

Redcar and Cleveland Local Plan

Habitats Regulations Assessment Addendum in respect of Proposed Post Examination Modifications

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



Project Ref: 42697 | Rev: Draft | Date: November 2017



Document Control Sheet

Project Name: Redcar and Cleveland Local Plan SA and HRA Support

Project Ref: 42697

Report Title: Habitats Regulations Assessment Addendum (November 2017) in respect of Proposed Post Examination Modifications

Doc Ref: 42697_RCLP HRA Addendum-14-11-2017_HE (rr002i3)

Date: November 2017

	Name	Position	Signature	Date
Prepared by:	Helen Evriviades	Associate Ecologist	HE	14-11-2017
Reviewed by:	Elaine Richmond	Environmental Director	ER	14-11-2017
Approved by:	Elaine Richmond	Environmental Director	ER	14-11-2017
For and on behalf of Peter Brett Associates LLP				

Revision	Date	Description	Prepared	Reviewed	Approved
02	17.11.17	Amended to respond to client comments	ER	ER	ER
03	17.11.17	Minor corrections	DS	ER	ER

This report has been prepared by Peter Brett Associates LLP ('PBA') on behalf of its client to whom this report is addressed ('Client') in connection with the project described in this report and takes into account the Client's particular instructions and requirements. This report was prepared in accordance with the professional services appointment under which PBA was appointed by its Client. This report is not intended for and should not be relied on by any third party (i.e. parties other than the Client). PBA accepts no duty or responsibility (including in negligence) to any party other than the Client and disclaims all liability of any nature whatsoever to any such party in respect of this report.

Contents

- 1 Introduction 1**
 - 1.1 Background 1
 - 1.2 The HRA of the Redcar and Cleveland Local Plan 1
 - 1.3 Purpose of this HRA Addendum 2
 - 1.4 HRA Addendum Structure 2
- 2 HRA Screening and Appraisal of Proposed Modifications 3**
 - 2.1 Statutory Requirements 3
 - 2.2 Screening and Appraisal Methodology 4
 - 2.3 Confirmation of relevant European Sites 5
 - 2.4 Confirmation of relevant Plans and Projects 6
 - 2.5 Consultation 6
 - 2.6 Appropriate Assessment 7
- 3 Conclusion 10**
- 4 References 11**

Figures

- Figure 2.1: Stages in HRA 4

Tables

- Table 2.1 HRA Screening of RCLP Post Examination Proposed Modifications 7

Appendices

- Appendix A Copies of Consultation Responses

This page is intentionally blank

1 Introduction

1.1 Background

1.1.1 Peter Brett Associates LLP (PBA) was appointed by Redcar and Cleveland Council (RCBC) to undertake a Habitats Regulations Assessment (HRA) of their modifications to the Redcar and Cleveland Local Plan –Schedule of Main Modifications (November 2017), following Examination.

1.2 The HRA of the Redcar and Cleveland Local Plan

1.2.1 This report builds upon previous HRAs that have been published in relation to previous versions of the Local Plan. The last version of the HRA was of the Publication Local Plan (PBA, March 2017).

1.2.2 The draft Local Plan HRA Screening Report¹ identified policies that could lead to Likely Significant Effects (LSE) on one or more European Sites. The European Sites considered at risk were: the North York Moors SAC and SPA and the Teesmouth and Cleveland Coast SPA and Ramsar site. The last version of the HRA identified the following potential impact pathways on European designated sites that could lead to adverse effects on the integrity of one or more European Sites:

- Direct land take 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.

1.2.3 The Appropriate Assessment of the Publication Local Plan concluded that direct land take, disturbance and displacement, air quality impacts, increased demand for water supplies and waste water treatment and heightened predation from domestic cats were adequately considered and mitigated for in the policies and therefore **would not lead to adverse effects** on the integrity of any European Sites.

1.2.4 However, the Appropriate Assessment identified that the Teesmouth and Cleveland Coast SPA and Ramsar site could be subject to increased recreational disturbance as a result of the Local Plan policies and it was considered that **an adverse effect** to the integrity of the European Site could occur. Additional measures were proposed that, subject to suitable development and implementation, would avoid, control or otherwise mitigate these potential residual adverse effects. Further consultation with Natural England and other relevant stakeholders was recommended, to support the development of these measures within the Redcar & Cleveland Teesmouth and Cleveland Coast Special Protection Area Recreation

¹ Peter Brett Associates (2015). Habitats Regulations Assessment Screening Report, Redcar and Cleveland Draft Local Plan.

Management Plan (referred to in this report subsequently as the SPA RMP). The SPA RMP has been drawn up by Industry Nature Conservation Association INCA² on behalf of the Council, with input from Natural England and Royal Society for the Protection of Birds (RSPB).

