

Land off Mill Lane, Whitburn
Shadow Habitats Regulations
Assessment

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1 Introduction

Background to Commission

- 1.1 BSG Ecology was commissioned by Story Homes (the 'client') in June 2026 to provide evidence in support of a Habitats Regulations Assessment (HRA) for the proposed residential development at land off Mill Lane (the 'Site'), Whitburn, South Tyneside.
- 1.2 This report provides information to enable South Tyneside Council to assess potential impacts of the proposal on European and Ramsar sites (as defined in **Paragraph 1.7** below) and thereby meet its obligations as Competent Authority under The Conservation of Habitats and Species Regulations 2017 (as amended).

Site Description and context

- 1.3 The Site is approximately 10.7 ha in size and is located adjacent to the west of Mill Lane, Whitburn, South Tyneside (Ordnance Survey grid reference: NZ 40564 63396). To the east of the Site is the A183 and to the north of the Site is Kitchener Road.
- 1.4 The Site comprises a single arable field, which was in a grass lay and subject to haylage cutting prior to the first bird surveys in November 2024 until the field was turned over and planted with winter wheat in August 2025. There are no significant field margins, and the boundaries are delineated by a dry-stone wall or post and wire fencing. Scattered scrub is present on the western boundary.
- 1.5 The Site is not subject to any nature conservation designations. It lies within the Impact Risk Zones identified for several Special Sites of Scientific Interest for the area, currently presented in Defra's interactive map (<https://magic.defra.gov.uk/MagicMap.aspx>).

Description of the Project

- 1.6 The client intends to submit a full planning application for a residential development of up to 205 units with associated sustainable urban drainage features and public open space (PoS). No further detail is available regarding timetable.

Report Scope and Structure

- 1.7 There are certain ecological sites that are designated for their international importance and to which special considerations under the Conservation of Species and Habitat Regulations 2017 (as amended including the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019)¹, apply either through operation of law or government policy. These are referred to as 'habitats sites' in the NPPF [version Dec 2024] plus those additional sites listed in paragraph 194 of the NPPF. These sites include Special Areas of Conservation (SAC) that have been designated to protect certain species and habitats; Special Protection Areas (SPA), classified to protect certain species of wild birds; and Ramsar sites designated to protect internationally important wetland areas. It is important to note that the amending 2019 Regulations generally seek to retain the requirements of the 2017 Habitats Regulations but with adjustments for the UK's exit from the European Union. Regulation 4 confirms that the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day, shall continue to do so.
- 1.8 These sites are subject to special legal protection that imposes restrictions on a Competent Authority from granting consent, permission or authorisations for any plan or project that may affect the conservation status and integrity of these designations. The Habitats Regulations require the Competent Authority, before deciding to undertake, or give any consent to, permission for, or other authorisation for, a plan or project which is likely to have a significant effect on these designated sites (either alone or in combination with other plans or projects) to make an appropriate assessments of the implications of the plan or project for potentially affected sites in view of those sites' conservation objectives.

¹ This body of law is referred to as the 'Habitats Regulations' throughout the remainder of this document.

- 1.9 A Stage 1 (Screening) HRA provides an initial evaluation of whether significant effects on the qualifying interest features and conservation objectives of designated sites are likely as a result of the proposal. The result of this assessment determines whether a more detailed Appropriate Assessment (Stage 2) is required. Likely Significant Effects (LSE) are considered first in isolation and then in combination with other plans and projects if appropriate. In line with the precautionary principal, unless a significant effect can be objectively ruled out with certainty, it is considered 'likely'.
- 1.10 This screening exercise takes into account recent case law, including the *People Over Wind and Sweetman v Coillte Teoranta (C-323/17)* which determined that mitigation aimed specifically at reducing the impacts of a given plan or project on a European site should be taken into account at Stage 2 only (Appropriate Assessment) and not at Stage 1 (Screening).
- 1.11 This report should be regarded as a draft for consultation with Natural England and other key stakeholders, to seek their detailed views as appropriate.

Consultation with Natural England

- 1.12 Natural England provided a consultation response dated 12 March 2026 of which the contents of the response is shown below:

"Despite the proximity of the application to European Sites, the consultation documents provided to not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e., the consultation does not include a Habitat Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposals is likely to have a significant effect on any European site, processing to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

As the application is within the zone of influence for the Northumbria Coast SPA and Durham Coast SSSI, the development will need to make an appropriate contribution to the Coastal Mitigation Service".

Contributors

- 1.13 The report has been prepared by Hannah Weir MCIEEM, who has worked in the ecological sector since 2017. During this time, Hannah has undertaken a variety of ecological assessments, including HRA input.
- 1.14 The report has been reviewed by Claire Dewson, who has worked in the ecological sector for over 20 years. During this time, she has undertaken HRAs for Local Planning Authorities as the competent authority as well as preparing HRA reports for plans and projects for consultancy.

