Report to Inform an Appropriate Assessment

West Boldon School







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A. SUMMARY

E3 Ecology Ltd was commissioned by Gus Robinson in October 2018 to produce a report to inform an Appropriate Assessment with regard to the Habitat Regulations, in relation to the proposed residential development at West Boldon School and potential effects on Natura 2000 Sites within the local area.

This report will assist the planning authority, as the competent authority, to undertake an Appropriate Assessment in relation to two Natura 2000 sites which lie within 6km: the Northumbria Coast Special Protection Area (SPA) and Ramsar site, and the Durham Coast Special Area of Conservation (SAC). Both of these sites lie approximately 5.85km to the east of the development site at their closest point.

This report considers two elements of the proposals, firstly the potential direct effect of the proposals on the sites and qualifying features through mechanisms such as habitat loss and construction disturbance, and secondly the potential indirect effects of the residential development such as increased recreational activity.

Proposals will not result in the loss of any land from within the Natura 2000 sites or of land that is considered to be functionally linked to the Natura 2000 sites. The proposed development site is considered to be unsuitable for use by the qualifying species of the SPA and does not support the qualifying feature of the SAC, namely vegetated sea cliffs. Given the distance (>400m[1]) from the proposed development site to the Natura 2000 sites it is considered that there will be no direct impacts on the land within the designated sites.

As both Natura 2000 sites lie within 6km[2] of the development site, it has been identified that there is the potential, without appropriate mitigation, for an adverse effect associated with the development, through an increase in recreational disturbance[3].

As there is the potential for likely significant impacts; the following mitigation is recommended in line with the South Tyneside Recreation Mitigation Strategy[4]:

- A per unit financial contribution of £487.00 will be made to the local authority in order to contribute to the identified coastal access management, totalling £6,818.00.

[1] The 400m buffer is used by Durham County Council to determine an appropriate buffer for "direct impacts" and although not within Durham the principle is considered to be applicable.
[2] Natural England expressed support for an interim zone of influence of 6km and this has been utilised by other Local Authorities within the region.
[3] Hoskin, R., Liley, D., Panter, C. & Underhill-Day, J., (2018) South Tyneside Interim Habitat Regulations Assessment and Supplementary Planning Document. Report 1: HRA of emerging growth scenarios
[4] Hoskin, R., Liley, D., Panter, C. & Underhill-Day, J., (2017) South Tyneside Interim Habitat Regulations Assessment and Supplementary Planning Document. Report 2: Recreation Mitigation Strategy

B. INTRODUCTION

E3 Ecology Ltd was commissioned by Gus Robinson in October 2018 to produce a report to inform an Appropriate Assessment with regard to the Habitat Regulations, in relation to the proposed residential development at West Boldon School and potential effects on Natura 2000 Sites within the local area, namely the Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC).

The Habitats Directive[5] applies a precautionary principle to developments that may affect Natura 2000 sites. Proposals can only be permitted once it has been ascertained that there will be no likely significant effects on the integrity of the sites in question, *unless* there are no alternatives and the development is of over-riding public interest.

Habitat Regulations Assessment (HRA) seeks to assess proposals in order to determine whether they are likely to have significant effects on a Natura 2000 site. HRA comprises a four stage process; Screening, Appropriate Assessment, identifying alternative solutions and identifying compensation measures where imperative reasons of overriding public interest are proven. The first screening stage sets out to identify development proposals which can be screened out of the need for further assessment i.e. they are determined as not likely to have a significant effect on the relevant Natura 2000 sites.

In order to produce this report in relation to the proposed development the following steps were taken:

1. Identify a reasonable zone of influence around the development area and identify any Natura 2000 sites that are within this area;
2. Assess whether there is any possible mechanism by which the proposed development can affect any Natura 2000 site, focusing on those sites within the identified buffer or zone of influence;
3. Assess the qualifying features and conservation objectives of any Natura 2000 sites within this zone;
4. Determine whether the possible mechanisms identified in Point 2 are likely to have a significant impact on the qualifying features and conservation objectives assessed in Point 3.

This report will assist the planning authority, as the Competent Authority, to determine whether the development may have a likely significant effect on the interest features of any Natura 2000 sites (Stage 1 of the HRA process) and if a likely significant effect is anticipated, provides information to inform an Appropriate Assessment in relation to the proposed development (Stage 2 of the HRA process).