1.3 Purpose of this HRA Addendum

- 1.3.1 The purpose of this report is to identify whether the proposed policies set out within the post examination modifications to the Redcar and Cleveland Local Plan –Schedule of Main Modifications (November 2017), following Examination, either alone or in combination with other plans and projects, could lead to adverse effects on the integrity of any European Site(s).
- 1.3.2 It considers the output from the last version of the HRA, as described in the section above, along with the modifications following Examination, and the latest version of the SPA RMP (provided by RCBC to PBA November 2017).

1.4 HRA Addendum Structure

- 1.4.1 As described above, this HRA Addendum takes account of the previous versions of the HRA of the Redcar and Cleveland Local Plan. Therefore, the review of the post-examination modifications for this HRA Addendum, to determine whether they could lead to adverse effects on European sites, also includes a review of the progress against mitigation recommendations set out in previous versions of the HRA.
- 1.4.2 This HRA Addendum sets out the following:
- Confirmation of the statutory requirements for HRA.
 - Screening and Appraisal Methodology for HRA.
 - Confirmation of relevant European Sites considered within the HRA and identification of plans and projects considered in-combination with the Local Plan modifications. Primarily this section determines whether there have been any changes to the European Sites or other plans and projects which need consideration within this HRA Addendum, in addition to the post-examination modifications themselves.
 - Consultation undertaken for the HRA and the Local Plan and its associated relevant documentation.
 - Review of the post-examination modifications to determine whether the changes result in any changes to the LSE identified within previous HRA and/or to confirm new or different LSE. In addition, this HRA also identifies where any amended or new mitigation has been incorporated into the post-examination modifications to address the residual LSE identified by the last version of the HRA.
 - A concluding statement regarding the HRA of the post-examination modifications, taking into account all the considerations above.

² <http://www.inca.uk.com/>

2 HRA Screening and Appraisal of Proposed Modifications

2.1 Statutory Requirements

- 2.1.1 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).
- 2.1.2 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:
- 2.1.3 "Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."
- 2.1.4 Article 6(4) goes on to discuss alternative solutions, the test of "imperative reasons of overriding public interest" (IROPI) and compensatory measures:
- 2.1.5 "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."
- 2.1.6 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.
- 2.1.7 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.
- 2.1.8 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).
- 2.1.9 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.

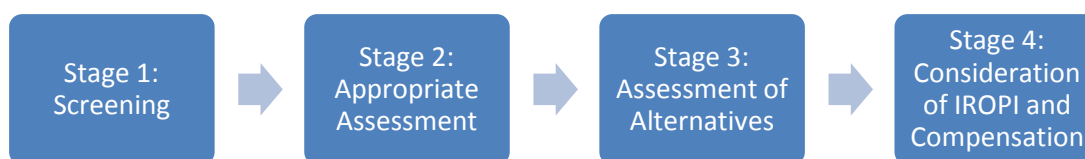
2.2 Screening and Appraisal Methodology

2.2.1 The European Commission has developed guidance in relation to Articles 6(3) and 6(4) of the Habitats Directive³, and this recommends a four stage approach to addressing the requirements of these Articles. The four stages can be summarised as follows:

- 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.
- 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.
- 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.
- 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).

2.2.2 Figure 2.1, below illustrates the four stage approach to HRA:

Figure 2.1: Stages in HRA



2.2.3 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.

2.2.4 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

³ 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.

plan should proceed for Imperative Reasons of Overriding Public Interest (IROPI). Best practice guidance⁴ 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.

- 2.2.5 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 Handbook³ 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.

2.3 Confirmation of relevant European Sites

- 2.3.1 The following sites were screened into consideration within previous versions of the HRA for the RCBC Local Plan, as they were considered to lie within the potential 'Zone of Influence' of the policies contained within the Local Plan (i.e. they could be directly or indirectly affected):

- Teesmouth and Cleveland Coast SPA and Ramsar Site;
- North York Moors SAC; and
- North York Moors SPA.

- 2.3.2 These are therefore the sites that have been taken forwards in consideration for this HRA Addendum.

- 2.3.3 As part of this process, a review of the current site condition and vulnerabilities of the above European Sites was undertaken. This is considered important to provide a basis for identifying the potential effects of the Local Plan policies. The following resources were used to collate relevant baseline information:

- Joint Nature Conservation Committee (JNCC) website (www.jncc.gov.uk): citations for SPAs, SACs and Ramsar sites; detailed information about interest features;
- Natural England Website (www.naturalengland.org.uk): condition assessments for component SSSIs; potentially damaging operations for component SSSIs; and
- MAGIC Website (www.magic.gov.uk): boundary maps for SPAs, SACs and Ramsar sites.
- INCA website (<http://www.inca.uk.com/>) regarding updates on the proposed extension to the Teesmouth and Cleveland Coast SPA.

