plan for the conservation and enhancement of biodiversity, please refer to comments on Policy SD 2.</p> <p>3.31 We welcome the inclusion of the wording within the policy that:  <i>"Despite a history of industrial development, the River Tees and estuary retain important wildlife sites, in particular the Teesmouth and Cleveland Coast SPA/Ramsar site, protected by the Habitat Regulations. All developments should be considered against the requirements of Policy N4 ' Biodiversity and Geological Conservation"</i></p> <p>Considerable investment and effort has been made on the part of the RSPB and other charitable organisations to ensure the protection and enhancement of habitats and communities of wildlife in the River Tees and estuary. Please see recommendations for Policy SD2. Please see our separate comments regarding deferral to planning application stage.</p>	<p>Please refer to our response to comments in relation to SD2 and SD3.</p>	<p>None proposed beyond those described under our response to comments on SD2 and SD3.</p>	<p>None proposed beyond those described under our response to SD2 and SD3.</p>
Pg 72	<p>REG1 Coatham</p> <p><i>"Land at Coatham (8.7 ha) is allocated for a mixed use development comprising leisure, tourism and visitor uses"</i>  <i>Any proposal will be required to carry out a screening exercise to determine the need for an appropriate assessment."</i></p> <p>The Teesmouth and Cleveland Coast SPA and Ramsar site at Coatham has experienced a recent decline in wintering knot and the loss of the breeding colony of little tern. Unmitigated or inappropriate development at Coatham is likely to have an adverse effect on this SPA, because of its proximity and existing combined pressures on its notified bird populations. It is recommended that this policy explicitly includes mitigation, as recommended for Policy SD 2.</p> <p>In an effort to address the effects of coastal change, the second edition of the Environment Agency's Shoreline Management Plan for the River Tyne to Flamborough Head recommended consideration of a transition between the development area and Coatham Sands. This recommendation has not been included in the HRA assessment. Please see our separate comments regarding deferral to planning application stage.</p>	<p>Please refer to response for SD2/SD3.</p> <p>This Policy provides the framework for addressing the specifics of any project that is brought forward for the Site. Ref to recreational aspects, coastal aspects, construction aspects etc being considered for project level HRA?</p> <p>RCBC will produce a Foreshore Management Plan to consider effects of coastal change in detail.</p> <p>We have made reference to the SMP2 recommendation that a transition zone be included between Coatham Sands and the development zone, in the latest iteration of the HRA. It should also be noted that the SMP2 includes a 'Hold The Line' recommendation for the Coatham Sands area (Management Area 14).</p>	<p>Consideration will be given to if and how the transition zone recommended in the SMP2 can be incorporated into REG1 during preparation of the Submission Local Plan.</p>	<p>The Statement to Inform Appropriate Assessment that accompanies the Publication Local plan has been amended to provide greater detail on the nature of mitigation measures likely to be required in response to Policy REG1 and other allocations that could lead to increased recreational disturbance of SPA bird species.</p>

Position in document	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
	<p>ED6 Protecting Employment Areas</p> <p><i>“Land and buildings within existing industrial estates and business parks will continue to be developed and safeguarded for general industrial and business uses (B1, B2 &amp; B8 uses).”</i></p> <p>“Some of the above general employment sites lie adjacent to, or are within, the proximity of protected landscapes and nature conservation sites. Where appropriate, proposals will need to demonstrate that there will be no significant 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.”</p> <p>Development up to the boundary of the Teesmouth and Cleveland Coast SPA and Ramsar site and in sensitive surrounding areas is unlikely to meet the requirements of the HRA, through likely displacement effects on adjacent land, which include high tide roosting and loafing areas at the landward edges of the site, and through loss of functional areas beyond the designated area, which support notified bird populations. It is likely that difficulties would be encountered identifying and securing suitable mitigation for any such adverse effects.</p> <p>There is a need to identify potential adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA, which should include in-combination effects, and other designated sites and secure any necessary mitigation measures in advance of development. This could be better met through a strategic master plan for the conservation and enhancement of biodiversity assets potentially affected by the local plan, including identification of strategic mitigation for development allocations; please see recommendations for Policy SD2.