

Whitburn Neighbourhood Plan Habitat Regulations Assessment Screening Report

(July 2021)



South Tyneside Council

1. CONTENTS

1. Contents.....	1
2. Introduction	2
3. Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA)	2
4. Whitburn Neighbourhood Plan & Area.....	3
5. HRA Screening.....	7
6. Consultation & Conclusion.....	14
Appendix 1: Durham Coast SAC & Northumbrian Coast SPA & Ramsar Site – Qualifying features & Conservation objectives.....	15
Appendix 2: Natural England consultation response.....	17

2. INTRODUCTION

- 2.1 This reports screens the draft Whitburn Neighbourhood Plan (Submission version Regulation 15 May 2021) to determine whether the Plan requires a Habitats Regulations Assessment (HRA) in accordance with Directive 92/43/EEC – ‘The Conservation of Natural Habitats and Wild Fauna and Flora’, known as the ‘Habitats Directive’; and with Regulation 63 of the Conservation of Habitats and Species Regulations (2017). A HRA is required when it is deemed that likely adverse significant effects may occur on protected Habitats (Natura 2000) sites, as a result of the implementation of a plan or project.
- 2.2 South Tyneside Council undertook an HRA screening of the draft Whitburn Neighbourhood Plan in November 2020 which concluded no likely significant effects. Subsequent amendments to the draft Neighbourhood Plan have required the Council to rescreen the Neighbourhood Plan for likely effects.

3. STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) / HABITATS REGULATIONS ASSESSMENT (HRA)

- 3.1 One of the ‘basic conditions’ that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with relevant legal European and UK obligations including Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA).

STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

- 3.2 Whitburn Neighbourhood Forum undertook a SEA Screening Assessment in September 2020. This document was consulted upon with the relevant statutory bodies who agreed with the outcome of the SEA Report which concluded that the draft Whitburn Neighbourhood Plan would not result in significant environmental effects and therefore would not require a full SEA Report.
- 3.3 Following amendments to the draft Neighbourhood Plan, the Whitburn Neighbourhood Forum have undertaken a revised SEA screening.

HABITATS REGULATIONS ASSESSMENT (HRA)

- 3.4 Neighbourhood Plans should be screened to establish whether a HRA is required. This is an assessment required under European Directive 92/43/EEC in the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) and the Wild Birds Directive 2009/147/EC. The Habitats Directive is transposed in English Law through The Conservation of Habitats and Species Regulations (2017) as amended. HRA seeks to identify the potential of a plan or project to result in likely significant effects on a European (Natura 2000) sites and their qualifying features.