- 2.3.4 The review of the current European Site condition and vulnerabilities confirmed those identified by previous versions of the HRA. With regards to Teesmouth and Cleveland Coast SPA and Ramsar site, the proposed extension to the SPA is still under consideration, with consultation on the potential SPA expected in late 2017/early 2018. This HRA considers both the current SPA boundary, in addition to the proposed extension in area and expansion of its qualifying interests (as consulted on in 2015), as agreed previously with consultees for previous versions of the HRA. This review has also confirmed the potential impact pathways on European designated sites that could lead to adverse effects on the integrity of one or more European Sites, as described in Section 1.2 above. The Appropriate Assessment is therefore undertaken with reference to these potential impact pathways and their potential for LSE on the interest features of the European Sites.

⁴ Tyldesley, D., Chapman, C., and Machin, G. *The Habitats Regulations Assessment Handbook*. DTA Publications Ltd. Accessed from www.dtapublications.co.uk on the 1st November 2017.

2.4 Confirmation of relevant Plans and Projects

- 2.4.1 This HRA Addendum, with reference to the requirement for in-combination assessment, considered the other plans and projects identified during preceding versions of the HRA through the following information sources:
- Review of other HRA reports from the local area;
 - Review of the Redcar and Cleveland Planning Portal, in order to gather information on other local planning policy and planning applications in progress. The identification of projects for in-combination assessment 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 Local Plan;
 - 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 In addition, the in-combination assessment undertaken for this HRA Addendum took into consideration the current version of the SPA RMP.

2.5 Consultation

- 2.5.1 Consultation has not taken place regarding this HRA addendum specifically. However, Natural England, as statutory consultees, were consulted throughout the various stages of Local Plan and HRA. They were also consulted on the SPA RMP. The other main consultees who were consulted through the development of the Local Plan and HRA were the RSPB. Most relevant recent comments provided by RSPB and Natural England are provided at Appendix A. The RSPB were also represented at the Examination.

2.6 Appropriate Assessment

- 2.6.1 The table below sets out whether the modifications, as a result of the Examination, have the potential to cause likely significant effects (LSE) on the European Sites described above, either alone or in combination with other Plans or Projects – i.e. HRA screening of the modifications. Only those modifications which have potential for LSE are included; the table subsequently includes a determination of whether those effects identified are likely to result in an effect on the integrity of the European Site – i.e. Appropriate Assessment of the modifications.
- 2.6.2 Reasoned justification is provided, with reference to policy wording and any other supporting documentation. The most important supporting documentation for this HRA provides the framework now in place for the delivery of the mitigation required to ameliorate the impact of increased visitors, from residential and tourism/leisure development, on the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. This framework is referred to as the Redcar & Cleveland Teesmouth and Cleveland Coast Special Protection Area Recreation Management Plan (SPA RMP) and was produced in response to the recommendations within the HRA of the publication Local Plan, and as a result of taking into account comments from consultees regarding the Local Plan (most notably Natural England and RSPB).
- 2.6.3 Those modifications not listed in the table below are considered to not have the potential for LSE as the policy (or supporting text) to which they relate has already been identified as unlikely to cause LSE during an earlier version of the HRA and any change to the wording does not link to any of the potential impact pathways for the European Sites under consideration. Therefore, there is no need to re-screen the modified policy, or supporting text, back into the HRA.

Table 2.1 HRA Screening of RCLP Post Examination Proposed Modifications

Ref ⁵	Section/ Paragraph/ Policy	Potential for LSE (Screening)?	Effects on the Integrity of European Sites? (Appropriate Assessment)
MM05 and MM06	SD2 and supporting text Paras. 2.8- 2.10 and new paragraphs after 2.8 and 2.14	Yes: Additional text has been added to both the policy and supporting text which confirms the locations and types of development where there is potential for LSE as a result of increased residents causing increased recreational impacts on the birds for which the Teesmouth and Cleveland Coast SPA is designated.	No: The additional policy and supporting wording provides clarity and confirms where mitigation for recreational disturbance of the SPA will be required, as defined within the policy N4.

⁵ This refers to the reference number of the relevant modification detailed within the RCLP Schedule of Proposed Post-Examination Modifications (November 2017). This Schedule will be published by RCBC for consultation and the full Schedule is included within the SA Addendum which also supports the proposed post-examination modifications.