[5] EU Habitats Directive (92/43/EEC)

The site is located in West Boldon at an approximate central grid reference of NZ 34899 61149. The site location is illustrated below in Figure 1.



FIGURE 1: SITE LOCATION
(OS mapping © Crown copyright and database rights 2016/2017 OS 0100039392)

It is proposed to develop the site for residential use comprising 14 units, with associated landscaping and access.

C. RELEVANT LEGISLATION AND PLANNING CONTEXT

C.1 THE BIRDS DIRECTIVE

The Birds Directive (1979) as amended in 2009 (Directive 2009/147/EC) allows for the designation of Special Protection Areas to aid the survival of particularly threatened species and all migratory bird species.

The Article of the Directive relevant to this report is Article 4 which, in summary, requires:

- The identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex I of the Directive, as well as for all regularly occurring migratory species, paying particular attention to the protection of wetlands of international importance.
- In respect of the protection areas, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbance affecting the birds in so far as these would be significant, having regard to the objective of this Article.

Together with Special Areas of Conservation designated under the Habitats Directive, SPAs form a network of European protected areas known as Natura 2000.

C.2 THE HABITATS DIRECTIVE

The Habitats Directive (1992) (Directive 92/43/EEC) is European legislation which governs the designation of Special Areas of Conservation (SACs) and the management of Natura 2000 sites.

The Articles of the Directive relevant to this report are Articles 3 and 6 which, in summary, require:

- A coherent European ecological network of Special Areas of Conservation shall be set up under the title Nature 2000, composed of sites hosting the habitat types listed in Annex I and habitats of the species listed in Annex II, enabling the habitats and species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range.
- Member States shall take appropriate steps to avoid, in the Special Areas of Conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated in so far as such disturbance could be significant in relation to the objectives of the Directive.
- 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 (see below), 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.'
- Paragraph 4: If in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Nature 2000 is protected

C.3 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS

The Conservation of Habitats and Species Regulations (2017) (as amended) transpose the Birds Directive and the Habitats Directive into English and Welsh law.

The aspect of the Conservation of Habitats and Species Regulations 2017 (as amended) which is of particular relevance to this report is Regulation 61 which states:

1. A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which —

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

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

- must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

2. A person applying for any such consent, permission or other authorisation, must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

3. In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

D. METHODOLOGY

D.1 ZONE OF INFLUENCE

The assessment area for direct effects is considered to comprise the area within the development boundary termed 'the site' and a 400m[1] buffer around it where there may be effects, for example from changes in hydrology or direct disturbance during construction and use of the site.

For indirect effects, principally relating to additional recreational pressure through increased visitor numbers at the coast, a 6km buffer from the site has been identified as the zone of influence. This 6km buffer, identified through visitor surveys undertaken, has been used throughout the region by Durham County Council for their Habitat Regulations Assessment of their draft Local Plan on the Northumbria Coast SPA and Durham Coast SAC[6] and their developer guidance document[7]. It is also identified within the current South Tyneside SPD document[3].

D.2 DESKTOP STUDY

The Multi Agency Geographic Information for the Countryside website[8] was searched for all Natura 2000 sites that lie within a 6km radius of the proposed development. Qualifying features and conservation objectives of any Natura 2000 sites identified within this buffer were then obtained through the Joint Nature Conservation Committee website[9].

The site and surroundings were assessed from aerial photography and 1:25,000 Ordnance Survey maps.

[6] Durham County Council (2013) The County Durham Plan Pre-Submission Draft Local Plan Habitat Regulations Assessment Report.
[7] Durham County Council (2017) Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham.
[8] www.magic.gov.uk
[9] www.jncc.gov.uk

E. RESULTS

E.1 DESKTOP STUDY

E.1.1 NATURA 2000 SITES

Consultation with the MAGIC website[10] indicated that sections of the following Natura 2000 sites lie within a 6km buffer of the proposed development site:

- Northumbria Coast SPA and Ramsar (~5.85km E at its closest point)
- Durham Coast SAC (~5.85km E at its closest point)

The location of the Natura 2000 sites identified above in relation to the proposed development site is illustrated within Figure 2.