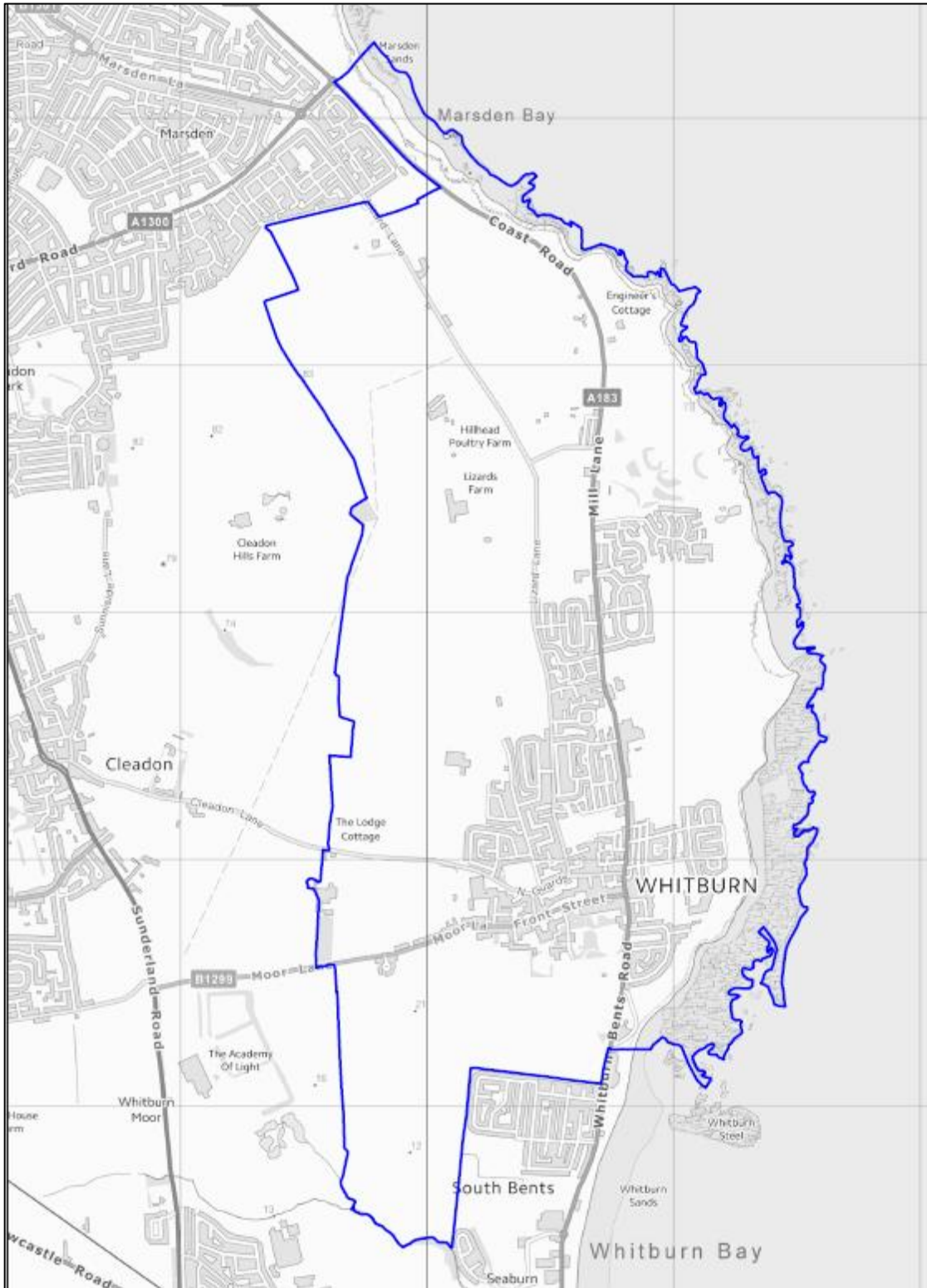
Under the 'Habitats Directive', an assessment referred to as an Appropriate Assessment must be undertaken if the plan in question is likely to have a significant effect on a European protected site. The SEA Directive requires that if a plan or programme requires 'Appropriate Assessment' under the Habitats Directive, then that plan or programme will also require an SEA.

4. WHITBURN NEIGHBOURHOOD PLAN & AREA

- 4.1 Whitburn village is located on the east coast of South Tyneside, south of South Shields and adjacent to the local authority boundary with Sunderland. The Whitburn Neighbourhood Plan (Map 4.1) covers Whitburn Neighbourhood Area as designated in 2017. The area is largely based upon the Whitburn and Marsden ward but excludes the Marsden built up area and the Sunderland AFC Academy.
- 4.2 The urban area of the Neighbourhood Plan area is predominantly residential, but also includes a number of important local facilities such as a shopping area, primary and secondary schools, and community facilities.
- 4.3 The undeveloped area within the Neighbourhood Plan area consists of Green Belt land and coastal areas. The coast within the Plan area is designated for its important biological value, the area includes three international designations:
 - Durham Coast Special Area of Conservation (SAC);
 - Northumbria Coast Special Protection Area (SPA);
 - Northumbria Coast Ramsar Site
- 4.4 The Northumbria Coast SPA and Ramsar site are designated for wintering turnstone and purple sandpiper. The Durham Coast SAC is designated for the presence of vegetated sea cliffs of the Atlantic and Baltic coasts. In addition to the international designations, the Neighbourhood Plan area also includes the following designations:
 - Durham Coast Site of Special Scientific Interest;
 - Whitburn Point Local Nature Reserve;
 - Marsden Old Quarry Local Nature Reserve;
 - Beacon Hill Quarry Local Wildlife Site;
 - Whitburn Firing Range Local Wildlife Site;
 - Marsden Limekilns Local Wildlife Site and Local Geodiversity Site;
 - Kitchener Road Local Wildlife Site;
 - Lizard Lane Cutting Local Wildlife Site;
 - Marsden Quarry Local Wildlife Site and Local Geodiversity Site.
- 4.5 The Neighbourhood Plan area includes the Whitburn Conservation Area and also a number of important heritage assets including two scheduled monuments (Marsden Lime Kilns and Lizard

Lane Heavy Anti-Aircraft Battery), 27 designated heritage assets and 30 of non-designated heritage assets.