Ref ⁵	Section/ Paragraph/ Policy	Potential for LSE (Screening)?	Effects on the Integrity of European Sites? (Appropriate Assessment)
MM18 and MM19	REG1 and new supporting paragraphs after 4.5: Paras. 4.6 and 4.8	Yes: The supporting paragraphs to this policy identify the potential for proposals in this area to impact upon the integrity of European Sites, including through increased recreational disturbance.	No: The Local Plan now includes a requirement that all proposals under REG1 should comply with the requirements of Policy N4, including the provision of any necessary mitigation, to ensure that there will be no adverse effect on the European Sites.
MM22 and MM23	REG3 and paras. 4.25 - 4.26; Paras. 4.29 - 4.31 and new paragraph after 4.36	Yes: The supporting paragraphs to this policy identify the potential for proposals in this area to impact upon the integrity of European Sites, including through increased recreational disturbance.	No: The Local Plan now includes a requirement that all proposals under REG3 should comply with the requirements of Policy N4, including the provision of any necessary mitigation, to ensure that there will be no adverse effect on the European Sites.
MM49- MM112	H3, H3.1-H3.31 and supporting paragraphs	Yes: The supporting paragraphs to those policy areas falling within the likely zone of influence of the Teesmouth and Cleveland Coast SPA (and proposed extension), identify the potential for proposals in this area to impact upon the integrity of European Sites, including through increased recreational disturbance as a result of increased residents.	No: The Local Plan now includes a requirement that where there is a potential for housing proposals to impact upon the integrity of European Sites, the proposals should comply with the requirements of Policy N4, including the provision of any necessary mitigation, to ensure that there will be no adverse effect on the European Sites.
MM119 and MM120	N4 and supporting paragraphs: 7.34, 7.36 and new paras. after para 7.38: Para. 7.46 -7.47	Yes: This policy is all about Biodiversity (and Geological) Conservation. Poorly worded or referenced policy could lead to LSE	No: Additional wording has been added by the modifications to strengthen the link from the Policy to the mitigation framework set out in the SPA RMP, and the mitigation recommended by the Appropriate Assessment of the Publication Local Plan

- 2.6.4 It should also be noted that the HRA screening and/or the HRA of the Publication Local Plan, noted the potential for LSE as a result of Policies SD3 (Development Limits), LS2 (Coastal Area Spatial Strategy), LS4 (South Tees Spatial Strategy), ED6 (Protecting Employment Areas), ED9 (Leisure and tourism development), ED11 (Caravan Sites and Tourist Accommodation), ED12 (New Hotel and Guest House Accommodation), ED13 (Equestrian Development), TA4 (now TA3) (Sustainable Transport Networks). These policies were screened out of further consideration in an earlier version of the HRA, on consideration of mitigation set out within existing linked policy. That is, the version of the policies and supporting wording had already been amended to incorporate mitigation suitable to enable the delivery of the policy requirement, whilst being mindful of the mitigation which would need to be employed to avoid affecting the integrity of the European Sites, as described in the HRA of the publication Local Plan. Some of the wording of these policies have been changed in the Main Modifications so that they reference other policies requiring Natura 2000 considerations; this has avoided the repetition of clauses within each individual policy. These policies are not considered any further in this HRA Addendum, as they have either not been subject to modifications at all, or the modifications are not relevant to HRA considerations (e.g. because they relate to re-numbering, re-ordering of paragraphs or other minor re-wording of text not relevant to HRA).

3 Conclusion

- 3.1.1 This HRA Addendum takes account of the previous versions of the HRA of the Redcar and Cleveland Local Plan. In this context, this HRA Addendum has confirmed there have been no changes to the European Sites requiring consideration, neither are there any changes to the plans or projects considered in-combination with the Local Plan, with the exception of the new Redcar & Cleveland Teesmouth and Cleveland Coast Special Protection Area Recreation Management Plan (SPA RMP), to which the Local Plan now refers.
- 3.1.2 The HRA Addendum confirms that the SPA RMP provides a new framework for mitigation which has been referenced in the post-examination modifications and addresses the residual effects of recreational impacts on the SPA identified by the last version of the HRA. In addition, the post-examination modifications have all been reviewed afresh to determine whether the changes result in any changes to the LSE identified within previous HRA and/or to confirm new or different LSE.
- 3.1.3 **No residual adverse effects** on the integrity of the European Sites considered to be within the zone of influence of the RCBC Local Plan are anticipated as a result of the Redcar and Cleveland Publication Local Plan modifications, either alone or in combination with any other plan or project. This conclusion takes into account the mitigation provided for within the wording of the Local Plan modifications and its links to the mitigation framework now provided by the Redcar & Cleveland Teesmouth and Cleveland Coast Special Protection Area Recreation Management Plan (SPA RMP), to which the Local Plan now refers.

4 References

Peter Brett Associates LLP (March 2017) Redcar and Cleveland Publication Local Plan. Appropriate Assessment. Report on behalf of Redcar and Cleveland Borough Council.

Redcar and Cleveland Borough Council (undated) Redcar & Cleveland Teesmouth and Cleveland Coast Special Protection Area Recreation Management Plan. Unpublished (but will be made available via the RCBC website)

Appendix A Copies of Consultation Responses

Consultation responses from Natural England and RSPB

Duncan Smart

From: Bekker, Ellen (NE) <Ellen.Bekker@naturalengland.org.uk>
Sent: 28 September 2017 10:30
To: Hurworth, Fiona
Subject: RE: Proposed modifications following Hearing Session on Habitats Regulations

Hi Fiona,

Natural England has no further comment on the modifications.

