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Habitat Regulations Assessment

43 Whitburn Road

Cleadon

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Prepared by

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1 EXECUTIVE SUMMARY

Ecosurv Ltd were instructed to undertake a Habitat Regulations Assessment in regards to a proposed development at 43 Whitburn Road, Cleadon.

The proposals are for demolition of an existing dwelling to facilitate the construction of a new dwelling within the centre of the site.

The aim of this report is to assist the planning authority, as the competent authority, to undertake an Appropriate Assessment in relation to Natura 2000 sites, which lie within the zone of influence of the proposed development site.

The Natura 2000 sites to which this report refers, are:

- Northumbria Coast Special Protection Area (SPA) (approximately 2.6 km to the east at closest point)
- Durham Coast Special Area of Conservation (SAC) (approximately 2.6 km to east at closest point)

Habitats within the proposed development site comprised of an existing residential property and associated garden comprising areas of bare ground, ruderal vegetation, mature trees and hedgerows along with a summer house and potting shed with timber fences to the property boundaries. The site is situated within the village of Cleadon and is enclosed by residential properties and the built environment.

This report considers two elements of the proposals, firstly potential direct impacts of the development on the Natura 2000 sites and qualifying features, by activities such as habitat loss and constructional disturbance. Secondly, potential indirect impacts of the development on the Natura 2000 sites are also considered. Potential indirect effects are considered to comprise of recreational effects, such as increased footfall on the Natura 2000 sites and increased number of dog walkers.

Given the habitats that are present on site, the site is not considered suitable for use by qualifying species of the Northumbria Coast SPA, consequently the site is also not considered to have a functional link to the SPA. The proposed development will therefore not result in either loss or degradation of land within the Natura 2000 sites or land considered to have, or with the potential to have a functional link to these sites. Due to the distance between the proposed development and the Natura 2000 sites, it is considered that the development will not result in any direct impacts from construction related activity such as noise, light pollution or degradation of air and water quality.

The proposed development does not have the potential to increase recreational use of the Natura 2000 sites which could create adverse impacts as no additional dwellings will be created as a result of the development.

2 INTRODUCTION

Ecosurv Ltd were instructed by Mario Minchella Architects to undertake a Habitat Regulations Assessment for a proposed development at 43 Whitburn Road, Cleadon.

The Habitats Directive applies a precautionary principle to developments that may impact Natura 2000 sites. Proposals can only be permitted once it has been determined that there will be no likely significant impacts on the integrity of the Natura 2000 sites, unless there are no alternatives and the development is of over-riding public interest.

Habitats Regulations Assessment (HRA) seeks to assess proposals in order to determine whether they are likely to have any significant impacts, either directly or indirectly, on a Natura 2000 site. The HRA is comprised of four stages:

- Stage 1 - Screening: Screening for Likely Significant Effects (LSE) if no LSE are identified then a 'no significant effects report' will be required;
- Stage 2 - Appropriate Assessment: If there are LSE an assessment of the implications of identified LSE on conservation of the Natura 2000 sites;
- Stage 3 - Assessment of Alternatives: A consideration of alternatives is required if effects to site integrity are identified; and
- Stage 4 – Consideration of IROPI: If there are no alternatives an Assessment of Imperative Reasons of Over-riding Public Interest is required.

The screening stage identifies development proposals, which can be screened out of the requirement for further assessment i.e., they are determined not likely to have a significant impact on the relevant Natura 2000 sites.

The purpose of this report is to assist the Local Planning Authority, as the Competent Authority, in determining whether the development may have a likely significant impact on the qualifying features of any Natura 20000 sites (Stage 1). If a likely significant impact is anticipated, information is then provided as to inform an Appropriate Assessment in relation to the proposed development (Stage 2).

The site is centred on grid reference NZ 3820 6178 and can be accessed by Whitworth Road (Figure 1). The proposed development site comprised of an existing residential property and associated garden comprising areas of bare ground, ruderal vegetation, mature trees and hedgerows along with a summer house and potting shed and associated hard standing. The site is situated within the village of Cleadon and is enclosed by residential properties and the built environment.