</p> <p><i>5.37 “The River Tees and its estuary contain a wildlife site of European importance, protected by the Habitats Regulations. This site is known as the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site and consists of several different but supporting habitats, many of which are located close to industry. Where appropriate, proposals will need to demonstrate that there will be no significant adverse impact on the integrity of protected sites, alone or in combination with other development, plans or projects.”</i></p> <p>The wording “no significant adverse impact” should be replaced with “no adverse effects”</p>	<p>Please refer to our response to comments on policy SD2 and SD3.</p> <p>As identified in the Policy text, the allocations primarily relate to previous allocations and existing industrial estates and business parks.</p> <p>Allocations do not necessarily mean development will take place right up to the boundary of the SPA.</p> <p>Several projects have been delivered along the Tees that include activities adjacent to the SPA, for example the York Potash Project. These have been able to deliver mitigation, agreed with Natural England, to avoid adverse effects on site integrity.</p>	<p>The wording of ‘no significant adverse impact’ has been revised in line with the comment.</p>	<p>None proposed beyond those referred to in our response to comments on policies SD2 and SD3.</p>
Pg 99	<p>ED9 Leisure and Tourism Development</p> <p>The RSPB notes the decision that the Council has taken to extend the distance set to determine the need for an Appropriate Assessment (16km) arising from this policy.</p> <p>5.54 We also note the wording within section 5.54:</p> <p><i>“It is recognised that some Natura 2000 sites, such as the Teesmouth and Cleveland Coast Special Protection Area, are already impacted by recreation and, given the potential for leisure and tourism development coming forward near these sites, some degree of cumulative impact is possible. Development will only be permitted where it can be demonstrated that it will not have an adverse effect on the integrity of a Natura 2000 site, either alone or in combination. It is likely that a Recreation Management Plan will be required that sets out the measures that will be adopted to ensure that increased recreational pressure arising from the proposed development will not have a significant effect on a Natura 2000 site.”</i></p> <p>It is our opinion that where the SPA is already being adversely affected by recreation, without mitigation, any further development is likely to result in further detrimental effects.</p> <p>Any mitigation from a Recreation Management Plan must ensure no adverse effects on the SPA. This could work as part of a wider strategic master plan for the conservation and enhancement of biodiversity and planning for strategic mitigation to support development in the borough.</p>	<p>Please refer to our response to comments on policies SD2 and SD3.</p> <p>The policy text states that <i>“Any proposals located within 6km of a Natura 2000 site will be required to carry out a screening exercise to determine the need for an Appropriate Assessment.”</i> This is in line with consultation responses received from NE during preparation of the draft Local Plan.</p> <p>Please refer also to our response to the comments on SD2 and SD3.</p> <p>We have revised the wording of the Statement to Inform Appropriate Assessment to provide greater clarity over the intended approach to strategic measures in relation to the Teesmouth and Cleveland Coast Special Protection Area.</p>	<p>None considered necessary</p>	<p>Revised to provide greater clarity on the strategic approach in relation to the Teesmouth and Cleveland Coast SPA and Ramsar site.</p>
Pg 103	<p>ED11 Caravan Sites and Tourist Accommodation</p> <p>Please see our comments regarding Policy ED9 Leisure and Tourism</p>	<p>Please see our response to comments on ED9.</p>	<p>As per ED9</p>	<p>AS per ED9</p>
Pg 106	<p>ED13 Equestrian Development</p> <p>We note RCBC’s recommendation that consideration be given to amending the policy wording (as detailed within the AA - Table B.4. Consideration of Measures to avoid or reduce LSE) as follows:</p> <p><i>“Consider whether policy wording can be incorporated into Local Plan (or other RCBC policy and for byelaws) to manage equestrian use of SAC and SPA habitats, particularly at sensitive times of the year.”</i></p> <p>The RSPB endorses this approach, which could be incorporated into the aforementioned strategic master plan (See our separate comments regarding SD2 Locational Policy)</p>	<p>We note this comment, which is addressed within our response to Policy ED9, SD2 and SD3.</p>	<p>As per ED9</p>	<p>As per ED9</p>

Position in document	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