Kind regards,
Ellen

From: Hurworth, Fiona [mailto:Fiona.Hurworth@redcar-cleveland.gov.uk]
Sent: 21 September 2017 13:06
To: Bekker, Ellen (NE) <Ellen.Bekker@naturalengland.org.uk>; Taylor, Christina (Christina.Taylor@rspb.org.uk) <Christina.Taylor@rspb.org.uk>; Dawkins, James (James.Dawkins@rspb.org.uk) <James.Dawkins@rspb.org.uk>
Subject: Proposed modifications following Hearing Session on Habitats Regulations

Dear all

Following the examination hearing session on Habitats Regulations, and based on the Inspector's recommendations, please find attached suggested modifications to a number of policies in the Local Plan.

To summarise the modifications aim to provide additional detail on HRA/RMP requirements in Policies SD2 Locational Policy and SD4 General Development Principles (which are general strategic policies) and removes references from policies on tourism, leisure and housing (unless they are allocated sites with 6km of the Teesmouth and Cleveland Coast SPA). The change to Policy N4 aims to make the policy and requirements related to the RMP clearer.

I realise everyone is busy, but please could you send me any comments you have on these changes and the wording suggested. If you think alternative wording would be more appropriate please could you suggest suitable wording.

Many thanks

Fiona

Fiona Hurworth
Principal Planning Strategy Officer
Redcar & Cleveland Borough Council

Redcar & Cleveland House
Kirkleatham Street
Redcar
Yorkshire
TS10 1RT
Tel: (01287) (61)2356
Mob: 07717423779
Email: fiona.hurworth@redcar-cleveland.gov.uk
Website: <http://www.redcar-cleveland.gov.uk>

Follow us on Twitter: [@redcarcleland](https://twitter.com/redcarcleland)

Like us on Facebook: facebook.com/redcarcleland

This email and any files transmitted with it are intended solely for the named recipient and may contain sensitive, confidential or protectively marked material up to the central government classification of "RESTRICTED" which must be handled accordingly. If you have received this e-mail in error, please immediately notify the sender by e-mail and delete from your system, unless you are the named recipient (or authorised to receive it for the recipient) you are not permitted to copy, use, store, publish, disseminate or disclose it to anyone else.

E-mail transmission cannot be guaranteed to be secure or error-free as it could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses and therefore the Council accept no liability for any such errors or omissions.

Unless explicitly stated otherwise views or opinions expressed in this email are solely those of the author and do not necessarily represent those of the Council and are not intended to be legally binding.

All Council network traffic and GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Redcar & Cleveland Borough Council, Redcar & Cleveland House, Kirkleatham Street, Redcar, TS10 1RT, Tel: 01642 774 774, Website: www.redcar-cleveland.gov.uk

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

Duncan Smart

From: Bekker, Ellen (NE) <Ellen.Bekker@naturalengland.org.uk>
Sent: 28 September 2017 10:36
To: Ian Bond; Hurworth, Fiona
Subject: RE: Redcar & Cleveland Recreation Management Plan update

Hi Ian,

Thank you for the changes you made to the RMP. It looks really good, only question I have is if you have seen the visitor questionnaire that is used for SANGS in the Thames Basin Heath area? The TBH partnership and rangers should be able to help you with this. I have not seen it myself, but I think it might include observation (for example, modes of arrival, proportion of people with dogs, whether dogs are on leads), and questions such as do they use other sites, how often do they visit the SPA etc. I understand the questionnaire included in the RMP is in draft form, so that is fine for now and you can always finalise it later.

Kind regards,
Ellen

From: Ian Bond [mailto:ian.bond@inca.uk.com]
Sent: 22 September 2017 16:06
To: Dawkins, James <James.Dawkins@rspb.org.uk>; Hurworth, Fiona <Fiona.Hurworth@redcar-cleveland.gov.uk>; Bekker, Ellen (NE) <Ellen.Bekker@naturalengland.org.uk>
Cc: Taylor, Christina <Christina.Taylor@rspb.org.uk>
Subject: RE: Redcar & Cleveland Recreation Management Plan update

Good afternoon

The middle of next week would be fine as I have blocked out next Friday to make any necessary amendments following your comments.

In addition to the revisions which we last sent you, a further outstanding issue that we needed to work on was more detail about the management of Fox Rush. I previously suggested that this should be done as a management plan which would be appended to the RMP. It turns out that Fox Rush has an existing management plan, which is quite long and detailed and which covers the period 2013-18 so is due to be updated next year. Rather than try and re-write that now, which would be a huge task, what I am proposing is that we set out in section 5 those actions that we think would achieve the desired effect and state that they will be implemented through the updated management plan.