The proposals are for demolition of an existing dwelling to facilitate the construction of a new dwelling within the centre of the site with associated landscaping.

2.1 Location

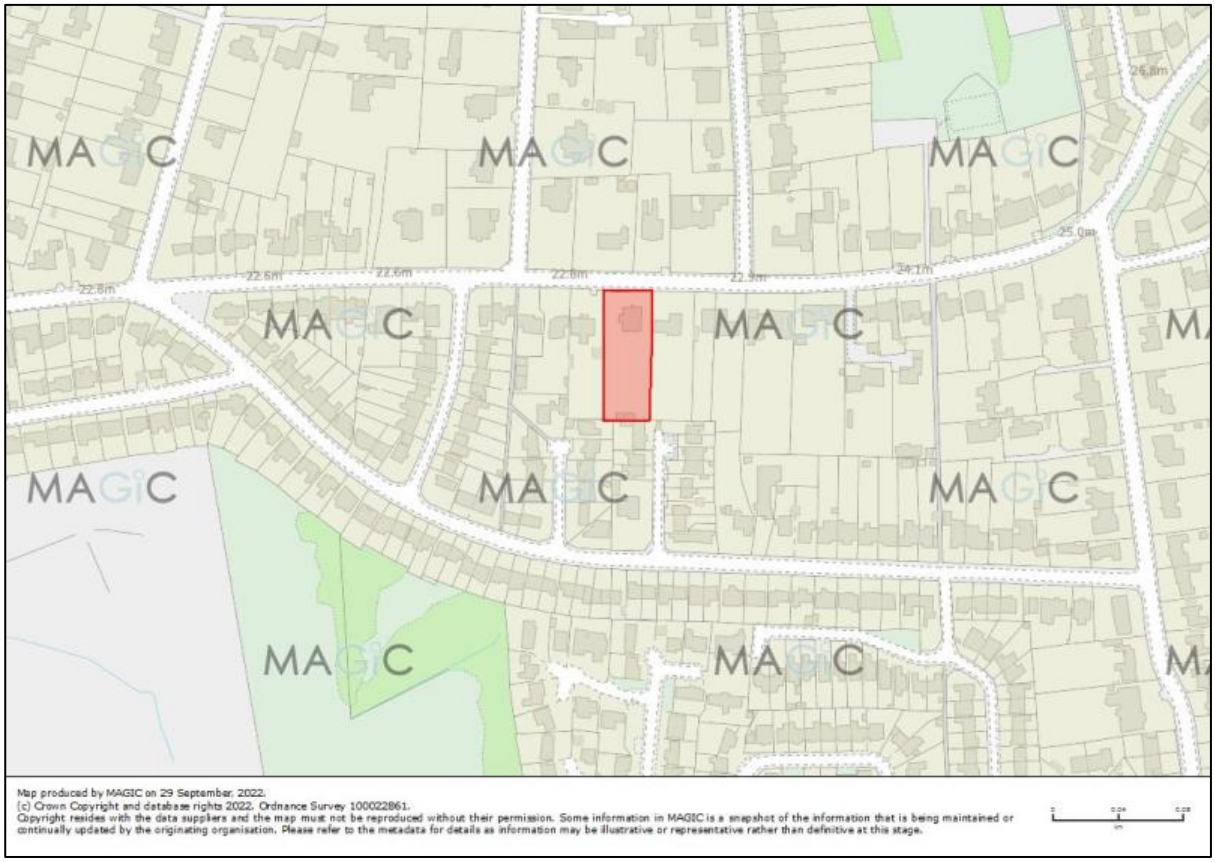


Figure 1.Site location plan. Red line shows the area proposed for development.

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3 LEGISLATION

3.1 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.

3.2 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 Natura 2000 is protected.

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3.3 The Conservation of Habitats and Species Regulations

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

The aspect of the Conservation of Habitats and Species Regulations 2017 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 sites' 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.

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4 METHODS

4.1 Zone of Influence

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

For indirect effects, primarily relating to increased 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, has been used throughout the region by South Tyneside Council for their Habitat Regulations Assessment of their draft Local Plan in relation to potential impacts on the Northumbria Coast SPA and Durham Cost SAC.