Pg 115	H3 Housing Allocations  6.35 The RSPB notes the decision that the Council has taken to extend the distance set to determine the need for an Appropriate Assessment (16km) arising from this policy.  Please refer to our recommendations for Policy SD2.	The distance that has been set for screening recreational disturbance impacts arising from new housing is 6 km. The distance has been determined as suitable following consultation with Natural England and a review surrounding authorities Local Plans and associated HRA reports.	None proposed	None proposed
Pg 175 Pg 177	H5 Sub-division and conversion of buildings to residential uses H6 Housing in Multiple Occupation.  Please see our comments regarding screening for LSE within the HRA in relation to these policies.	We have provided a response in relation to the comments on the draft HRA report separately.	None	None
Pg 192	N4 Biodiversity and Geological Conservation  There are many aspects of this policy which are supported by the RSPB and the positive intentions with regard to the protection and enhancement of the borough's biodiversity assets are noted. We also note and welcome that many of our suggestions regarding additions/amendments have been applied to the wording in this policy.  However, we would still like to see the following amendments:  In respect of SSSIs  <i>"c. the benefits clearly outweigh any adverse impact on the site"</i>  the following wording should be added to this sentence:  <i>"and any broader impacts on the network of SSSI's"</i>  7.36 We also welcome consideration within the policy wording of the proposed extension to the Teesmouth and Cleveland Coast SPA, and particularly that the Council will continue to work with partners <i>"to agree a collective vision for ongoing management of the interest of wildlife and industry in the Tees Estuary master plan."</i> Further that <i>"any proposals within, or impacting on, the SPA should be informed by the master plan."</i>  <i>A collaborative and strategic approach on the Tees Estuary is important to secure positive outcomes for the nature interests of the estuary and may be particularly important in securing strategic mitigation sites.</i>  7.41 <i>"We will continue to attach a significant importance to protecting these sites"</i> .  <i>In line with our previous comments we would like to see more ambition in the wording of this policy with regards to nationally important sites.</i>	Not directly relevant to the Local Plan HRA so not considered in detail here.	None proposed in relation to HRA matters	Not directly relevant to HRA reporting so no amendments proposed.

Habitats Regulations Assessment Screening Report Comments

Page/Ref	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
Pg 5	<p>Identifying potentially relevant Natura 2000 Sites</p> <p>We note the application of a 15 km buffer around the authority boundary to identify Natural 2000 sites that could conceivably be affected by the Local Plan.</p> <p>The RSPB welcomes the consideration as to LSE of the Plan outside of the geographical area to which the plan pertains. However, we note the adoption of a 15km buffer to determine the scope of the HRA Stage 1 Screening. Whilst we accept that distance from an internationally designated site is an important factor in determining the likelihood of adverse effects resulting from the Plan, we urge caution in using a buffer approach. We strongly recommend that, if used, buffers are justified on a combination of a proper understanding of the designated site's characteristics; its qualifying interests; their sensitivities; the underlying ecosystem processes they depend on and relevant published scientific research.</p> <p>The selected boundaries of buffer zones should be clearly related to the type of effect being considered and the distance at which it is known to be an issue e.g. recreational disturbance. Inappropriate use of a buffer zone, without objective information to back it up, could result in effects of policies or proposals outside the buffer being missed or, conversely, unnecessary inclusion of policies or proposals that result in further work at the AA stage to rule out possible adverse effects. Furthermore, we suggest that distance is not the only important factor. The RSPB prefers to see the use of a source-pathway-receptor model.</p>	<p>A precautionary 15 km buffer zone has been used as a suitable 'catch-all' to identify all European Sites with the potential to be subject to Likely Significant Effects. Given the high level nature of the Local Plan, which largely considers policy rather than projects, this is considered a suitable approach. Consideration to Source-pathway-receptors has been given (please see the row in this table below).</p> <p>Any projects sufficiently large to trigger LSE beyond a 15 km radius are likely to fall outside the development control policies of RCBC (i.e. they are likely to be Nationally Significant Infrastructure Projects or otherwise consented outside the RCBC jurisdiction).</p>	None proposed.	None proposed.