To that end I have amended the RMP further and included further actions that should encourage more visitors to Fox Rush. As far as I can tell these take account of all of the comments that you made and also those points from the SANGS guidance which are relevant to Fox Rush. These are done as tracked changes in the revised document dated 22nd Sept, which I have attached. The only changes from the version that we last sent you, dated 11 Sept, are in section 5.1.1 on the management of Fox Rush, the rest of the document should be the same.

Thanks again for your help with this.

Best regards
Ian

From: Dawkins, James [<mailto:James.Dawkins@rspb.org.uk>]
Sent: 20 September 2017 12:00
To: Hurworth, Fiona <Fiona.Hurworth@redcar-cleveland.gov.uk>; Ellen.Bekker@naturalengland.org.uk
Cc: Taylor, Christina <Christina.Taylor@rspb.org.uk>; Ian Bond <ian.bond@inca.uk.com>
Subject: RE: Redcar & Cleveland Recreation Management Plan update

Hi Fiona,

Thanks for the email. Rest assured that I'm not overlooking this – however I need to get the RSPB's comments on the Hartlepool Plan examination in before the end of the week as well as dealing with an NSIP response which needs to go in today. I will get you comments on the Recreational Management Plan as soon as I can around these other deadlines.

Tina is due back at work on Tuesday – I think it would be prudent to discuss the Plan with her before we submit comments. Please let me know if that causes you any difficulties.

Kind regards,
James

From: Hurworth, Fiona [<mailto:Fiona.Hurworth@redcar-cleveland.gov.uk>]
Sent: 20 September 2017 11:56
To: Dawkins, James <James.Dawkins@rspb.org.uk>; Ellen.Bekker@naturalengland.org.uk
Cc: Taylor, Christina <Christina.Taylor@rspb.org.uk>; Ian Bond <ian.bond@inca.uk.com>
Subject: RE: Redcar & Cleveland Recreation Management Plan update
Importance: High

Dear James and Ellen

As you may already be aware, our Planning Inspector has requested that the Recreation Management Plan (RMP) is substantially complete by the hearing session on Policy N4 Biodiversity and Geological Conservation on Thursday 5 October.

To enable us to meet this deadline, please could you send any comments on the latest iteration of the RMP as soon as possible, particularly if they require any changes.

James, I realise the RSPB may be waiting for Christina to return from leave, but if you could send comments at the earliest opportunity this will help us to meet the Inspector's timescales and ensure that this isn't a barrier to him finding the Plan sound.

Thanks for your ongoing co-operation.

Fiona

Fiona Hurworth
Principal Planning Strategy Officer
Redcar & Cleveland Borough Council

Redcar & Cleveland House
Kirkleatham Street
Redcar
Yorkshire
TS10 1RT
Tel: (01287) (61)2356
Mob: 07717423779

Email: fiona.hurworth@redcar-cleveland.gov.uk

Website: <http://www.redcar-cleveland.gov.uk>

Follow us on Twitter: [@redcarcleveland](https://twitter.com/redcarcleveland)

Like us on Facebook: facebook.com/redcarcleveland

From: Ian Bond [<mailto:ian.bond@inca.uk.com>]
Sent: 11 September 2017 14:14
To: Dawkins, James; Ellen.Bekker@naturalengland.org.uk
Cc: Taylor, Christina; Hurworth, Fiona; Wilson, Kevin
Subject: Redcar & Cleveland Recreation Management Plan update

James/ Ellen

Please find attached the latest iteration of the recreation management plan. This includes some changes to the main text following discussions at the Local Plan examination. These have been left as tracked changes and in particular you will note that we have removed reference to Little Tern being outside of 6km from the housing allocations and have moved the action of fencing an area for them from the Section 6, potential actions, to the Section 5 which is mitigation that will be implemented (I've also for the sake of tidiness noted that references to the SPA include the pSPA.

Also now included is the Monitoring Schedule inserted as an Appendix and so we have removed the previous monitoring section from the document. I would be grateful for your comments on this and I will then discuss them with the Council and amend as necessary.

I am due to meet with the Council's countryside team to discuss what amendments might be needed to the Fox Rush management plan in order to reflect your comments and I will add that in as soon as possible.

Best regards
Ian

Ian Bond CEnv MCIEEM
Ecologist
INCA
01642 777965
07984 411400

This email and any files transmitted with it are intended solely for the named recipient and may contain sensitive, confidential or protectively marked material up to the central government classification of "RESTRICTED" which must be handled accordingly. If you have received this e-mail in error, please immediately notify the sender by e-mail and delete from your system, unless you are the named recipient (or authorised to receive it for the recipient) you are not permitted to copy, use, store, publish, disseminate or disclose it to anyone else.

E-mail transmission cannot be guaranteed to be secure or error-free as it could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses and therefore the Council accept no liability for any such errors or omissions.

Unless explicitly stated otherwise views or opinions expressed in this email are solely those of the author and do not necessarily represent those of the Council and are not intended to be legally binding.