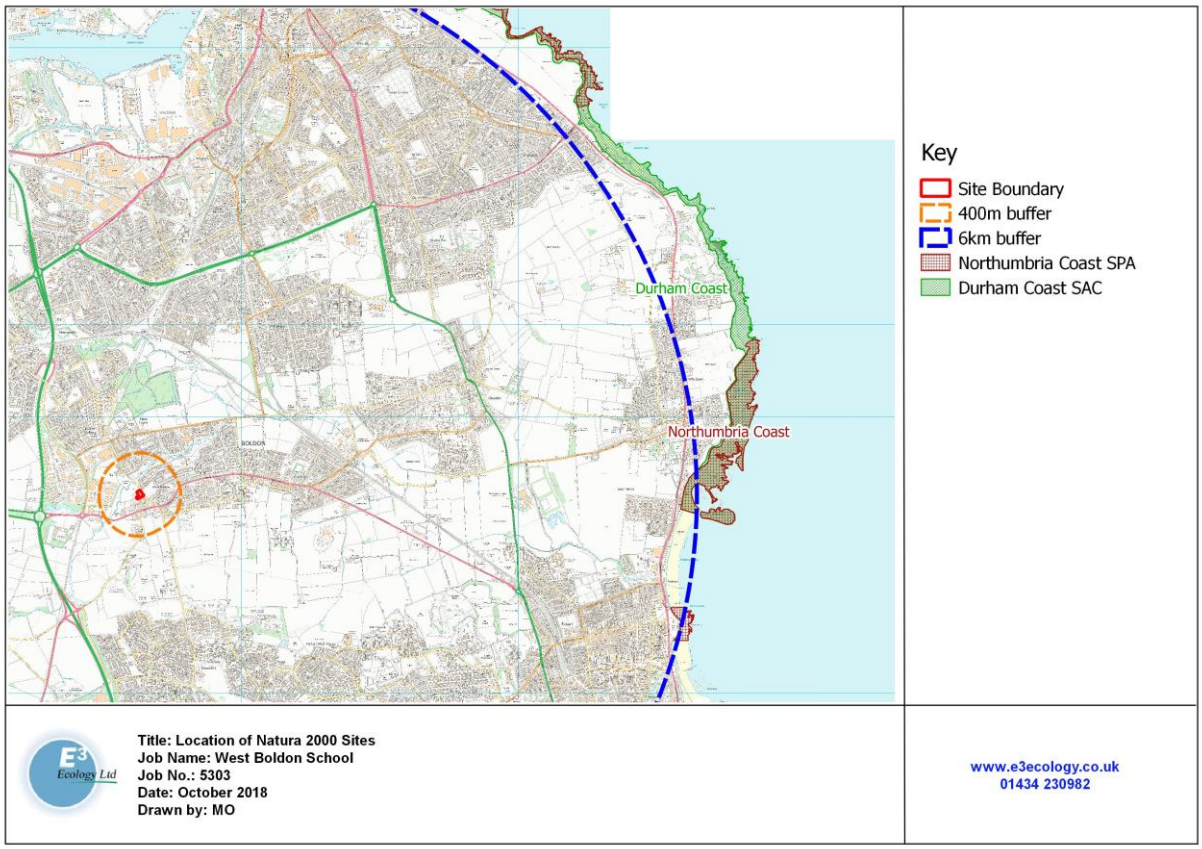


FIGURE 2: LOCATION OF NATURA 2000 SITES IN RELATION TO PROPOSED DEVELOPMENT SITE

[10] www.magic.gov.uk

The tables below detail the qualifying species and conservation objectives for each Natura 2000 site.

TABLE 1: NORTHUMBRIA COAST SPECIAL PROTECTION AREA			
Background	**Qualifying Species**	**Conservation Objectives**	**Current Status**
This area of coastline was designated in 2004 and comprises sections of coastline between north Northumberland and the south of County Durham. The area of the SPA being assessed within this report lies within 6km of the proposed development site.	The SPA comprises areas of rocky shore supporting a food resource for wading birds which are cited on the designation. There are four species listed on the citation for the protected area, these are **purple sandpiper** (*Calidris maritima*); **ruddy turnstone** (*Arenaria interpres*) **Arctic tern** (*Sterna paradisaea*) and **little tern** (*Sterna albifrons*). The site is designated for the non-breeding use of the site by the first two species listed and for breeding use by the latter two species.	The avoidance of the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive. Subject to natural change, to maintain or restore: • 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 populations of the qualifying features; • The distribution of the qualifying features within the site.	There are a number of SSSI units within the SPA which are components of the larger designated site. The most recent assessment of these components found that around 63% was classed as in favourable condition, with the remaining 37% being unfavourable recovering. All three units within 6km of the site are in favourable condition.