Pg 8	<p>3 Natura 2000 Sites Considered</p> <p>Northumbria Coast SPA/Ramsar Arnecliffe and Park Hole Woods SAC</p> <p>3.1.3 and 3.1.4 We note that the above Natura 2000 sites have been screened out of LSE by virtue of distance (covered in 2.22 above) and because of their similarities (in terms of their sensitivities) with the Teesmouth and Cleveland Coast SPA/Ramsar site and the North York Moors SAC respectively. We recommend caution in using this approach and suggest that the Council present further evidence to demonstrate that these sites need not be considered further. For example, provision of a map and consideration of the Site Conservation Objectives. Work undertaken by neighboring local authorities to assess recreational disturbance/visitor impact on coastal sites may also be of use.</p>	<p>The Northumbria Coast Ramsar Site and SPA has been excluded from the assessment on the basis of distance, the related lack of immediate hydrological connectivity and the physical separation arising from the Tees Estuary. The Arnecliffe Woods SAC is designated for its woodland habitats and population of Killarney fern <i>Trichomanes speciosum</i>. The likelihood for LSE has been discounted as at 11 km distant, there are no conceivable impact-pathways that could lead to LSE on these qualifying interests.</p> <p>Furthermore, 6 km has been identified as an appropriate screening distance for LSE from recreational effects, following consultation with Natural England.</p>	None proposed	None proposed

Page/Ref	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
Pg 11	<p>Table 2: Teesmouth and Cleveland Coast constituent SSSI: Potentially damaging operations</p> <p>We note the inclusion of direct habitat loss or disturbance amongst the list of potentially damaging operations which must be considered within the context of the Local Plan. Whilst it may be true that none of the proposed Local Plan policies will result in direct habitat loss within the SPA/Ramsar site (although please note our comments with regards to the proposed SPA extension), it is important that the Council also consider the potential for adverse effects on site integrity arising from the following:</p> <ul style="list-style-type: none"> <li>• the loss of supporting habitat i.e. habitat that is functionally linked to the SPA</li> <li>• indirect habitat loss due to disturbance and displacement</li> </ul> <p>The Council has rightly considered the latter within the context of housing and tourism policies, however, there is a lack of consideration as to the same resulting from allocations for other development. Please see our separate comments regarding policies SD3 Development Limits and ED6 Protecting Employment Areas.</p>	<p>Please refer to our response to the RSPB comments on policies SD2 and SD3. The revisions to the allocations proposed within the Publication Draft of the Local Plan will avoid direct effects on European Sites. Until the nature and exact locations of specific developments at allocated sites are known, it is not practicable or appropriate to assess functional land in detail.</p> <p>The Local Plan includes provisions requiring any project that may lead to Likely Significant Effects on a European Site to provide suitable information to inform an Appropriate Assessment.</p>	None proposed	None proposed
Pg 17	<p>4 Screening Assessment Results and Appendix B Screening Matrices</p> <p>The RSPB largely agrees with the screening decisions made regarding LSE arising from individual policies within the Draft Local Plan.</p> <p>However, we are concerned that SD2 Locational Policy aims to achieve 60% of all new development taking place in the urban and coastal areas. Whilst this is a high level policy which expresses general aspirations, if the full extent of potential coastal development is not considered within other policies this policy should be robustly assessed as to the likely effect of new development upon the Teesmouth and Cleveland Coast SPA.</p> <p>Please also see our further comments within Annex 1 with regards to SD2 Locational Policy.</p>	<p>Please refer to our response to the RSPB comments on policies SD2 and SD3.</p> <p>Consideration has been given to the housing, employment and other allocation policies within the HRA reporting. These feed down from Policy SD2 and are suitable for assessment in the HRA.</p>	None proposed	None proposed



Statement to Inform Appropriate Assessment

Page/Ref	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
Pg 5	Table 2: Potential impacts arising from draft Local Plan policies that could lead to LSE SD3: Development Limits.  The wording within this section should be amended to include recognition of the potential for this policy to result in indirect habitat loss through displacement/disturbance of SPA interest features.	Please refer to our response to RSPB comments on policies SD2 and SD3	None proposed.	Text within Table 2 has been revised to include reference to this potential impact pathway.