2 Methodology

HRA Process

- 2.1 The Habitats Regulations do not specify how an assessment should be undertaken. The methodology for this report is therefore informed by guidance from the Department for Environment, Food and Rural Affairs (DEFRA, 2021) and review of decisions regarding functional linkage written in Chapman & Tyldesley (2016).
- 2.2 HRAs are required for all development/strategic plans likely to impact European and Ramsar sites (also referred to in England as National Site Network (NSN) Sites and sometimes European Sites or Habitats Sites). In line with DEFRA (2021). Such assessments follow the precautionary approach in considering effects on site integrity, in that projects may only proceed if the Competent Authority has ascertained that it will not adversely affect the integrity of a European and/or Ramsar site. Habitats Regulations do not provide statutory protection for potential SPAs (pSPAs), possible/probable SACs (pSACs) or proposed Ramsar sites but as a matter of Government policy HRA is required for these sites (MHCLG, 2024). The requirements of the Habitats Regulations are set out within Regulation 63 of the Habitats Regulations. The step-based approach implicit within this Regulation is referred to as a 'Habitats Regulations Assessment' (the term that has been used throughout this report).
- 2.3 Although the HRA process relates specifically and exclusively to the qualifying interests of European and Ramsar sites, given that each designation overlap completely with Site(s) of Special Scientific Interest (SSSI), features of international importance cited for these nationally important sites, and their condition, are important considerations for the planning process and form part of this assessment where relevant and possible.
- 2.4 The Habitats Regulations describe a procedure that provides for a systematic set of stages for the transparent consideration of the likely significant effects a plan or project could have on a European and/or Ramsar site. Guidance states that there are four stages in producing an assessment as follows in **Table 1**.
- 2.5 Each stage determines whether a further stage in the process is required. If, for example, the conclusions at the end of Stage One are that there are no likely significant effects on the designated sites, there is no requirement to proceed further.

Table 1: Stages in the Habitats Regulations Assessment process

Stage	Description	Legislative Context
Purpose	Determines if the purpose of the plan or project is directly connected with, or necessary, to the management of a European or Ramsar site. If it is, then no further assessment is necessary	Regulation 63(1)(b)
Scoping	The identification of any European and Ramsar site that might be within scope of a HRA, i.e., those Sites should be taken forward to the screening stage based on a wide consideration of spatial and ecological factors. Such sites may be located within the plan or project area but may also include sites located in neighbouring authority areas.	
Screening	Assessment of whether a plan or project, either alone or in combination with other plans or projects, is likely to have a significant effect on any European and/or Ramsar sites qualifying features (habitats and species) and the achievement of the conservation objectives of the European and Ramsar sites. This is also known as the 'test of likely significant effect' (ToLSE).	Regulation 63(1)(a)

Appropriate Assessment	Consideration of the impacts of the proposals to determine whether it is possible to conclude with certainty that the project will not result in an adverse effect on the integrity of the designated site(s), either alone or in combination with other plans or projects and with reference to the conservation objectives European and Ramsar sites. This is also known as the test of 'adverse effect on integrity' (AEol). At this stage consent may be granted for the plan or project if it is possible to conclude with certainty that the proposal will not result in any adverse effect on the integrity of any European and/or Ramsar site, either alone or in combination with other plans or projects.	Regulation 63(5)
If it cannot be concluded with certainty that the proposal will not result in any adverse effect on the integrity of any European and/or Ramsar site, then proceed to:		
Assessment of Alternative Solutions	Assess whether there is an alternative solution to the plan or project, i.e., one that avoids adverse effects on European and/or Ramsar sites. If no such alternative solution exists, the process continues to an assessment of whether there are 'imperative reasons of overriding public interest' (IROPI) for the plan or project to proceed.	Regulation 64(1)
Assessment of IROPI	Assess whether a plan or project can be justified as being needed for 'imperative reasons of overriding public interest' (IROPI).	Regulation 64(1)
Compensatory measures	Identify and secure any necessary compensatory measures to ensure that the overall coherence of the 'national site network' is protected.	Regulation 68

Functionally Linked Land

- 2.6 A development has the potential to impact a European and/or Ramsar site either directly, for example as a result of land- take, or indirectly, for example as a result of changes in air quality. When assessing impacts, it is important to note that impacts need to be considered on 'functionally linked land'. Functionally linked land can be defined as follows (Chapman & Tyldesley, 2016):

" The term 'functional linkage' refers to the role or 'function' that land or sea beyond the boundary of a European site might fulfil in terms of ecologically supporting the populations for which the site was designated or classified. Such land is therefore 'linked' to the European site in question because it provides an important role in maintaining or restoring the population of qualifying species at favourable conservation status".

- 2.7 In this report consideration has been given to whether the proposed development will impact on land that is functionally linked to a European and/or Ramsar site.