Map 4.1 Whitburn Neighbourhood Plan Area



WHITBURN NEIGHBOURHOOD PLAN- DRAFT

4.6 The version of the Draft Plan assessed for the purpose of this screening opinion is **‘Whitburn Neighbourhood Plan 2020 -2036: Pre-submission version, December 2020’**. The Plan comprises a suite of 15 policies intended to support the Vision and Objectives of the Plan. The policies within the draft Plan cover the following matters:

- Policy NWP1: Housing
- Policy WNP2: Whitburn Design Guidelines
- Policy WNP3: Sustainable Design
- Policy WNP4: Whitburn Conservation Area
- Policy WNP5: Non-designated heritage assets in Whitburn neighbourhood area
- Policy WNP6: Biodiversity and Geodiversity
- Policy WNP7: Green Infrastructure enhancement and connectivity
- Policy WNP8: Local Landscape and Seascapes
- Policy WNP9: Local Green Spaces
- Policy WNP10: Recreational facilities and allotments
- Policy WNP11: Community facilities
- Policy WNP12: Whitburn Shopping Centre
- Policy WNP13: Sewage and drainage infrastructure
- Policy WNP14: Transport Infrastructure
- Policy WNP15: Air Quality

4.7 The Neighbourhood Plan does not specifically allocate any land or buildings for any new development. It does designate a number of areas as Local Green Space and Protected Green Space which would result in significant protection being afforded to these areas.

4.8 The policies proposed in the Draft Plan are intended to support decision making that will deliver the five objectives which are central to the achievement of the Vision. The Whitburn Neighbourhood Plan Vision is set out below:

Our Vision

‘Whitburn village will continue as a sustainable and well-supported, thriving community. It will conserve and enhance its unique character as a coastal village set within a rural environment with a rich heritage and natural environment. It will be forward looking and resilient to the effects of climate change.’

4.9 The objectives of the Whitburn Neighbourhood Plan are:

Housing:

- Ensure that new housing built in the Neighbourhood Area is to meet identified needs as set out in the Whitburn Housing Needs Assessment. In particular, housing to meet the needs of older resident and young families who need an affordable home.

Built Environment:

- Encourage the sensitive re-use of redundant or disused buildings and previously developed land.
- Achieve well designed places by ensuring that new development incorporates sustainable and high-quality design which brings up standards of design in the area.
- Ensure that the historic environment is preserved, and that new development respects the significance of designated and non-designated heritage assets and their settings.

Natural Environment and Green Infrastructure

- Ensure new development delivers demonstrable net gains for biodiversity and conserves our most valued landscapes and green spaces.
- Identify and map our green infrastructure and link spaces together for people and wildlife.
- Protect our Green Belt from inappropriate development.
- Identify and protect those green spaces that are demonstrably special to our local community and designate them as Local Green Spaces.
- Identify and protect community and recreational facilities and encourage new and expanded social, community, leisure, recreational and educational facilities.
- Embed aspiring climate change mitigation and adaptation policies.

Whitburn Community

- Encourage the regeneration of Whitburn Village centre and improve the public realm.
- Protect our community facilities from loss.

Infrastructure

- Ensure that there is the necessary infrastructure for drainage, surface water disposal and sewage in place before allowing new development, in order to protect the local environment.
- Promote sustainable transport in the Plan area and ensure new development makes provision for cycle and pedestrian access and improve safety for pedestrian and cycle access across the Plan area.

5. HRA SCREENING

- 5.1 The Habitats Regulations Assessment (HRA) refers to the assessment required for any plan or project to assess the potential of likely significant effects (LSE) on what are known as European sites. Such sites consist of areas designated as Special Areas of Conservation (SAC) and Special Protection Areas (SPA).
- 5.2 The screening stage is the first step in the HRA process. The role of screening is to identify which parts of the plan could possibly result in LSE occurring to a European Protected Site and to determine whether an Appropriate Assessment will be required. If the screening stage concludes that the plan or project will not result in any likely significant effects, then no further assessment is necessary. Should the screening stage identify any significant impact or be uncertain as to the potential impact on the European site, a Stage 2 Appropriate Assessment will be required.
- 5.3 The Habitats Regulations require the consideration of all Natura 2000 sites that have potential to be impacted by the plan or project. The effects of a plan could impact upon sites within the plan boundary; however, the nature of the plans impacts may not only be confined to these sites and may also affect Natura 2000 sites beyond the boundary of the plan and the local authority boundaries. It is therefore necessary to identify which Natura 2000 sites should be included within this HRA screening.