Table 2 provides information on the ecology of each of the qualifying species of the Northumbria Coast SPA.

TABLE 2: QUALIFYING SPECIES - ECOLOGY		
Natura 2000 Site	**Species**	**Ecology**
Northumbria Coast SPA	Purple Sandpiper	The purple sandpiper is a medium-sized wading bird that is larger, stockier and darker than a dunlin. This species is mainly a winter visitor to almost any rocky coast in the UK. Most are found in Orkney, Shetland and along the east coast of Scotland and northern England – the species is scarce south of Yorkshire, other than in Devon and Cornwall. Wintering numbers in the UK are approximately 13,000 birds (October-March)[11].
	Ruddy Turnstone	Smaller than a redshank, turnstones have a mottled appearance with brown or chestnut and black upperparts and brown and white or black and white head pattern, whilst their underparts are white and legs orange. Wintering numbers in the UK are approximately 51,000 birds (October-March)[11].
	Little Tern	Little tern is the smallest species of tern breeding in the UK, nesting exclusively on beaches, spits or inshore islets. Colonies are found around much of the coastline, but the main concentration is in south and east England.
	Arctic Tern	Slightly smaller than a common tern, the adult Arctic tern has a dark red bill and legs, and long tail streamers. In Britain and Ireland, the Arctic Tern is almost exclusively a coastal breeder, usually nesting on the immediate shoreline and virtually never

[11] http:/rspb.org.uk

TABLE 2: QUALIFYING SPECIES - ECOLOGY		
Natura 2000 Site	**Species**	**Ecology**
		more than 10 km from the coast. Nearly 90% of the Arctic Terns breeding in Britain and Ireland are found in Scotland, Orkney and Shetland and throughout the Outer and Inner Hebrides. There are also some colonies on the east and north coasts. In England, they are found mainly in the north-east and the northwest, with very small numbers in north Norfolk and along the south coast.

Table 3 details the Durham Coast Special Area of Conservation:

TABLE 3: DURHAM COAST SPECIAL AREA OF CONSERVATION		
Background	**Qualifying Features**	**Conservation Objectives**
The Durham Coast SAC was designated in April 2002 and stretches, in distinct units, from South Shields to the south of County Durham. These units are designated for the maritime vegetation that they support on magnesian limestone which creates rare and species-rich communities.	The qualifying features of the site are stated as being vegetated sea cliffs of the Atlantic and Baltic coasts. The Natura 2000 standard data form for the site states that: vegetated sea cliffs range from vertical cliffs in the north with scattered vegetated ledges, to the magnesian limestone grassland slopes of the south. Parts of the site are managed as a National Nature Reserve, and plans provide for the non-interventionist management of the vegetated cliffs. The majority of the site is in public ownership and an agreed management plan is being developed to protect nature conservation interests.	To avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features. Subject to natural change, to maintain or restore: • The extent and distribution of the habitats of the qualifying features; • The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species • The supporting processes on which qualifying natural habitats and habitats of qualifying species rely; • The populations of the qualifying species; • The distribution of the qualifying species within the site.

E.1.2 PROPOSED DEVELOPMENT SITE

Figure 3 below illustrates the boundary of the proposed development site while Figure 4 illustrates the land use within 500m of the site boundary.



FIGURE 3: SITE EXTENT
(Reproduced under licence from Google Earth Pro.)



FIGURE 4: SITE AND SURROUNDINGS (500M BUFFER)
(Reproduced under licence from Google Earth Pro.)

E.2 FIELD SURVEY

E.2.1.1 SITE

The site is dominated by bare ground with newly colonised ephemeral vegetation. Small areas of introduced shrub are present, indicating the presence of former ornamental beds. A number of semi-mature trees are present around the south, east and northern boundary of the site and continue around the periphery of the former school field extending to the west, outside of the site boundary.



FIGURE 5: HABITAT MAP
(Reproduced under licence from Google Earth Pro.)

Full details of the habitats on site can be found within the Ecological Impact Assessment Report (5305 West Boldon School R01).