All Council network traffic and GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Redcar & Cleveland Borough Council, Redcar & Cleveland House, Kirkleatham Street, Redcar, TS10 1RT,
Tel: 01642 774 774, Website: www.redcar-cleveland.gov.uk

This email and any attachments may contain material that is confidential, subject to copyright and intended for the addressee only. If you are not the named recipient you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender and then delete this email from your system. The Royal Society for the Protection of Birds (RSPB) is a registered charity in England and Wales no. 207076 and in Scotland no. SC037654.

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

Duncan Smart

From: Taylor, Christina <Christina.Taylor@rspb.org.uk>
Sent: 29 September 2017 11:03
To: Hurworth, Fiona
Cc: Ian Bond; Dawkins, James
Subject: Re: Redcar & Cleveland Recreation Management Plan update
Attachments: Recreation Management Plan draft 22 Sept 2017 +JSD.docx; Suggested Hearing Main Modifications - Matter 1 Hab Regs + JSD.docx

Hi Fiona

Please find attached the revised RMP and main modifications documents with comments from James and myself.

James is unlikely to be able to attend the hearing session on 5th October but I have confirmed my attendance. Please come back to us if you would like to discuss any points we have made prior to the hearing session.

Kind regards

Tina

Christina Taylor

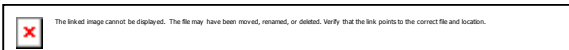
Conservation Officer (North East & Cumbria)

RSPB, 1 Sirius House, Amethyst Road, Newcastle Business Park, Newcastle upon Tyne NE4 7YL

Tel 0191 2334310

Mobile 07725 453209

rspb.org.uk



Let's give nature a home

The RSPB is the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: Hurworth, Fiona <Fiona.Hurworth@redcar-cleveland.gov.uk>
Sent: 20 September 2017 11:55
To: Dawkins, James; Ellen.Bekker@naturalengland.org.uk
Cc: Taylor, Christina; Ian Bond
Subject: RE: Redcar & Cleveland Recreation Management Plan update

Dear James and Ellen

As you may already be aware, our Planning Inspector has requested that the Recreation Management Plan (RMP) is substantially complete by the hearing session on Policy N4 Biodiversity and Geological Conservation on Thursday 5 October.

To enable us to meet this deadline, please could you send any comments on the latest iteration of the RMP as soon as possible, particularly if they require any changes.

James, I realise the RSPB may be waiting for Christina to return from leave, but if you could send comments at the earliest opportunity this will help us to meet the Inspector's timescales and ensure that this isn't a barrier to him finding the Plan sound.

Thanks for your ongoing co-operation.

Fiona

Fiona Hurworth
Principal Planning Strategy Officer
Redcar & Cleveland Borough Council

Redcar & Cleveland House
Kirkleatham Street
Redcar
Yorkshire
TS10 1RT
Tel: (01287) (61)2356
Mob: 07717423779
Email: fiona.hurworth@redcar-cleveland.gov.uk
Website: <http://www.redcar-cleveland.gov.uk>

Follow us on Twitter: [@redcarcleveland](https://twitter.com/redcarcleveland)
Like us on Facebook: facebook.com/redcarcleveland

From: Ian Bond [mailto:ian.bond@inca.uk.com]
Sent: 11 September 2017 14:14
To: Dawkins, James; Ellen.Bekker@naturalengland.org.uk
Cc: Taylor, Christina; Hurworth, Fiona; Wilson, Kevin
Subject: Redcar & Cleveland Recreation Management Plan update

James/ Ellen

Please find attached the latest iteration of the recreation management plan. This includes some changes to the main text following discussions at the Local Plan examination. These have been left as tracked changes and in particular you will note that we have removed reference to Little Tern being outside of 6km from the housing allocations and have moved the action of fencing an area for them from the Section 6, potential actions, to the Section 5 which is mitigation that will be implemented (I've also for the sake of tidiness noted that references to the SPA include the pSPA.

Also now included is the Monitoring Schedule inserted as an Appendix and so we have removed the previous monitoring section from the document. I would be grateful for your comments on this and I will then discuss them with the Council and amend as necessary.

I am due to meet with the Council's countryside team to discuss what amendments might be needed to the Fox Rush management plan in order to reflect your comments and I will add that in as soon as possible.

Best regards
Ian

Ian Bond CEnv MCIEEM
Ecologist
INCA
01642 777965
07984 411400

This email and any files transmitted with it are intended solely for the named recipient and may contain sensitive, confidential or protectively marked material up to the central government classification of "RESTRICTED" which must be handled accordingly. If you have received this e-mail in error, please immediately notify the sender by e-mail and delete from your system, unless you are the named recipient (or authorised to receive it for the recipient) you are not permitted to copy, use, store, publish, disseminate or disclose it to anyone else.

E-mail transmission cannot be guaranteed to be secure or error-free as it could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses and therefore the Council accept no liability for any such errors or omissions.