Pg 5	Table 2: Potential impacts arising from draft Local Plan policies that could lead to LSE LS4: South Tees Spatial Strategy The wording within this section should be amended to include recognition of the potential for this policy to result in disturbance of SPA interest features through development in addition to recreational disturbance.	We have reworded the relevant section of the Statement to Inform Appropriate Assessment report in response to this comment.	None proposed.	Statement to Inform Appropriate Assessment amended in line with comment.
Pg 22	Table 7: Summary of Potential Impact Pathways for all policies with potential LSE  This table should also include consideration of the potential for policies to result in indirect habitat loss through displacement/disturbance of SPA interest features.	Please refer to our response to RSPB comments on policies SD2 and SD3.  We have added displacement/disturbance to Table 7.	None proposed	Statement to Inform Appropriate Assessment amended in line with comment.
Pg 24	Table 8: Projects identified for in-combination assessment  Please note submission of the following planning applications which may be relevant:  H/2016/0168 - 21m long extension to Quay 1, three mooring dolphins and associated walkway  Able UK Ltd, Tees Road, Hartlepool TS25 2DB  16/0720/EIS - Change of use from undeveloped reclaimed land to a permanent waiting/parking area for HGVs, vans and cars with associated welfare facilities PD Teesport Limited, Land West of Conoco Phillips Petroleum Company, Seal Sands, Middlesborough  We would also suggest consideration of the English Coastal Path - Filey Brigg to North Gare Stretch, proposed to open in 2016, particularly with regards to the potential for increased recreational disturbance. ( <a href="https://www.gov.uk/government/publications/england-coast-path-plan-of-the-filey-brigg-to-north-gare-stretch">https://www.gov.uk/government/publications/england-coast-path-plan-of-the-filey-brigg-to-north-gare-stretch</a> )	We have reviewed the planning applications identified and included them within the Statement to Inform Appropriate Assessment.	None proposed	Additional planning applications considered within Statement to Inform Appropriate Assessment.
Pg 27	Table 8: Plans identified for in-combination assessment Greatham Managed Realignment Scheme The Environment Agency have submitted a planning application (16/1461/EIS – Stockton Borough Council) Improvement of flood defence embankment and associated works at Greatham South East and are drawing up plans for a further managed realignment scheme at Greatham South West (Cowpen Marsh).  Hartlepool Local Plan  Hartlepool Borough Council have recently consulted on their Local Plan Preferred Options and associated HRA.	These schemes have been reviewed and incorporated into the HRA reporting.	None proposed	These schemes have been considered within the updated Statement to Inform Appropriate Assessment.
Pg 32/33	6.2 Land Take  6.2.2 and Table 10: The proposed extension to the Teesmouth and Cleveland Coast SPA  Specific consideration should also be given to Dabholm Gut – which is technically part of the marine extension but, given its orientation, proximity to Bran Sands lagoon and its use by SPA interest features, it would be prudent to consider the two areas together.	Please refer to our response to the RSPB comments on policies SD2 and SD3.  Both the main channel of Dabholm Gut and Bran Sands have been removed from the SD3 and ED6 allocations.	Publication Local Plan has been amended to remove Dabholm Gut and Bran Sands Lagoon from the allocations.	Wording in Statement to Inform Appropriate Assessment report has been amended to reflect that the allocations have been updated.
