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REPORT TO INFORM A HABITAT REGULATIONS ASSESSMENT

8 Markham Avenue, Whitburn



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A. SUMMARY

E3 Ecology Ltd was commissioned by Dawn and Gert Reed-Burr to produce a report to inform a Habitat Regulations Assessment (HRA) for the proposed development at 8 Markham Avenue, Whitburn, assessing potential effects on the National Site Network (NSN) Sites (formerly known as Natura 2000 sites) within the local area.

The proposed development site covers approximately 0.06ha and is dominated by a residential dwelling with associated hardstanding and amenity grassland and scrub.

This report will assist the Local Planning Authority (LPA), as the Competent Authority, to undertake an Appropriate Assessment in relation to the Northumbria Coast Special Protection Area (SPA) and Durham Coast Special Area of Conservation (SAC).

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

The proposed development site is considered to be unsuitable for use by qualifying species of the Northumbria Coast SPA due to the habitats present and levels of disturbance. Turnstone and purple sandpiper will largely be found on the sections of rocky shore, the closest of which lie approximately 47m from the proposed development site. Little tern and Arctic tern nest on offshore islands and beaches and rarely move away from the sea and intertidal zone. The adjacent habitats are broadly unsuitable for the breeding species (i.e. arctic tern and little tern) for which the SPA is designated and is unlikely to be used given the levels of disturbance. The closest colonies of the breeding species are over 35km south for little tern and 45km north for Arctic tern from the proposed development site. As the site will remain as one residential dwelling, there are considered to be no indirect impacts on the SPA.

The proposed development site has no habitats on site that the SAC is designated for and will have no indirect impacts on the SAC.

The proposals will not result in the loss of any land from within the nearby protected sites or of land that is considered to be functionally linked (FLL). Given the nature of the site, habitat suitability, and the limited extent of the proposed works, if works are undertaken to a suitable approved Construction Environmental Management Plan (CEMP), including timing restrictions (with works carried out between April - October) no adverse effects on the SPA and SAC are anticipated.

B. INTRODUCTION

E3 Ecology Ltd was commissioned by Dawn and Gert Reed-Burr to produce a report to inform an Appropriate Assessment under the Habitat Regulations in relation to a proposed development of a parcel of land at 8 Markham Avenue, Whitburn, and potential effects on the Northumbria Coast Special Protection Area (SPA) and Durham Coast Special Area of Conservation (SAC).

The Habitats Directive¹ applies a precautionary principle to developments that may affect the National Site Network (NSN - formerly known as 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.

A HRA seeks to assess proposals in order to determine whether they are likely to have significant effects on protected sites. HRAs 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 NSN sites.

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

The site is located in Whitburn, South Tyneside at an approximate central grid reference of NZ 41036 61724. The site location is illustrated below in Figure 1.



FIGURE 1: SITE AND 500M SETTING
(Reproduced under licence from Google Earth Pro.)

¹ EU Habitats Directive (92/43/EEC)

C. RELEVANT LEGISLATION AND PLANNING CONTEXT

C.1 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS

The Conservation of Habitats and Species Regulations (2017) (as amended) transpose the EU 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 63 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 potential direct effects is considered to comprise the area within the development boundary termed 'the site' and a 400m buffer around it where there may be direct effects, for example from changes in hydrology or direct disturbance during construction works.

For indirect effects, a 6km buffer from the site has been identified as the zone of influence.

D.2 DESKTOP STUDY

The Multi Agency Geographic Information for the Countryside (MAGIC) website² was searched for all NSN sites that lie within a 6km radius of the proposed development. Qualifying features and conservation objectives of any network sites identified within this buffer were then obtained through the Joint Nature Conservation Committee website³.

The site and surroundings were assessed from aerial photography and 1:25000 Ordnance Survey plans.