Stage 1 HRA (Screening)

- 2.8 Likely significant effect (LSE) is not defined in the Habitats Regulations and case law informs how Regulation 63(1) should be interpreted, as follows:

- 'significant' means 'any effect that would undermine the conservation objectives of a NSN site'²;
- 'likely' is a low threshold and simply means that there is a 'risk' or 'doubt' regarding such an effect that 'cannot be excluded on the basis of objective information'³; and
- [it] '... is not that significant effects are probable, a risk is sufficient'... and there must be 'credible evidence that there was a real, rather than a hypothetical, risk'⁴

- 2.9 A good working definition of 'significant effect' is, therefore, any effect that may reasonably be predicted as a consequence of a plan or project that may affect the achievement of conservation objectives of the features for which the European and Ramsar site was designated but excluding trivial and inconsequential effects (de minimis effects). Further, likely effect is not only one that is probable but should also be taken to mean an effect that could happen if its occurrence cannot be ruled out, based on the best available impartial information. Effects that are likely to be significant include:
- causing change to the ecological coherence or robustness of the site, or to the wider series of European and Ramsar sites (for example by presenting a barrier between isolated fragments or reducing the ability of the site to act as a source of new colonisers);
 - causing reduction in the area of a particular habitat within the site or the actual site, or in some way sterilising part of the site from its ecological functioning;
 - causing direct or indirect change to the physical quality of the environment (including the hydrology) or habitat within the site;
 - causing ongoing disturbance to species or habitats for which the site is designated/classified/listed;
 - altering community structure (species composition);
 - causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the site or using supporting habitat outside the site;
 - altering the vulnerability of populations to other impacts;
 - causing a reduction in the resilience of the feature against external change (for example its ability to respond to extremes of environmental conditions); and
 - affecting restoration of a feature where this is a conservation objective.
- 2.10 Each phase of the proposal (project) will be considered against each of the qualifying features where appropriate and an assessment of potential effects made using best available evidence and information.
- 2.11 The construction and operational elements of the proposal have first been considered 'alone', that is in isolation from any potential combined effects of other development proposals that may also affect the European and/or Ramsar sites. Following assessment of effects 'alone', the assessment then considers the potential for significant effects 'in combination' with other plans or proposals if appropriate. A precautionary principle is applied to the process of assessing significant effects.
- 2.12 In addition, the effects of the proposal are considered alongside other live (within the planning system pending decision or decided but not yet in place) plans or projects to assess whether they may add up to a significant 'in-combination' effect.
- 2.13 If Stage 1 (Screening) finds the project, alone, is likely to result in LSE on the integrity of the site, then the relevant effects 'alone' must then be assessed in Stage 2 and potential mitigation measures proposed and assessed to avoid these impacts. Where Stage 1 finds the project will not have a likely

² Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij (2004), European Court of Justice, C-127/02 (referred to as the Waddenzee judgement) at paragraphs 44, 47 and 48.

³ Waddenzee judgement at paragraphs 44 and 45.

⁴ Boggis at paragraphs 36 and 37

significant effect on site integrity on its own but will do so in combination with other plans or projects, the relevant effects of these 'in-combination' impacts must be considered in Stage 2 prior to exploring mitigation. In either case, where mitigation measures are proposed, these should be agreed with Natural England.

- 2.14 It should be noted that integrity is defined by the European Commission (2000) as relating to the reasons for the site's designation as follows:

"The integrity of a site is the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified."

Screening Area

- 2.15 There are no standard criteria for determining the spatial scope of an HRA and so the decision to include or exclude European and/or Ramsar sites from an assessment needs to be supported by application of the source- pathway-receptor conceptual model, which highlights whether there is any potential pathway that connects the development to any of the sites. In this case the spatial scope of the assessment is informed by identifying the impacts that could potentially arise as a result of the development, assessing the spatial and temporal scope of those impacts and understanding the effects on sensitive receptors that might arise.
- 2.16 For the purposes of this assessment, given the particular interest features of nearby site the zone of influence is limited, a 15 km radius is considered appropriate as an initial screening radius around the proposed development. This distance is considered sufficiently precautionary to capture reasonably foreseeable potential impact pathways in reasonably foreseeable situations and is appropriate in this instance.
- 2.17 The 15 km search radius encompasses all or part of the following sites (as shown on **Figure 1, Section 6**):
- Durham Coast SAC;
 - Northumbria Coast SPA; and
 - Northumbria Coast Ramsar Site.
- 2.18 The Conservation Objectives for each site (Natural England, 2020a), together with Supplementary Advice for Conservation Objectives (SACO) (Natural England, 2020b), standard data forms (JNCC and Natural England, 2008, 2015) and individual component SSSI citations, where relevant, provide the necessary context for HRAs and detail on the site's structure, function and supporting processes. These objectives, provided by Natural England, aim to ensure that the integrity of each site is maintained or restored as appropriate, and that each site contributes to achieving the aims of the Habitats Regulations.
- 2.19 The condition of the sites is estimated using the Natural England condition assessments for the corresponding SSSI units, although it must be noted that the boundaries of the component SSSI units (to which condition assessments relate) do not always match the European or Ramsar site boundaries exactly (the SSSI are often larger and it is not always possible to split the SSSI units to determine the precise area of the or interest feature that is in each condition).
- 2.20 The Conservation Objectives, and supporting information such as Supplementary Advice (where available), are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the Favourable Conservation Status of its qualifying features, by maintaining or restoring:
- the extent and distribution of qualifying natural habitats and habitats of the qualifying species;
 - the structure and function (including typical species) of qualifying natural habitats;
 - the structure and function of the habitats of the qualifying species;

- the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- the populations of qualifying species; and
- the distribution of qualifying species within the site.