Pg 34	Potential for adverse effects on site integrity  6.2.8 “The section of the existing SPA and Ramsar site and proposed SPA extension of importance to breeding and foraging little tern is located several kilometres from the areas covered under policies SD3 and ED6. The allocations identified in policies SD3 and ED6 are therefore expected to have no adverse effects on the little tern qualifying interest”  There is an historic little tern breeding site at Coatham Sands which is actively managed and monitored by INCA to encourage a return of breeding little tern at the site. In 2015 a pair of little tern successfully nested 1.5km from the Coatham site at South Gare. Given the proximity of allocations for SD3 and ED to Coatham and that successful breeding at Coatham is being actively encouraged, we strongly suggest that potential for adverse effects on site integrity (in respect of little tern) resulting from these policies cannot be ruled out.  We do note, however, that the above has been taken into account within 6.3.41. which states that RCBC are actively involved in the above management which has been ongoing in 2016.	This comment is noted. It is several years since any successful breeding by little tern took place at Coatham Sands. As such, this area is not considered important for supporting the conservation status of the SPA little tern population.  As identified in the RSPB response, measures have been put in place by RCBC Countryside Services in relation to the potential for little tern to attempt to breed in this area again.  <i>It is envisaged that these measures will continue for the foreseeable future.</i>	None proposed	Statement to Inform Appropriate Assessment has been amended to provide greater detail of the coverage of the proposed Foreshore Management Plan.

Page/Ref	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
Pg 34	<p>Potential for adverse effects on site integrity</p> <p>6.2.9 "A study of the foraging behaviour of common tern at Teeside17 found that the species demonstrated a strong preference for foraging in marine habitats, flying over a range of brackish habitats to reach the estuary and sea beyond. The tidal reaches of the Tees within and adjacent to the SD3 and ED6 Policy allocations have historically and are currently subject to regular use by shipping and associated industrial and commercial activities. The HRA studies conducted in support of major industrial developments on the Tees in recent years (see Table 7) have also been able to conclude (subject to suitable mitigation) that adverse effects on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site can be avoided. As such, the allocations identified in policies SD3 and ED6 are expected to have no adverse effect on foraging common tern."</p> <p>A study undertaken by Natural England to inform proposals for a marine extension to the Teesmouth and Cleveland Coast SPA has shown heavy use of the River Tees corridor up to the Tees Barrage by foraging common tern. Accepting that the Tees river corridor is subject to regular use by shipping and associated activities, we strongly suggest that potential for adverse effects on site integrity (in respect of common tern) resulting from these policies cannot be ruled out without further assessment.</p>	<p>Please see our response in relation to the RSPB comments on Policy ED6 of the draft Local Plan.</p> <p>The finding of no adverse effect on common tern foraging on the Tees has been agreed with by Natural England in their consultation response.</p>	None proposed	None proposed
Pg 35	<p>Conclusions on the potential for adverse effects on site integrity</p> <p>6.2.16 We agree that there is potential for adverse effects to the integrity of the Teesmouth and Cleveland Coast SPA which include those detailed above. We would also like to reiterate that consideration should be given to the potential for indirect habitat loss through displacement/disturbance of SPA interest features.</p>	Please refer to our response to the RSPB comments on Policies SD2, SD3 and ED6.	None proposed	The Statement to Inform Appropriate Assessment has been updated (see Table 7) to refer to this potential impact pathway.
Pg 38	<p>6.3 Increased Recreational Disturbance</p> <p>6.3.22 Error</p> <p>Remove "North York Moors" and replace with "Teesmouth and Cleveland Coast SPA and Ramsar Site"</p>	Thank you for highlighting this error, which has been corrected for the publication draft of the Statement to Inform Appropriate Assessment.	None proposed	The relevant text in the Statement to Inform Appropriate Assessment has been updated in line with this comment.