4.2 Desktop Study

The MAGIC website was searched for all Natura 2000 sites that lie within a 6km buffer from the site, which has been identified as the zone of influence.

The site and surroundings were assessed from aerial photography and Ordnance Survey plans. The Preliminary Ecological Appraisal report produced by Ecosurv was also reviewed.

4.3 Survey Area



Figure 2.Satellite Image of the surveyed area. Application site boundary is shown by the red line.

(Image taken from Google Earth Pro: ©2022 Map Data Google 2022)

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4.4 Greenspace Assessment

An assessment was made of general and use within the site and surrounding area, focusing on recreational areas and routes within the vicinity of the site such as footpaths and cycleways. The assessment included a review of the condition of the routes and factors such as connectivity and access to areas suitable for off-lead dog walking.

4.5 Personnel

The assessment and production of this report has been carried out by Kay Richardson BA (Hons).

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5 RESULTS

5.1 Desktop Study

5.1.1 Statutory Protected Sites

There are two Natura 2000 sites within 6km of the proposed development. A summary of the sites is provided in table 1 below, with their location presented on the map in figure 3.

Table 1. Summary of Surrounding Statutory Protected Sites

NAME	FEATURES	DISTANCE
Durham Coast SAC	1230 – Vegetated Sea cliffs of the Atlantic and Baltic coasts.	2.6 km E
Northumbria Coast SPA	Breeding colonies of Arctic and Little Tern. Presence of Turnstone and Purple Sandpiper.	2.6 km E
Northumbria Coast Ramsar	Breeding colonies of Arctic and Little Tern. Presence of Turnstone and Purple Sandpiper.	2.6 km E