2.21 Pressures on and threats to the sites are identified, based on the Site Improvement Plans (SIP) for each site (Natural England 2018a and 2019).

3 Stage 1 HRA (Screening)

Overview

- 3.1 This section provides a summary of the interest of each European and Ramsar site and sets out the potential ways in which the proposals might reasonably be expected to affect the qualifying features of these sites based on a rapid assessment, as appropriate, of location, proximity, type, scale, extent, duration, frequency and timing of proposed operations or activities.
- 3.2 A brief description of the designated sites, taken largely from the site citations (Natural England, 2005 and 2017) is presented below, along with a summary of the qualifying habitats and species.

Durham Coast SAC

- 3.3 The Durham Coast is the only example of vegetated sea cliffs on Magnesian Limestone exposures in the UK. These cliffs extend along the North Sea coast for over 20 km from South Shields southwards to Blackhall Rocks. Their vegetation is unique in the British Isles and consists of a complex mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall-herb fen, seepage flushes and wind-pruned scrub. Within these habitats rare species of contrasting phytogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water (www.jncc.defra.gov.uk).
- 3.4 **Primary reason(s) for designation**
- 3.5 Qualifying Features:
- Annex I Habitat: Vegetated sea cliffs of the Atlantic and Baltic coasts; and
 - Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site: Not applicable.

Conservation Objectives

- 3.6 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:
- The extent and distribution of qualifying natural habitats;
 - The structure and function (including typical species) of qualifying natural habitats; and
 - The supporting processes on which the qualifying natural habitats rely.

Northumbria Coast SPA

- 3.7 The Northumbria Coast SPA consists of mainly discrete sections of rocky shore with associated boulder and cobble beaches. The SPA also includes parts of three artificial pier structures and a small section of sandy beach.
- 3.8 **Primary reason(s) for designation**
- Qualifying Features:
- 3.9 The site qualifies under article 4.1 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain population of a species listed on Annex I in any season:
- Little tern (*Sterna albifrons*) - 40 pairs representing at least 1.7% of the breeding population in Great Britain (5 year peak mean 1991/2 - 1995/6) and

- Arctic tern (*Sterna paradisaea*) – at classification in 2015 there were 1,549 breeding pairs, representing 2.92% of the British population at the time (Natural England (NE), 2005).

3.10 The site qualifies under article 4.2 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the following bird populations of European importance in any season:

- Purple sandpiper (*Calidris maritime*), 763 individuals representing at least 1.5% of the wintering Eastern Atlantic - wintering population (5 year peak mean 1991/2 - 1995/6) and
- Ruddy turnstone (*Arenaria interpres*), 1,456 individuals representing at least 2.1% of the wintering Western Palearctic - wintering population (5 year peak mean 1991/2 - 1995/6).

Non-qualifying species of interest

3.11 In addition, the site supports nationally important populations of sanderling (*Calidris alba*), ringed plover (*Charadrius hiaticula*) and redshank (*Tringa tetanus*). The Northumbria Coast SPA also supports a number of Annex I birds (below the 1% qualifying level), including arctic tern and golden plover (*Pluvialis apricaria*).

Conservation Objectives:

- 3.12 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features;
 - The structure and function of the habitats of the qualifying features;
 - The supporting processes on which the habitats of the qualifying features rely;
 - The population of each of the qualifying features; and
 - The distribution of the qualifying features within the site.

Northumbria Coast Ramsar site

- 3.13 The Northumbria Coast Ramsar site comprises several discrete sections of rocky foreshore between Spittal, in the north of Northumberland, and an area just south of Blackhall Rocks in County Durham. These stretches of coast regularly support nationally important numbers of purple sandpiper and high concentrations of turnstone. The Ramsar site also includes an area of sandy beach at Low Newton, which supports a nationally important breeding colony of little tern, and parts of three artificial pier structures which form important roost sites for purple sandpiper.
- 3.14 The site consists mainly of areas of rocky shore with associated boulder and cobble beaches. These support a rich algal flora and associated fauna and form an important feeding area for wading birds. The areas of sandy beach within the site support flora which includes marram (*Ammophila arenaria*) and sea sandwort (*Honkenya peploides*).

Primary reason(s) for designation

- 3.15 Qualifying Features:
- Little tern – breeding;
 - Arctic tern – breeding;
 - Purple sandpiper – non breeding; and
 - Ruddy turnstone - non breeding.

Impact Pathways and Likely Significant Effects Test for the designated Sites

- 3.16 This section of this report sets out the screening of likely significant effects. This fulfils the requirement of Regulation 63 of the Habitats Regulations (as amended) that a proposed project is

assessed to determine whether or not it is likely to have a significant effect on the qualifying features (species and habitats) of any European and/or Ramsar site, either alone or in combination with other plans or projects.