² www.magic.gov.uk

³ www.jncc.gov.uk

E. RESULTS

E.1 DESKTOP STUDY

E.1.1 NATIONAL SITE NETWORK

Consultation with the MAGIC website⁴ indicated that the following sites lie within a 6km buffer of the proposed development site:

TABLE 1: DESIGNATED SITES WITHIN 6KM OF THE DEVELOPMENT			
Designation	Site Name	Brief Reason for Designation	Distance from Survey Area
Special Protection Area	Northumbria Coast	Several discrete sections of rocky foreshore regularly supporting internationally important numbers of purple sandpiper and turnstone. The Ramsar site also supports a nationally important breeding colony of little tern and parts of three artificial piers which form important roost sites for purple sandpiper.	75m east
Special Area of Conservation	Durham Coast	The only example of vegetated sea cliffs on magnesian limestone exposures in the UK.	75m east

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



FIGURE 2: LOCATION OF NORTHUMBRIA COAST SPA (BLUE DOTTED LINE) AND DURHAM COAST SAC (PURPLE HASHED LINES) IN RELATION TO SITE (GREEN BOUNDARY).
(Reproduced under licence from Google Earth Pro.)

The table below details the qualifying species and conservation objectives for the SPAs and associated SSSIs.

⁴ www.magic.gov.uk

TABLE 2: PROTECTED SITE CONTEXT

Northumbria Coast Special Protection Area			
Background	Qualifying Features	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 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 (<i>Calidris maritima</i>); turnstone (<i>Arenaria interpres</i>) Arctic tern (<i>Sterna paradisaea</i>) and little tern (<i>Sterna albifrons</i>). 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.	The UK wintering population of turnstone⁵ and purple sandpiper⁶ have both decreased by 25% and 31% respectively since 1995, and WeBS counts show they have also decreased in the SPA⁷. At a national scale, population levels and ranges of little tern and Arctic tern are generally in decline⁷.
Durham Coast Special Area of Conservation			
Background	Qualifying Features	Current Status	
Designated in 2005, the SAC covers 389.61 ha in sections of coastline between South Shields and Crimdon.	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.	All SSSI units in the Durham Coast SSSI, which overlaps the designation, are favourable. 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	

⁵ <https://www.bto.org/understanding-birds/birdfacts/turnstone>

⁶ <https://www.bto.org/understanding-birds/birdfacts/purple-sandpiper>

⁷ Austin, G.E., Calbrade, N.A., Birtles, G.A., Peck, K., Wotton, S.R., Shaw, J.M., Balmer, D.E. & Frost, T.M.

2023. Waterbirds in the UK 2021/22: The Wetland Bird Survey and Goose & Swan Monitoring Programme. BTO/RSPB/JNCC. Thetford.

TABLE 2: PROTECTED SITE CONTEXT

		distribution of qualifying natural habitats; • The structure and function (including typical species) of qualifying natural habitats; • The supporting processes on which the qualifying natural habitats rely.
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The table below provides information on the ecology of each of the qualifying species.

TABLE 3: QUALIFYING SPECIES - ECOLOGY

Designated Site	Species	Ecology
Northumbria Coast SPA	Purple sandpiper – at least 1.5% of the non-breeding Eastern Atlantic population (5 year peak mean 1991/2 - 1995/6)	The purple sandpiper is a medium-sized wading bird that is larger, stockier and darker than dunlin. Purple sandpiper 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. Non-breeding numbers in the UK are approximately 13,000 birds (October-March) ⁸ .
	Turnstone – at least 2.1% of the non-breeding Western Palearctic population (5 year peak mean 1991/2 - 1995/6)	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. Non-breeding numbers in the UK are approximately 51,000 birds (October-March) ⁸ .
	Little tern – at least 1.7% of the breeding population in Great Britain (5 year peak mean 1991/2 - 1995/6)	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 ⁸ .
	Arctic tern – at least 2.92% of the breeding population in Great Britain	Slightly smaller than a common tern, the adult Arctic tern has a dark red bill and legs, and long tail streamers. It is largely coastal although it can be seen inland on migration. It depends on a healthy marine environment and some colonies have been affected by fish shortages. A long-distance migrant - summer visitors to the UK and winter visitors to the Antarctic. The UK breeding population is approximately 53,500 pairs ⁸ .