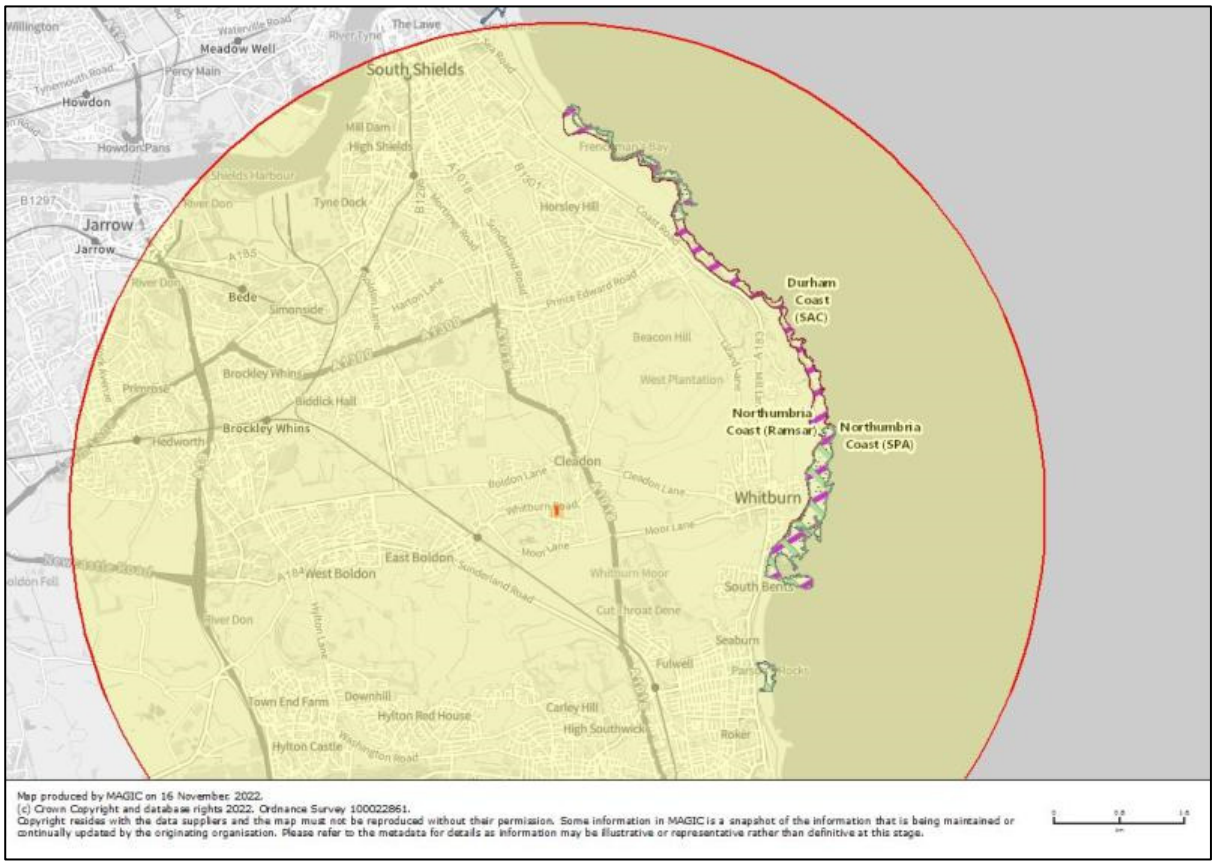


Figure 3.Location of site in relation to Natura 2000 Sites

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Table 2. Information on Statutory Protected Sites

OVERVIEW	QUALIFYING SPECIES	CONSERVATION OBJECTIVES	CURRENT STATUS
Northumbria Coast SPA			
This area of coastline was designated in 2004 and comprises areas of rocky shore supporting a food resource for wading birds, which are cited on the designation.	Four species are listed on the citation for the protected area, these are; - Arctic Tern (*Sterna paradisaea*) – Breeding - Little Tern (*Sterna albifrons*) – Breeding - Purple Sandpiper (*Calidris maritima*) – Present (Non-breeding) - Ruddy Turnstone (*Arenaria interpres*)– Present (Non-breeding)	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.
Durham Coast SAC			
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.	The most recent assessment of the SSSI units found that 38% are classed as unfavourable recovering and the remaining 62% are classed as in favourable condition

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Table 3. Information on Qualifying Species

NATURA 2000 SITE	QUALIFYING SPECIES	ECOLOGY
Northumbria Coast SPA	Purple Sandpiper (*Calidris maritima*) – Present (Non-breeding)	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)14.
	Ruddy Turnstone (*Arenaria interpres*)– Present (Non-breeding)	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)14.
	Arctic Tern (*Sterna paradisaea*) – Breeding	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 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.
	Little Tern (*Sterna albifrons*) – Breeding	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.

5.2 On Site Habitat

5.2.1 On-site Habitats and Ecological Features

Habitats within the proposed development site comprised of an existing residential property and associated garden comprising areas of bare ground, ruderal vegetation, mature trees and hedgerows along with a summer house and potting shed with timber fences to the property boundaries

5.3 Greenspace Assessment

Temple Park, Cleadon Hills and Tilesheds Nature Reserve are readily accessible from the proposed development. The parks and reserves provide walking routes in a variety of settings including woodland and amenity areas.