- 3.17 The proposed development is not directly connected with or necessary to the management of any of the sites
- 3.18 The following sites, as described in the earlier section, have been scoped in for consideration for screening for any likely significant effects (for the location of the sites see **Figure 1**):
- Durham Coast SAC;
 - Northumbria Coast SPA; and
 - Northumbria Coast Ramsar Site.
- 3.19 The following types of potentially adverse activity have been scoped in as potential sources of likely significant effects and are included within the screening process set out below in accordance with the requirements of Regulation 63 of the Habitats Regulations (as amended):
- 3.20 The rapid screening for LSE for both the construction (decommission) and operational phases of the development is presented in Table 2 and Table 3 below. Potential impact pathways considered include:
- Physical habitat loss – Impacts on habitats, i.e. the loss or destruction of habitats, arising from the proposed development which supports habitats outside of the international sites that have the potential to be ‘functionally linked’;
 - Physical habitat damage – Impacts on habitats, i.e. temporary / short-term disturbance, arising from the proposed development which supports habitats outside of the international sites that have the potential to be ‘functionally linked’;
 - Disturbance – Impacts on sensitive species due to, for example, noise and vibration from working machinery and lighting;
 - Changes in water quality which may arise from potential pollution of surface water from fuel spills;
 - Air quality from increased construction traffic and private vehicles during operation. Current guidance (Holman, 2014) advises that construction-related dust impacts only need to be considered for important ecological features within 50 m of the application boundary. Increased pollutants associated with roads fall sharply within the first few tens of metres of a road before reducing more slowly with distance (Holman *et al.*, 2019). A distance of 200 m from any road where increased traffic flows are expected is generally used as a zone of influence; as beyond this distance, the road source contribution is not typically discernible from fluctuations in the background concentration (Holman *et al.*, 2019).
 - Recreational pressures- net increase in human population as a result of the development which may result in increased recreational pressure on a site.
- 3.21 Each international site is assessed in turn with reference to the potentially adverse activity, first considering the site alone and then, if necessary, considering the site in combination with other plans and projects.
- 3.22 The screening for likely significant effects has not relied on avoidance or reduction measures that would allow a conclusion of ‘no likely significant effect’ to be reached⁵. Instead, it is accepted that there may be a ‘likely significant effect’ in the absence of these measures, which triggers the need to move to the next stage, i.e., appropriate assessment.

⁵ People Over Wind and Sweetman judgement (12 April 2018, C-323/17).

Table 2: Screening Appraisal for Durham Coast SAC

Site:	Interest features:
Durham Coast SAC	The primary reason for selection is the presence of Annex 1 habitats: • Vegetated sea cliffs of the Atlantic and Baltic coasts
Potentially adverse activity:	Assessment:
Physical habitat loss	The proposed development is outside of the SAC boundary and will not involve works within the designated site. The development boundary is located inland and does not support any of the qualifying habitats or important habitats upon which the qualifying features of the SAC depend. The nearest part of the SAC site is approximately 0.4 km north-east of the Site. Habitat loss arising from the proposed development is limited to grassland, this will not impact the SAC (which is designated for the presence of annex 1 habitats only and has no qualifying species) and is not 'functionally linked' to the SAC. Given the above and taking into account the location and scope of works and applying the precautionary principle, it is concluded that the proposed development will not result in any direct habitat loss.
Conclusion	No likely significant effect – screened out.
Physical habitat damage	During the works storage areas will be located within the operational site and all petrol and oil will be safely stored in line with best practice guidance (GOV.UK, 2015).
Conclusion	No likely significant effect – screened out
Disturbance	Construction of the proposed scheme has the potential to increase noise and vibration levels temporarily and locally through typical construction activities. However, as the Site does not support any of the SAC qualifying habitats and is not functionally linked, disturbance effects are not anticipated.
Conclusion	No likely significant effect – screened out.
Changes in water quality	No watercourses are present onsite. Surface water will be diverted through the Site via highways, shared driveways and rear gardens which will then lead to a Sustainable Urban Drainage (SuDs) basin. If the level is exceeded at 32.710 Finished Floor Level (FFL)) (see Coast consulting engineers, 2025; drawing: 207), surface water will runoff onto Mill Lane and then onto land south of Whitburn Lodge. Surface water will not lead to the SAC. Standard embedded pollution control measures⁶ (to be stipulated within a CEMP) will be in place including control to prevent the movement of pollution in the unlikely event that a pollution event should occur. Considering the location, design of the surface water runoff, scope of the proposed work and applying the precautionary principle, it is concluded that the proposed development is not likely to have a significant effect on the qualifying habitat.

⁶ Measures as detailed within the Environment Agency PPG6: <https://www.gov.uk/government/publications/construction-and-demolition-sites-ppg6-prevent-pollution>.

