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North Tyneside Coastal Mitigation Supplementary Planning Document

Habitat Regulations Assessment Screening Statement

North Tyneside Council
August 2019

Coastal Mitigation Supplementary Planning Document

The Coastal Mitigation Supplementary Planning Document (SPD) has been prepared to provide additional guidance and information on the mitigation expected to be required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. It supplements and provides further guidance on the adopted North Tyneside Local Plan (2017), in particular policy DM5.6 *Management of International Sites*.

The purpose of Local Plan policy DM5.6 is to avoid adverse impacts upon habitats and species of European nature conservation importance (“European Sites”). European Sites are protected under the European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the “Habitats Directive”). The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These comprise of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Additionally, it is a matter of policy throughout the UK that Ramsar sites identified through the Ramsar Convention (1971) should receive the same protection. The Conservation of Habitats and Species Regulations 2017 (the “Habitats Regulations”) transpose the Habitats Directive in England and Wales.

The Habitats Directive requires Habitats Regulations Assessment (HRA) screening and, if necessary, Appropriate Assessment (AA) to be undertaken on proposed plans or projects that are likely to have a significant effect on one or more European Sites either individually, or in combination with other plans and projects.

The AA carried out for the Local Plan¹ advised that the Northumbria Coast SPA/Ramsar and Durham Coast SAC are the sites where likely significant effects as a result of increased recreational disturbance may occur. The AA concluded that implementation of the Local Plan could cause adverse impacts to the Durham Coast SAC and particularly to the Northumbria Coast SPA /Ramsar through residential pressure within a local catchment and visitor pressure from a wider catchment. This would arise from development particularly within a 6km buffer zone of the coast, but also with some impacts from a wider catchment. The AA therefore identified that appropriate mitigation would be required for development to take place without leading to adverse impact.

Local Plan policy DM5.6 *Management of International Sites* recommends a range of actions and mitigation that would be appropriate to avoid or reduce adverse impacts upon European Sites. However, this mitigation is likely to be costly and ineffective in the longer term when delivered on a case-by-case basis. To be most effective over the longer term, a strategic approach is required to manage impacts at the coast. The SPD sets out this strategic approach and how it would be funded.

The SPD proposes a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. Coastal Wardens would undertake many of the activities encompassing the recommended mitigation measures set out in Local Plan

¹ North Tyneside Council Local Plan Habitat Regulations Assessment - Appropriate Assessment, March 2017, Capita <https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Habitat%20Regulations%20Assessment%20March%202017.pdf>

policy DM5.6. These measures will also be reviewed in accordance with the objectives of the Northumberland Coastal SPA Site Improvement Plan²:

- awareness-raising and education, focussing on high-risk activities such as offlead dog walking;
- guided walks;
- identification and monitoring of locations of particular sensitivity to birds such as high tide roosts;
- identification of locations where management activities such as temporary fenced enclosures at sites being prospected by pre-breeding terns might be required;
- identification of areas of functional land such as important roosts or feeding areas on farmland, to influence the design of agri-environment schemes;
- identification of locations that are particular disturbance hotspots and therefore require particular interventions;
- interpretation strategy and events strategy to expand knowledge and understanding of the value of the designated coastline and appropriate behaviours;
- ensure enforcement of existing Public Space Protection Orders (PSPOs) and consideration of PSPOs requiring owners to put their dogs on lead when directed to do so; and
- identification of potential projects to assist in reducing recreational impacts including identification of alternative locations that could support protection of protected sites.

Habitat Regulations Assessment Screening and Appropriate Assessment

Section 63 of the Habitats Regulations sets out that a competent authority, before deciding to undertake, or give any consent for a plan or project must make an AA of the implications of the plan or project if it is likely to have a significant effect on a European site, unless it is not directly connected with or necessary to the management of that site.

In consultation on a Strategic Environmental Assessment screening request (March 2019), Natural England advised North Tyneside Council that that there are unlikely to be significant environmental effects arising from the proposed SPD beyond those already assessed as part of the preparation of the Local Plan.

North Tyneside Council were also advised by Natural England in July 2019 that the works proposed within the Coastal Mitigation SPD are necessary for the management of European site interest features for nature conservation purposes, enabling the maintenance or restoration of those features and contributing to the achievement of the site's conservation objectives.

For these reasons, North Tyneside Council has screened out the SPD from further stages of the HRA process.

² Northumberland Coastal Site Improvement Plan, April 2015, Natural England
<http://publications.naturalengland.org.uk/publication/5340976100933632>