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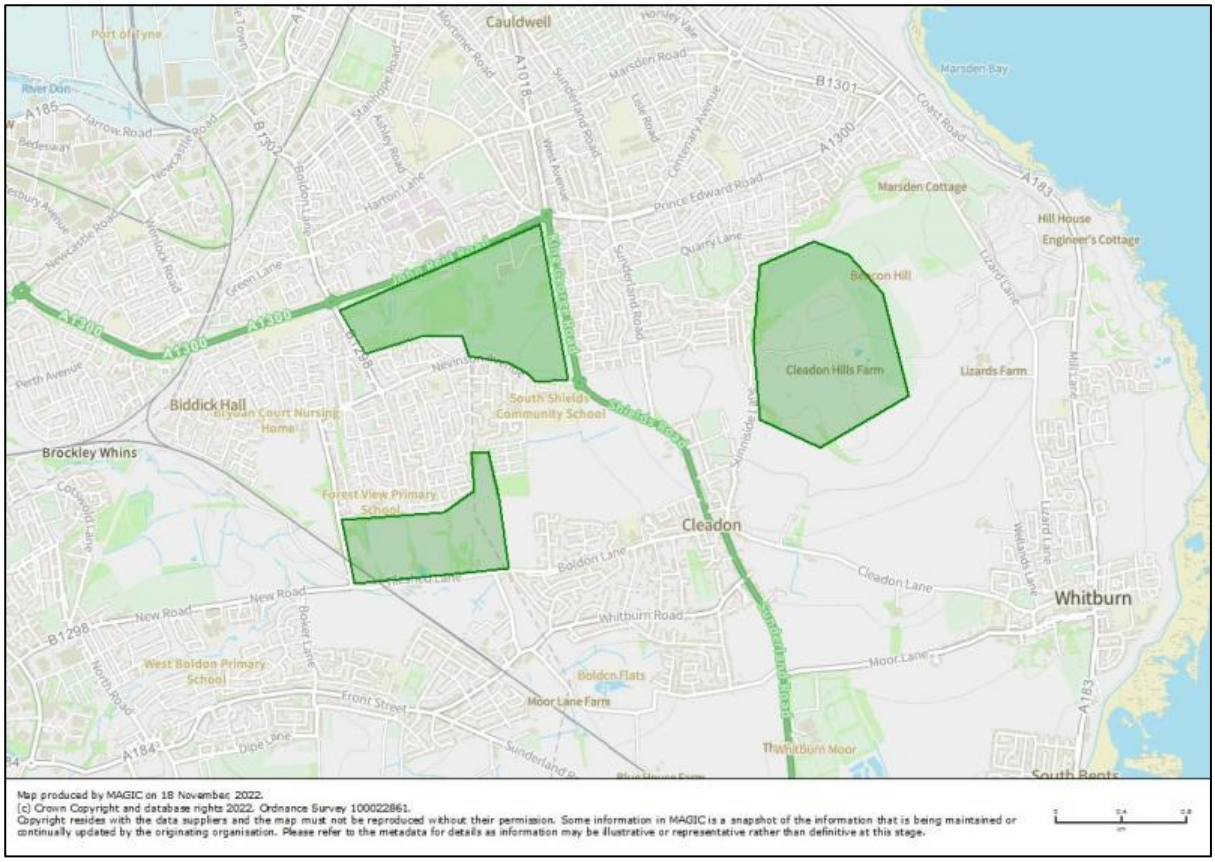


Figure 4. Location of the proposed development site in relation to surrounding Greenspace

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6 SITE ASSESSMENT

Sections 6.1 and 6.2 below outline the direct and indirect impacts identified on the Natura 2000 sites. See Tables 4 and 5 for a more complete summary of the assessment.

6.1 Direct Impacts

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. Dependent on the location of the proposed development site, and proximity to the Natura 2000 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.

6.2 Indirect Impacts

The development will not result in an increase of residents as no additional dwellings will be created, therefore no indirect effects on the Natura 2000 sites associated with increased recreational activity are anticipated as a result of the development.

6.3 Discussion

Due to the distance from the Natura 2000 sites, limited footprint of the development and no increase in dwellings, all potential pathways can be screened out with no further requirement for mitigation or compensation.

The site is situated 2.6km away from the Northumbria Coast SPA and Durham Coast SAC, within the 6km zone of influence identified by the Local Authority. (See Paragraph 7.24 below taken from Habitat Regulations Assessment of the South Tyneside Pre-publication Plan, Footprint Ecology, 2019).

> *Paragraph 7.24 "The interim strategy uses the current visitor survey data to establish where the majority of current, and therefore predicted new visitors, originate from. The strategy should be referred to for a detailed explanation of how the zone of influence is calculated using the available data, but in summary the interim strategy concludes that the 'zone of influence,' i.e., any net increase in residential development in this zone is considered to contribute towards increased recreation pressure for which an adverse effect on European site integrity cannot be ruled out, is 6km."*

The development will not result in a net increase in residential properties therefore adverse effects on the European sites integrity can be ruled out and there is no requirement for further mitigation.