Conclusion	No likely significant effect – screened out.
Changes in air quality	The A183 is present within 200 m of Durham Coast SAC at the following locations: • An approximately 1.7 km stretch near Souter (700 m north of the Site). • A 500 m stretch south of Whitburn (1.2 km south of the Site). The botanical assemblage of vegetated sea cliffs is sensitive to air pollution. A guideline threshold for traffic flows that is widely used to check whether more detailed assessment is required is 1000 Annual Average Daily Traffic flow (AADT) (Holman <i>et al.</i>, 2019). The air quality assessment (NJA 2025) concluded that the proposed development would have no significant impact on road traffic. Associated traffic flows are anticipated to be below an AADT of 500 Light Duty Vehicle (LDV) and 100 Heavy Duty Vehicle (HDV) once distributed onto the local road network. The increase in traffic associated with the development is very small in the context of the wider network and would not result in any measurable change in pollutant concentrations and is below the 1000 AADT threshold for detailed assessment. Further air quality information can be found in NJD environmental associates (2025). No likely significant effects are expected on the qualifying habitat from air pollution.
Conclusion	No likely significant effect – screened out.
Recreational pressure	The primary reason for SAC selection is vegetated sea cliffs of the Atlantic and Baltic coasts, and this habitat type is absent from the Site itself and is difficult to access as a new walker owing to its location. However, this impact pathway has been screened in owing to the detail sitting in South Tyneside's HRA and mitigation strategy (Hoskin et al 2018).
Conclusion	Likely significant effect – screened in
Overall conclusion	The development of the application Site, when considered alone, will have a likely significant effect on the Durham Coast SAC owing to recreational pressure.

Table 3: Screening Appraisal for Northumbria Coast SPA and Ramsar Site

Site:	Interest features:
Northumbria Coast SPA	The site qualifies under article 4.1 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain population of a species listed on Annex I in any season: • Little tern; and • Arctic tern The site qualifies under article 4.2 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the following bird populations of European importance in any season: • Purple sandpiper; and • Ruddy turnstone.
Northumbria Coast Ramsar	Qualifying Features: • Little tern – breeding; • Arctic tern – breeding; • Purple sandpiper – non breeding; and • Ruddy turnstone – non breeding.
Potentially adverse activity:	Assessment:
Physical habitat loss	The proposed development is outside of the SPA and Ramsar boundary and will not involve works within the designated site. The development boundary is located inland and does not support any of the qualifying habitats or important habitats upon which the qualifying features of the SPA or Ramsar site depends. The nearest part of the Site is approximately 1 km north-west and south-east of the SPA and Ramsar site at its closest point. Habitat loss arising from the proposed development is limited to grassland, this will not impact the SPA or Ramsar site (which are designated for the presence of bird species only) and is not 'functionally linked' to the SPA. Little tern, Arctic tern, purple sandpiper and ruddy turnstone are qualifying features of the SPA and Ramsar site, none of which were recorded during any surveys of the Site and surrounds (BSG 2026). Qualifying species will therefore not be impacted by the habitat loss onsite. Given the above and taking into account the location and scope of works and applying the precautionary principle, it is concluded that the proposed development is not likely to have a significant effect on the qualifying features.
Conclusion	No likely significant effect – screened out.
Physical habitat damage	The screening assessment for likely significant effects on this SPA and Ramsar site is the same as reported for the Durham Coast SAC (See Table 2).
Conclusion	No likely significant effect – screened out.
Disturbance	Construction of the proposed scheme has the potential to increase noise and vibration levels temporarily and locally through typical construction activities such as the use of use of tools and machinery such as dump trucks, concrete pumps, tracked excavators, deliveries and water pumps.

	Studies into the noise disturbance to avifauna suggest that responses vary between species. Wright <i>et al.</i> (2010) concluded that there is no predictable noise threshold to which behavioural response will occur, but that the species tested (common gull <i>Larus canus</i>, curlew <i>Numenius arquata</i>, lapwing <i>Vanellus vanellus</i> and golden plover <i>Pluvialis apricaria</i>) started to show a response at sound levels of 65.5 dB LAeq. Institute of Estuarine and Coastal Studies (IECS) (2007) provides field-based observations on the behavioural responses of wintering water birds to construction noise levels that were recorded between 55 dB LAeq and 84 dB LAeq. Further study (IECS, 2009) concluded that sudden increases from background sound levels influence the response more than the loudness. The SPA and Ramsar site are offset from the Site by approximately 1 km. Site preparatory works will not involve demolition or concrete breaking. Embedded standard noise control measures (to be stipulated within a CEMP) will be put in place. However no qualifying birds were recorded onsite and noise levels will be dissipated to a level that is not significant owing to the distance to the designated site. Considering the location and scope of the proposed work, it is concluded that the proposed development is not likely to have a significant effect on the qualifying features.
Conclusion	No likely significant effect screened out.
Changes in water quality	The screening assessment for likely significant effects on this SPA and Ramsar site is the same as reported for the Durham Coast SAC (See Table 2).
Conclusion	No likely significant effect – screened out.
Changes in air quality	The A183 and B1344 are present within 200 m of Northumbria Coast SPA and Ramsar site at the following locations: • A minimal section of the B1344 at South Shields pier (5.2 km north of the Site); • A 500m stretch of the A183 south of Whitburn (1.2 km south of the Site); and • A 350 m stretch of the A183 south of Seaburn that lies close to a discrete component of the Northumbria Coast SPA. Whilst air pollution notably atmospheric nitrogen deposition, is a prioritised issues in Natural England's site improvement plan (Natural England 2015), qualifying features of the SPA are not listed as features specifically affected by air pollution. The increase in traffic associated with the development is very small in the context of the wider network and would not result in any measurable change in pollutant concentrations and is below the 1000 AADT threshold for detailed assessment No likely significant effects are expected on the qualifying features in the form of air pollution.
Conclusion	No likely significant effect – screened out.
Recreational pressure	This impact pathway has been screened in owing to the detail sitting in South Tyneside's HRA and mitigation strategy (Hoskin et al 2018).
Conclusion	Likely significant effect – screened in