E.2 PROPOSED DEVELOPMENT SITE

The proposed development is for the demolition of the existing dwelling and erection of proposed new two-storey self-build and custom build dwelling.

⁸ www.rspb.org.uk



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

F. ASSESSMENT

F.1 POTENTIAL MECHANISMS OF EFFECT

F.1.1 DIRECT EFFECTS

Direct effects on SPA sites can 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 can also be effects through disturbance during construction or operation through noise, dust, light or changes in hydrology as a result of construction work to land within the designated sites or to land which has a functional link to the designated site.

The proposals will not result in the loss of any land from within the SPA or of land that is considered to be functionally linked to the internationally protected sites. The site is not considered likely to be used by the qualifying species as it consists of habitats that are unsuitable for these species.

There is potential for adverse effects through pathways such as pollution incidents or degradation of air or water quality. Sources of potential disturbance during demolition include noise from machinery and workers and movement of machinery. Given the area immediately surrounding the site is already well lit and disturbed, the development is a like-for-like change and because the habitats are generally unsuitable for qualifying species in nearby protected sites, there are not considered to be any potential adverse effects post-demolition through increased noise/light disturbance.

F.1.2 INDIRECT EFFECTS

It is considered that there are only limited "pathways" that can contribute to indirect effects on the SPA; principally, this is disturbance associated with use of the site and surroundings, primarily increased recreational activity.

No significant increase in recreational disturbance of qualifying species in nearby protected sites is anticipated as a result of the development. As the development type remains the same before and after the proposed works, the development is unlikely to increase the number of visitors to this section of the coast. Given the area immediately surrounding the site is already well lit and heavily disturbed, and because the habitats are generally unsuitable for qualifying species in nearby protected sites, there is not considered to be any potential adverse effects through increased noise/light disturbance.

F.2 ASSESSMENT OF POTENTIAL IMPACTS

TABLE 4: ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS ON THE NORTHUMBRIA COAST SPA & NORTHUMBERLAND SHORE & TYNEMOUTH TO SEATON SLUICE SSSIs

Mechanism of Effect	Description of Activity	Impact/Effect	Likely Significant Effect (without mitigation)	Mitigation	Likely Significant Effect (with mitigation)	Further action required
Construction Phase						
Noise and visual disturbance associated with construction	Construction works on site and presence of construction workers, vehicles and/or machinery	Disturbance/displacement of wintering birds that may be present in the nearby SPA/SSSI. This may increase energy expenditure or reduce feeding efficiency during the sensitive wintering period	Moderate potential	Works will be undertaken in accordance with a CEMP. Construction works will not be undertaken between October and April to minimise the risk of disturbance to winter bird species unless screening/acoustic fencing has been erected prior to works commencing.	Negligible	Construction to a CEMP
Increased lighting associated with construction	Given the close proximity from the protected sites, there is a risk of lighting disturbance during construction works.	Disturbance/displacement of birds that may be present in the adjacent sites	Low potential	Works will be undertaken in accordance with a CEMP. If security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.	Negligible	Construction to a CEMP
Storage of potential pollutants/spillages leading to contamination and reduction in air and water quality	Construction works on site using and storing potential pollutants	Contamination and reduction in air and water quality	Low potential	Works will be undertaken in accordance with a CEMP, including adherence to industry best practice and controls with regard to use and storage of potential pollutants, to minimise risk.	Negligible	Construction to a CEMP
Operational Phase						
None envisaged	N/A					No

G. CONCLUSION

This report has been prepared to assist the planning authority, acting as the Competent Authority, to determine whether the development may have a likely significant effect on the interest features of any sites within the NSN (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).

Should works follow the mitigation strategy laid out above, the development proposals are not considered to result in any direct impacts to Durham Coast SAC and Northumbria Coast SPA. No indirect impacts are anticipated. It is proposed to mitigate direct impacts as a result of increased noise disturbance and pollution. Provided that works are carried out in March – September and follow a CEMP, it is anticipated that significant effects during demolition (e.g., dust emission and pollutants) can be avoided.

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