F. ASSESSMENT

F.1 POTENTIAL MECHANISMS OF EFFECT FROM DEVELOPMENT

F.1.1 DIRECT EFFECTS

Direct effects on Natura 2000 sites are only likely to result from direct habitat loss within the designated sites or loss of habitats suitable for use by qualifying species and which have a functional link to the designated sites. There may also be effects through disturbance during construction or changes in hydrology and air quality as a result of construction work to land within the designated sites or to land which has a functional link to the designated site.

F.1.2 INDIRECT EFFECTS

It is considered that there are only limited "pathways" that could contribute to indirect effects on the Natura 2000 sites; principally, this is disturbance associated with increased recreational activity, primarily dog walking, due to the increase in residents associated with any completed residential development.

F.2 SCREENING ASSESSMENT OF POTENTIAL IMPACTS AND LIKELY SIGNIFICANT EFFECTS

TABLE 4: SCREENING ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS ON THE DURHAM COAST SAC						
Mechanism of Effect	**Description of Activity**	**Impact/Effect**	**Likely Significant Effect (without mitigation)**	**Mitigation**	**Likely Significant Effect (with mitigation)**	**Further action required**
Construction Phase (Direct)						
Direct Habitat Loss	No loss of Natura 2000 habitat					No
Storage of potential pollutants/spillages	Due to the distance from the Natura 2000 site no effects are envisaged					No
Degradation in Air Quality	Due to the distance from the Natura 2000 site and the nature of the proposals (small residential) no effects are envisaged					No
Degradation in Water Quality	Due to the distance from the Natura 2000 site no effects are envisaged					No
Spread of Invasive Species	Due to the distance from the Natura 2000 site and that no invasive species were recorded within the site no effects are envisaged					No
Operational Phase (Indirect)						
Increased recreational pressure associated with an increase in activity at the coast, in particular dog walking.	Potential increase in disturbance of habitats on site and introduction of additional nutrients to habitats through dog fouling.	Potential increase in disturbance and changes to ground flora as a result of nutrient enrichment.	**Potential for impact**	A per unit financial contribution will be made to the local authority in order to fund Strategic Access Management and Monitoring (SAMM) at the Natura 2000 sites[12]	No	**No**

[12] Hoskin, R., Liley, D., Panter, C. & Underhill-Day, J., (2017) South Tyneside Interim Habitat Regulations Assessment and Supplementary Planning Document. Report 2: Recreation Mitigation Strategy

TABLE 5: SCREENING ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS ON THE NORTHUMBRIA COAST SPA						
Mechanism of Effect	**Description of Activity**	**Impact/Effect**	**Likely Significant Effect (without mitigation)**	**Mitigation**	**Likely Significant Effect (with mitigation)**	**Further action required**
Construction Phase (Direct)						
Direct Habitat Loss	No loss of Natura 2000 habitat					No
Loss of Functional Land	No loss of land utilised by wintering Qualifying Species, whilst site offers no breeding opportunities for Qualifying Species.					No
Noise associated with construction	Due to the distance from the Natura 2000 site no effects associated with increased noise disturbance are envisaged					No
Increased light levels	Due to the distance from the Natura 2000 site no effects associated with increased light disturbance are envisaged					No
Storage of potential pollutants/spillages	Due to the distance from the Natura 2000 site no effects are envisaged					No
Degradation in Air Quality	Due to the distance from the Natura 2000 site and the nature of the proposals (residential) no effects are envisaged					No
Degradation in Water Quality	Due to the distance from the Natura 2000 site no effects are envisaged					No
Spread of Invasive Species	Due to the distance from the Natura 2000 site and the nature of the habitats within the SPA no effects are envisaged					No
Operational Phase (Indirect)						
Increased noise/light disturbance associated with the new development	Due to the distance from the Natura 2000 site no effects are envisaged					No
Cat ownership	Due to the distance from the Natura 2000 site no effects are envisaged					No
Increased recreational pressure associated with an increase in activity at the coast, in particular dog walking.	Potential increase in disturbance to qualifying species.	Potential displacement from foraging areas as a result of increased disturbance of qualifying species.	**Potential for impact**	A per unit financial contribution will be made to the local authority in order to fund Strategic Access Management and Monitoring (SAMM) at the Natura 2000 sites[13]	No	**No**

[13] Hoskin, R., Liley, D., Panter, C. & Underhill-Day, J., (2017) South Tyneside Interim Habitat Regulations Assessment and Supplementary Planning Document. Report 2: Recreation Mitigation Strategy

F.3 ASSESSMENT OF POTENTIAL IMPACTS

F.3.1 DIRECT IMPACTS

The former school site is dominated by bare ground with newly colonised ephemeral vegetation. Small areas of introduced shrub are present, indicating the presence of former ornamental beds. A number of semi-mature trees are present around the south, east and northern boundary of the site and continue around the periphery of the former school field extending to the west, outside of the site boundary.