Overall conclusion	The development of the application Site, when considered alone, will have a likely significant effect on the Northumbria Coast SPA and Ramsar Site qualifying features as a result of potential recreational impacts.
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Summary of Assessment of Likely Significant Effects of Proposals 'Alone'

Construction Phase

- 3.23 The screening test (Stage 1 HRA) has concluded that, in the absence of mitigation, the proposed development, alone, is not likely to result in significant effects on the qualifying interest features of any of the European or Ramsar sites within 10 km of the proposed development in South Tyneside. This is due to the distance between the designated sites and the development site and the lack of any clear impact pathways.

Operational Phase

- 3.24 During the operational phase, there is potential for likely significant effects on the qualifying features associated with Durham Coast SAC, Northumbria Coast SPA and Ramsar site on account of disturbance from the residents walking and dog walking along or near to the sites.

Summary of Assessment of Likely Significant Effect in Combination

- 3.25 For the purposes of this assessment the operational impact pathway considered to have the potential to be impacted (interest feature) is assessed only. All other impact pathways have been ruled out of resulting in a likely significant effect. Construction phase impacts are not assessed as there is no scope for meaningful contribution to an in-combination effect (they would be de minimis).
- 3.26 The more significant plan(s) that would contribute to an in-combination assessment would be the South Tyneside Interim Habitats Regulations Assessment and Supplementary Planning Documents. There is the potential for likely significant effect on the qualifying features from additional human recreation pressure in the absence of mitigation.

Conclusion

- 3.27 The proposals for new homes are not directly connected with, or necessary to, the conservation management of any of the European or Ramsar sites qualifying features and therefore progression to Stage 2 (Appropriate Assessment) is recommended for those effects identified above to quantify impacts and determine potential mitigation measures required to avoid or mitigate adverse effects on the designated sites. The next section provides the information in support of an Appropriate Assessment to be completed by the relevant Competent Authority.

4 Stage 2 HRA (Appropriate Assessment)

Introduction

- 4.1 This section outlines the potential effects of the Proposed Development to determine whether the project or plan would result in an adverse effect on the integrity (AEoI) of the European and Ramsar sites in view of their conservation objectives.
- 4.2 During the operational phase, there is potential for significant effects on qualifying features of the Durham Coast SAC, Northumbria Coast SPA and Ramsar site on account of increased recreational pressure from the new homes.

Review of Impacts from Proposals 'Alone'

- 4.3 As the proposed residential development site is within 6 km of the European Sites and Ramsar Site in South Tyneside there is the opportunity to make a financial contribution as set out in the 'A mitigation strategy' by (Hoskin et al 2018) adopted by South Tyneside Council (Document 23: Mitigation Strategy for European Sites) this would avoid the need for each residential planning application to provide a report to inform an Appropriate Assessment.
- 4.4 Document 23 sets out costed mitigation measures to address recreational impacts and the overall costs (set a per dwelling tariff). As per this Supplementary Planning Document (SPD), the financial contribution for this development is estimated to be residential units (205) x £403= £82,615.
- 4.5 The client has agreed to pay this contribution.

Review of Impacts from the Proposals 'in-combination'

- 4.6 South Tyneside Interim Habitats Regulations Assessment and Supplementary Planning Documents has the potential for likely significant effects on qualifying features from additional human recreational pressure. The council has produced a mitigation strategy to overcome the effects of recreational disturbance impacts on the designated sites that are likely to arise as a result of increased visitor numbers to the coast over the plan period. The conclusion of the HRA is that the approved mitigation measures will address impacts and effects.

5 Conclusions

- 5.1 It is considered that there are no impact pathways alone during construction and operation of the proposed scheme, that could undermine the conservation objectives of Northumbria Coast SPA/Ramsar site and Durham Coast SAC and Adverse Effect on Integrity can be ruled out.
- 5.2 The in-combination assessment included the council's Interim Habitats Regulations Assessment and Supplementary Planning Documents for their housing numbers and allocations that had the potential for likely significant effects on qualifying features from additional human recreational pressure. With the mitigation measures in place the conclusion would be that together with the proposed scheme the AEoI would be reduced to a level that is not significant.
- 5.3 It is considered that the competent authority is able to conclude that an AEoI of the European sites can be ruled out alone or in-combination. This document provides all the necessary information for the Competent Authority to carry out an HRA for the purposes of Regulation 63 of the Habitats Regulations 2017, as amended, should one be required.