Unless explicitly stated otherwise views or opinions expressed in this email are solely those of the author and do not necessarily represent those of the Council and are not intended to be legally binding.

All Council network traffic and GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Redcar & Cleveland Borough Council, Redcar & Cleveland House, Kirkleatham Street, Redcar, TS10 1RT,
Tel: 01642 774 774, Website: www.redcar-cleveland.gov.uk

This email and any attachments may contain material that is confidential, subject to copyright and intended for the addressee only. If you are not the named recipient you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender and then delete this email from your system. The Royal Society for the Protection of Birds (RSPB) is a registered charity in England and Wales no. 207076 and in Scotland no. SC037654.

Duncan Smart

From: Taylor, Christina <Christina.Taylor@rspb.org.uk>
Sent: 05 October 2017 10:53
To: Ian Bond
Cc: Hurworth, Fiona
Subject: RE: updated RMP

Hi Ian

Thank you for send through the latest version of the RMP and some further clarity as to the rationale for survey sample sizes. I can confirm that the RSPB welcomes the amendments to the RMP, in particular that automated counters will be installed both at SPA locations and both alternative sites. We consider that the data they will provide strengthen the evidence required to ascertain the level of footfall in both.

Kind regards

Christina

Christina Taylor

Conservation Officer (North East & Cumbria)

RSPB, 1 Sirius House, Amethyst Road, Newcastle Business Park, Newcastle upon Tyne NE4 7YL

Tel 0191 2334310

Mobile 07725 453209

rspb.org.uk

Let's give nature a home



The RSPB is the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: Ian Bond [mailto:ian.bond@inca.uk.com]
Sent: 02 October 2017 12:28
To: Dawkins, James <James.Dawkins@rspb.org.uk>; Taylor, Christina <Christina.Taylor@rspb.org.uk>; Bekker, Ellen (NE) <Ellen.Bekker@naturalengland.org.uk>
Cc: Hurworth, Fiona <Fiona.Hurworth@redcar-cleveland.gov.uk>
Subject: updated RMP
Importance: High

Hi

Thanks again for your feedback on the RMP. I have made the changes to the text to reflect James' comments and I have put a comment on the Alternative Greenspace questionnaire to make it clear that it is a draft which will be updated in the light of such as the TBH visitor questionnaire. With regards to James' comments I think that I have incorporated all of them into the text except for a very few exceptions. Principally there were a couple of questions that he raised which I assumed would just require further explanation rather than being incorporated into the text. I have addressed those points that aren't changed in the text, below.

Comment 11 (Table 2 - indicative cost of paths). We need feedback from the countryside team on this but will supply that as soon as we can.

Comment 14 (Rationale for a sample size of 100). A sample of 100 questionnaires would give a margin of error of 10% (at 95% confidence levels) of the accuracy of the results. In practice this would mean that if the survey shows that 75% of people come from within 6km we would know that the true figure was somewhere between 65% and 85%. To increase this to a margin of error of 5% would, to the best of my understanding, take something like a three fold increase in the number of surveys. I believe that it takes 15 mins to fill in each questionnaire as the questionnaires were designed for the EMS to be as much about educating the public as gathering information. If we needed to do significantly more surveys then due to the time that would be involved they would just have to be simply asking where people came from and what activity they were doing, which would take away the awareness raising aspects of the survey. I'm happy either way.

Comment 17 (Rationale for sample size on repeat surveying of the SPA). Having given this some more thought, I have increased the amount of recreational disturbance surveys to 35 hours and suggest that we spread that between two of the four survey sites each time the survey is repeated rather than just concentrating on one site each time. From the results of the baseline survey, it is anticipated that in 35 hours there would be around 100 disturbance events. This would give a big enough sample to detect a 1% change. Also I've given the additional visitor surveys some more thought. It seems to me that for the purposes of defining the boundary, that we don't really need to gather further data on where visitors have come from after the baseline survey but I have left the questionnaires in because they contribute to awareness raising, so contribute to mitigation.

Comment 29 (Q4f in the survey). I've left this as it was, as the original intention of this part of the survey was to get people's opinions on the EMS and leaving it the same will allow us to cross-reference with previous surveys in order to better inform the EMS management scheme (which will hopefully be resurrected at some point).

I have attached a "tidied-up" version of the RMP. Could you confirm whether or not you are happy for this to be presented to the inspector as "effectively" complete; subject, of course, to the fact that the RMP is a live document with the potential to be updated.

Best regards
Ian

Ian Bond
Ecologist
INCA
01642 777965

This email and any attachments may contain material that is confidential, subject to copyright and intended for the addressee only. If you are not the named recipient you must not use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please contact the sender and then delete this email from your system. The Royal Society for the Protection of Birds (RSPB) is a registered charity in England and Wales no. 207076 and in Scotland no. SC037654.