Pg 42	<p>Existing measures – Teesmouth and Cleveland Coast SPA and Ramsar site</p> <p>6.3.41 Please see our previous comments in relation to breeding little tern at Coatham Sands (6.2.8)</p>	Please see our response to the RSPB comments on section 6.2.8 of the Statement to Inform Appropriate Assessment that accompanied the draft Local Plan.	None proposed	Statement to Inform Appropriate Assessment has been amended to provide greater detail of the coverage of the proposed Foreshore Management Plan.
Pg 42	<p>Existing measures – Teesmouth and Cleveland Coast SPA and Ramsar site</p> <p>6.3.43 The RSPB fully agrees with Natural England in the best way to manage increased recreational disturbance arising from housing allocations and other sources, is through a strategic approach undertaken by all local authorities surrounding the Teesmouth and Cleveland SPA and Ramsar site. Please see our separate comments in that regard.</p>	We agree. The emphasis should be on addressing all aspects of strategic impact management via a receptor-led approach.	None proposed	None proposed
Pg 42	<p>Conclusions regarding the potential for adverse effects</p> <p>6.3.44 We note RCBC's conclusion that no adverse effects to the North York Moors SPA or SAC are anticipated from recreational impacts, given the existing measure in place to manage both existing and possible future increases in visits. The Council should determine whether policies within the Local Plan will result in an increase in recreational disturbance that is within the limits set by the National Park Authority in that regard.</p>	<p>The North York Moors Management Plan includes a target to increase annual visitor numbers by 1,000,000 between 2012 and 2017. The policies contained within the Local Plan are considered unlikely to contribute a significant proportion of this aspirational target.</p> <p>Given this, and the measures included within the North York Moors Management Plan and Core Strategy, the policies within the RCBC Publication Local Plan are not expected to lead to adverse effects on the integrity of the North York Moors SPA and SAC.</p>	None proposed	None proposed
Pg 42	<p>Conclusions regarding the potential for adverse effects</p> <p>6.3.45 The RSPB agrees that there is the potential for adverse effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site.</p>	Consultation response noted.	None proposed	None proposed

Page/Ref	Policy / RSPB Comment	Response	Local Plan amendments	HRA amendments
Pg 44	<p>6.4 Air Quality</p> <p>6.4.9 Policy ED6 – Protecting Employment Areas. We note the wording within the policy requiring that any project brought forward for development must avoid adverse effects to the integrity of Natura 2000 sites and that any major emitting development would also require assessment under the UK environmental permitting regime.</p> <p>6.4.15 We also note the conclusion that there will be no adverse effect to the integrity of the Teesmouth and Cleveland Coast SPA due to the aforementioned existing regulatory regime and measures contained within Local plan requiring a HRA at the planning application stage. We accept that it is difficult to predict potential effects on air quality given that the policy does not allocate for specific projects. Nevertheless, please see our separate comments on deferral to the planning application stage.</p>	<p>Consultation response noted. It is not possible to complete air quality modelling predictions without details of if and how a development will lead to emissions. Air quality modelling cannot therefore be completed for the Local Plan and can only be meaningfully considered at the project level, if emitting developments come forwards.</p> <p>It should also be noted that marine and intertidal systems receive the majority of their nitrogen inputs from water-borne sources. Atmospheric inputs tend to make up a very small proportion of the overall inputs. Point source inputs are typically quickly diluted due to mixing of water by currents and wave action.</p>	None proposed	None proposed.