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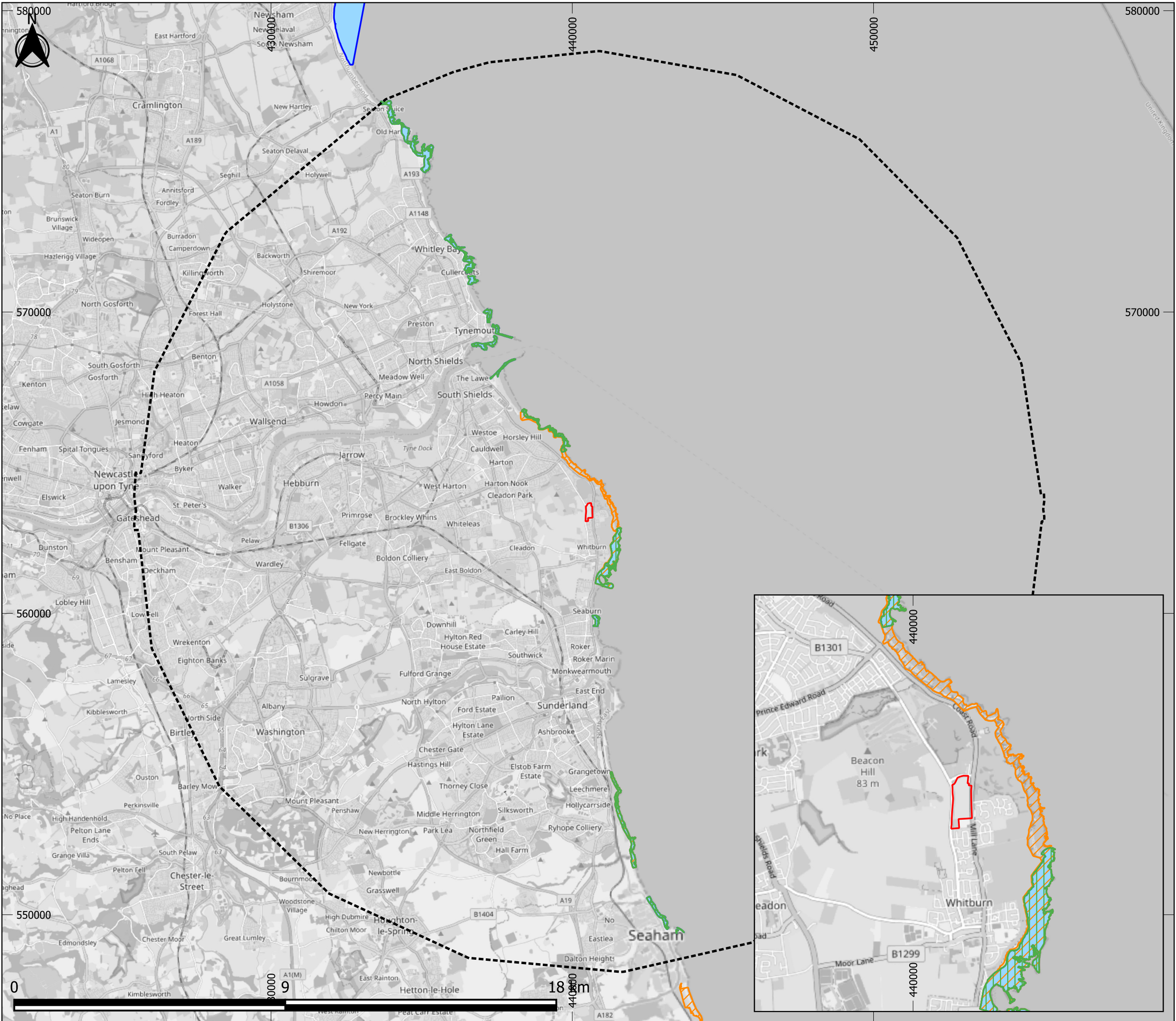
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7 **Figures**

Figure 1 – Figure 1 designated sites within 15 km



- Legend
- Site boundary
 - Durham Coast Special Areas of Conservation
 - Northumbria Coast Ramsar
 - Northumbria Coast Special Protection Areas

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JOB REF: P24-775

PROJECT TITLE
LAND OFF MILL LANE, WHITBURN

DRAWING TITLE
Figure 1: IIWS Within 15 km

DATE: 12/01/2026 CHECKED: AP SCALE: 1:41,278
DRAWN: BH APPROVED: IH VERSION:1.0

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No dimensions are to be scaled from this drawing and are to be checked on site.
Area measurements for indicative purposes only.

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