IDENTIFICATION OF EUROPEAN SITES: EUROPEAN SITES WITHIN SOUTH TYNESIDE

- 5.4 Within South Tyneside the designated Natura 2000 sites are:
- Durham Coast Special Area of Conservation (SAC);
 - Northumbria Coast Special Protection Area (SPA);
 - Northumbria Coast Ramsar site
- 5.5 It should be noted that the Northumbria Coast SPA and Ramsar designations extend along the coast beyond the boundaries of South Tyneside into the neighbouring authorities of North Tyneside, Sunderland and County Durham; whilst the Durham Coast SAC extends south into Sunderland and County Durham. There are no other European designated sites within 15km of South Tyneside boundary. A 15km buffer to identify neighbouring Natura 2000 sites has been widely used by other HRA's and is regarded as best practice.
- 5.6 The baseline information for each of the European designated sites in South Tyneside is set out below, details of qualifying features and favourable conditions are set out in Appendix 1. Details are also provided for the Conservation Objectives for each site. The Conservation Objectives provide the framework which should inform any 'Habitats Regulations Assessments'. Should the Neighbourhood Plan result in an effect which could undermine any of the conservation objectives, it should be considered as having a Likely Significant Effect in terms of the HRA process.

Map 5.1

Designated Natura 2000 sites in South Tyneside



https://www.southtyneside.gov.uk/media/41703/Habitats-Regulations-Assessment-of-the-South-Tyneside-Pre-Publication-Draft-Plan/pdf/Habitats_Regulations_Assessment_of_the_South_Tyneside_Pre-Publication_Draft_Plan.pdf

DURHAM COAST SPECIAL AREA OF CONSERVATION (SAC)

5.7 Site Description:

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 (<http://publications.naturalengland.org.uk/file/4980991928041472>)

5.8 Qualifying features:

Annex I Habitat – Vegetated sea cliffs of the Atlantic and Baltic coasts

(<http://publications.naturalengland.org.uk/file/4980991928041472>)

5.9 Conservation Objectives:

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

(<http://publications.naturalengland.org.uk/file/5518496490586112>)

NORTHUMBRIA COAST SPECIAL PROTECTION AREA

5.10 Site Description:

The Northumbria Coast SPA includes much of the coastline between the Tweed and Tees Estuaries in north-east England. The site 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 (Stroud et al. 2001). The rocky shore areas with reefs, have small areas of sand interspersed amongst the main reefs. The man-made structures such as the piers at River Tyne South Pier and Seaham Harbour pier are used as high tide roosts. The tops of the piers and the sides are used by birds throughout the tidal cycle. The inter-tidal rock platform is an important resource used by wintering purple sandpiper and turnstones although they are commonly found along the strandline of sandy beaches. The rocky shores and the strand line support high densities of invertebrates which are important food for waterfowl. Purple sandpiper are almost entirely restricted to the rocky shore where they feed on a variety of marine invertebrates but their main food preference is for mussels, winkles and dog whelks (Feare 1996). Turnstones feed on seaweed covered rocks congregating at high tide to roost on the mainland shore or continue to feed on the washed up seaweed on the strandline. Discrete areas of estuarine intertidal mudflats and sand flats are also included within the Northumbria Coast SPA. Arctic and little terns nest at Newton Links/Long Nanny. The Long Nanny tern site is situated at the mouth of the Long Nanny burn in Beadnell Bay and comprises a long section of sandy beach ending in a small, low-lying sand spit at the mouth of the river, bordered by an accreting sand dune system to the west (Bridge et al. 2014). The beaches of fine sand, vegetated banks of sea rocket and dunes of marram and lyme grass provide good conditions for nesting. Terns forage in Beadnell Bay and the surrounding coastal waters, which support large numbers of lesser sandeel *Ammodytes lancea* (Bridge et al. 2014).

(<http://publications.naturalengland.org.uk/file/5648449390772224>)

5.11 Qualifying features:

- Little Tern (*Sterna Albifron*)
- Arctic Tern (*Sterna paradisaea*)
- Purple Sandpiper (*Calidris maritime*)
- Ruddy Turnstone (*Arenaria interpres*)

N.B. – It should be noted that Little Tern (*Sterna Albifron*) and Arctic Tern (*Sterna paradisaea*) are not known to breed in South Tyneside.

<http://publications.naturalengland.org.uk/file/5648449390772224>)

5.12 Conservation Objectives:

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.