Pg 45	<p>6.5 Water supplies and water quality</p> <p>Please see our comments regarding 6.4 Air Quality which are also relevant here.</p>	Comments noted, it is considered that the rationale for ruling out adverse effects in relation to water quantity and quality is sound.	None proposed	None proposed
pg 48 7	<p>7 Recommendations</p> <p>Land Take</p> <p>7.2.2 to 7.2.4 The RSPB welcomes consideration of the proposed extension to the Teesmouth and Cleveland Coast SPA to include both marine and terrestrial extensions and additional interest features. Bran Sands lagoon forms part of the proposed terrestrial extension. We note and welcome that the AA recommends removal of Bran Sands Lagoon from allocations contained within Policy SD3 and ED6. We also note that the aforementioned exclusion is not referred to within the wording of either policy within the Draft Local Plan nor on the corresponding allocations maps. Nevertheless, whilst removal of this area from allocations will avoid direct habitat loss, we do not agree that this action will “allow RCBC to conclude that there will be no adverse effects to integrity of the SPA/Ramsar site as a result of Policies SD3 and ED6”.</p> <p>Consideration should also be given to specifically exclude Dabholm Gut – which is technically part of the marine extension but, given its orientation, proximity to Bran Sands lagoon and its use by SPA interest features, it would be prudent to consider the two areas together. Please see our separate comments regarding the lack of consideration within the HRA/AA as to the potential for policies/allocations contained within the local plan to result in indirect habitat loss through displacement/disturbance of interest features as a result of development in areas adjacent or close to the designated sites.</p>	<p>Please refer to our response to RSPB comments on policies SD2, SD3 and ED6 in the draft Local Plan.</p> <p>Dabholm Gut has been removed from SD3 and ED6 allocations in addition to Bran Sands Lagoon.</p> <p>The Publication Local Plan includes policy safeguards to ensure individual projects will be subject to Appropriate Assessment where LSE are anticipated. It also includes a commitment by RCBC to engage with the Tees Framework in terms of the strategic, cross-boundary management of the Teesmouth and Cleveland SPA and Ramsar site.</p>	The Local Plan has been updated to reflect the revised layout of allocations and the removal of Dabholm Gut and Bran Sands Lagoon from the SD3 and ED6 allocations.	Statement to Inform Appropriate Assessment has been updated to reflect the revised allocations and to include revised wording on RCBC engagement with strategic measures. It has also been updated to include reference to the potential for development to lead to displacement of SPA/Ramsar bird species from areas adjacent to development.
Pg 48	<p>Recreational Disturbance</p> <p>7.2.5 to 7.2.12 The RSPB welcomes the recommendations outlined in these sections, particularly regarding engagement and collaboration with relevant stakeholders to address the issue of recreational disturbance within a wider master plan for the Estuary and to produce a Foreshore Management Plan in parallel with the Local Plan. We also note that consideration will be given to wardening and zoning which could be funded via Developer Contributions.</p>	Comments noted. Please see our response to the RSPB comments on draft Local Plan policies SD3, ED6 and ED9.	None proposed.	Statement to Inform Appropriate Assessment has been updated to reflect the revised allocations and to include revised wording on RCBC engagement with strategic measures.
Pg 50	<p>Appropriate Assessment – Summary</p> <p>We acknowledge that further work is required to develop the recommendations set out above and look forward to seeing a more detailed set of proposals aimed at ensuring there are no adverse effects to the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar Site in relation to recreational impacts. We would like to reiterate our advice regarding a strategic master plan. (see comments SD2 – Locational Policy).</p>	Comments noted. Please see our response to the RSPB comments on draft Local Plan policies SD3, ED6 and ED9.	None proposed	None proposed.
Pg 51	<p>8 Conclusions</p> <p>8.1.3 The assessment of potential impact pathways associated with draft Local Plan policies should include the potential for indirect habitat loss through displacement/disturbance of SPA interest features resulting arising from development in addition to disturbance arising from an increase in recreational disturbance.</p>	<p>This is acknowledged as a potential impact pathway, but it is not appropriate or practicable to assess this at Plan level.</p> <p>RCBC will engage with the Tees Strategic Framework and develop a Foreshore Management Plan. Please refer to our response to the RSPB comment on policies SD2, SD3, ED6 and ED9 of the draft Local Plan.</p>	None proposed	None proposed
Pg 51	<p>8.1.7 The RSPB looks forward to seeing the next iteration of the Local Plan and an updated Appropriate Assessment, which should include the recommendations we have made above.</p>	Comment noted, please see our responses as above.	None proposed	None proposed