This has taken account the two paragraphs taken from the HRA carried out on the Local Authorities Pre-publication Plan 2019. On the basis of the below paragraph provided in this reference, it is considered the development of this site, will be offset through measures imposed on larger housing development (>10 properties) as part of the Local Authorities 'Strategic mitigation approach".

> *Paragraph 7.26 "The interim recreation mitigation strategy provides a strategic mitigation approach for recreation pressure, using a zone of influence of 6km. Currently the interim approach is to weight the burden of funding this mitigation towards housing proposals of 10 dwelling or more (i.e. major development). Minor developments do not make a contribution, but their impact is mitigated for by the weighted contributions of major developments."*

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Table 4. Assessment of Likely Significant Effects on 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					None
Loss of Functional Land	No loss of land considered to be functionally linked to the SPA					None
Noise Associated with Construction	Due to distance from the Natura 2000 site, no increased noise disturbance anticipated.					None
Increased Light Levels	Due to distance from the Natura 2000 site, no increased light levels anticipated.					None
Storage/Spillage of Potential Pollutants	Due to distance from the Natura 2000 site, no effects anticipated.					None
Degradation of Air Quality	Due to distance from the Natura 2000 site and providing best practice working methods are implemented, no effects anticipated					None
Degradation of Water Quality	Due to distance from the Natura 2000 site and nature of the development, no effects anticipated					None
Spread of Invasive Species	No effects anticipated.					None
Operational Phase (Indirect)						
Increased noise/light disturbance associated with the new development	Due to distance from the Natura 2000 site and nature of the development, no effects anticipated					None
Cat Ownership	Due to distance from the Natura 2000 site, no effects anticipated					None
Increased recreational pressure associated with increase in activity at the coast, particularly dog walking,	No increased potential for disturbance to qualifying species.	No increased disturbance of foraging and breeding areas.	None	None	None	No

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Table 5. Assessment of Likely Significant Effects on 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					None
Loss of Functional Land	No loss of land considered to be functionally linked to the SPA					None
Degradation of Air Quality	Due to distance from the Natura 2000 site and providing best practice working methods are implemented, no effects anticipated					None
Degradation of Water Quality	Due to distance from the Natura 2000 site and nature of the development, no effects anticipated					None
Spread of Invasive Species	No effects anticipated.					None
Operational Phase (Indirect)						
Increased recreational pressure associated with increase in activity at the coast, particularly dog walking	No increased potential for disturbance.	No increased disturbance to habitat.	No increased potential for impact.	None	None	No

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7 CUMULATIVE ASSESSMENT

The report has identified that increasing housing provision across the South Tyneside area has the potential to create likely significant effects on the Natura 2000 sites, primarily through disturbance from dog walking on the coast. Cumulative Impacts arising from housing provision as part of the Sunderland and County Durham Local Plans have also been acknowledged with likely significant effects again arising from increased recreational activity on the Natura 2000 sites.

Mitigation proposed is centred around the provision and upgrading of new and existing greenspace to divert recreational activity from the Natura 2000 sites. Mitigation is anticipated to be delivered in phases, proportional to the phased basis of housing developments. In addition, co-ordinated efforts between the aforementioned local authorities are also anticipated to address cumulative impacts arising from the increasing number of residents across these areas.

However, based on the scale and location of this development, no increased in residential properties and the proximity to alternative greenspace, there is no increased risk of adverse impact anticipated and alongside existing mitigation efforts from the local authority as part of their local plan. It is concluded that there will be no significant cumulative impacts arising from this proposed development.

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8 CONCLUSION & RECOMMENDATIONS

Upon review of the findings of this assessment, it is considered that there is no increased risk of adverse impacts on surrounding Natura 2000 sites.

8.1 Mitigation

None.

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9 REFERENCES

The Birds Directive: Directive 2009/147/EC of the European parliament and of the council of 30th November 2009 on the conservation of wild birds

The Habitats Directive (1992) (Directive 92/43/EEC)

Conservation of Habitats and Species Regulations 2017

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10 SITE IMAGES

No.	Description	Image
1.	Rear garden of the property	
2.	Existing property	

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11 APPENDIX

11.1 Proposed Development Plan



Figure 5. Proposed Site Plan

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