As such, the site does not support any of the habitats for which the Durham Coast SAC is designated. The site is also considered unsuitable to support any of the qualifying species of the Northumbria Coast SPA and Ramsar. Purple sandpiper and turnstone largely rely on rocky shore habitats, whilst little tern and arctic tern breed exclusively on sandy/shingle beaches or onshore inlets.

As can be seen from tables 4 and 5, due to the distance, >5km, and the magnitude of development (14 units), it is considered that the development will not result in any direct impacts.

F.3.2 INDIRECT IMPACTS

The site is proposed for residential development with 14 units, resulting in an increase in the local population, and without restrictions, an assumed increase in numbers of domestic dogs and cats.

Using the average household size of West Boldon of 1.9 people[14], a potential increase of 27 people is expected as a result of the development, though it is unlikely that all new residents are from outwith the existing area and this is likely to be a worst case scenario.

The 2017 Pet Population Report[15] indicates that 24% of households own dogs, with an average of 1.2 dogs per household in the north east while 17% of households own cats with an average of 1.8 cats per household. For the proposed development, this would equate to 4 households with dogs, totalling an additional 5 dogs and 3 households owning cats, totalling an additional 5 cats. All figures are rounded up to the nearest whole number and as above it is unlikely that all additional pets are from outwith the existing area.

Due to the distance from the Natura sites, ~5.85km away, and the nature of the land use between, no impacts with regards to cat predation are envisaged as their range is considerably less than this.

Recent guidance on providing for dog ownership within new developments produced by Hampshire County Council[16] suggests that dog owner's walk up to an average distance of 400-500m from their homes to reach greenspace for dog-walking, where a suitable space is available. Dog walking is typically carried out twice a day, year round, with an average walk length of 2.7km.

[14]http://www.ukcensusdata.com/boldon-colliery-e00043738#sthash.ZwLeQGOE.dpbs
[15] http://www.pfma.org.uk/pet-population-2017
[16] Jenkinson, S (2013) Planning for Dog Ownership in New Developments: Reducing Conflict – Adding Value. Hampshire County Council.

The South Tyneside, Sunderland and Durham Coastal Visitor Winter Survey[17] found that 30% of those interviewed walk their dog at the coast as there is nowhere suitable / no green space close to home – of those people over half (54%) would use green space some or most of the time if available close to home. The survey found that those visiting the coast at South Tyneside are less likely to drive and more likely to walk to the coast compared to the wider, combined Local Authority region. Furthermore dog walkers at the coast are more likely to be coming from within a half mile radius.

The survey does however highlight that people will travel up to 31 miles to visit the coast. This therefore means that both the Northumbria Coast SPA and Durham Coast SAC are well within this range for people to travel in order to walk their dogs and it has been identified that there is a risk of proposals having an adverse effect on the Natura 2000 sites through a slight increase in recreational activity.

F.3.3 PROPOSED MITIGATION

As there is the potential for likely significant impacts; the following mitigation is recommended in line with the South Tyneside Recreation Mitigation Strategy[18]:

- A per unit financial contribution of £487.00 will be made to the local authority in order to contribute to the identified coastal access management, totalling £6,818.00.

G. CONCLUSIONS

Due to the nature of the site and the distance from the designated sites (>400m), no direct impacts are envisaged.

There is considered to be a low risk of proposals having a significant effect on the Northumbria Coast SPA and/or Durham Coast SAC, through a slight increase in visitor numbers, however with the targeted mitigation no likely significant effects are predicted.

It is therefore concluded that with the proposed mitigation no likely significant effects on the qualifying features and conservation objectives of Natura 2000 sites are anticipated.

[17] Bluegrass (2016) South Tyneside, Sunderland and Durham Coastal Visitor Winter Survey 2016
[18] Hoskin, R., Liley, D., Panter, C. & Underhill-Day, J., (2017) South Tyneside Interim Habitat Regulations Assessment and Supplementary Planning Document. Report 2: Recreation Mitigation Strategy