<http://publications.naturalengland.org.uk/file/5211071631851520>)

NORTHUMBRIA COAST RAMSAR SITE

5.13 Site Description:

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 internationally important numbers of purple sandpiper and 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.

5.14 Species occurring at International Importance:

- Purple Sandpiper
- Turnstone
- Little Turn

<https://rsis.ramsar.org/RISapp/files/RISrep/GB1019RIS.pdf>)

WHITBURN NEIGHBOURHOOD PLAN: HRA SCREENING ASSESSMENT

5.15 Table 5.1 sets out the HRA screening assessment for the Whitburn Neighbourhood Plan. The assessment identifies potential effects which could be generated from the policy and the likelihood as to how significant those effects could be on the European Sites identified in the previous section.

Table 5.1 Whitburn Neighbourhood Plan – HRA Screening Assessment

Plan Policy	Likely Effects from Policy	Could the proposal result in likely significant effects on European Sites?
Draft Neighbourhood Plan Vision	n/a	The vision provides a strategic objective for the draft Neighbourhood Plan – No LSE.
Draft Neighbourhood Plan Objectives	n/a	The draft Neighbourhood Plan objectives set out strategic aims to deliver the Vision. The objectives do not set out proposals for development – No LSE.
Policy WNP1: Housing	Recreational disturbance Increased road traffic (air pollution) Urban edge effects	The policy supports the delivery of housing within the Neighbourhood Plan area to meet housing need. The Neighbourhood Plan does not allocate land for development. Housing sites within the Plan area may result in LSE resulting from recreational disturbance. However, these sites are likely to be brought forward through the South Tyneside Local Plan; any potential LSE will be considered through a Borough-wide HRA to support the Local Plan. Furthermore, likely effects from the conversion of properties will be addressed at the planning application stage – No LSE
Policy WNP2: Whitburn Design Guidelines	n/a	This policy sets out design principles for new development within the plan area. It does not result in new development itself – No LSE.
Policy WNP3: Sustainable Design	n/a	This policy sets out design principles for new development within the plan area. It does not result in new development itself – No LSE.
Policy WNP4: Whitburn Conservation Area	n/a	The policy seeks to protect heritage assets within the Whitburn Conservation Area and will not result in new development – No LSE.

Policy WNP5: Non-designated Heritage Assets in Whitburn Neighbourhood Area	n/a	The policy seeks to protect non-designated heritage assets within the Plan area and will not result in new development – No LSE.
Policy WNP6: Biodiversity and Geodiversity	n/a	The policy seeks to conserve and protect biodiversity and geodiversity within the Plan area and will not result in new development – No LSE.
Policy WNP 7: Green Infrastructure Enhancement and Connectivity	Recreational disturbance Habitat loss	<p>The policy seeks to support development proposals which restore, maintain and enhance biodiversity value, landscape value and recreational value (where relevant). Within the policy the following sites are identified which are within the immediate vicinity of European Site designations and identified as an improvement area:</p> <ul style="list-style-type: none"> • England Coastal Path and its immediate hinterland; • The undeveloped coast; • Whitburn Coastal Park and Leas. <p>Supporting development proposals which enhance the recreational value of these or other identified assets could result in likely significant effects, however they could equally reduce recreational pressure on the qualifying features if well designed. It is considered that proposals which have the potential to increase recreational pressure would be subject to a project-based HRA – No LSE as potential recreational pressures are addressed via Policy WNP6.</p>
Policy WNP 8: Local Landscapes and Seascapes	n/a	The policy seeks to protect landscape features and views. No new development will occur from this policy – No LSE.
Policy WNP 9: Local Green Spaces	n/a	The policy identifies 7 areas to be designated as Local Green Space and protected from development – No LSE.
Policy WNP 10: Recreational Facilities and Allotments	n/a	The policy identifies 13 sites to be protected from development. No development will occur from this policy– No LSE.

Policy WNP 11: Community Facilities	n/a	The policy seeks to protect existing community facilities within the plan area. It is not considered that new development will occur from this policy – No LSE.
Policy WNP 12: Whitburn Village Centre	n/a	The policy supports appropriate development in local retail centres. The policy is unlikely to result in new development – No LSE.
Policy WNP 13: Sewage and Drainage Infrastructure	n/a	The policy seeks to restrict development which would impact upon the sewage and drainage infrastructure in the area – No LSE.
Policy WNP 14: Transport Infrastructure	Increased road traffic (air pollution) Recreational disturbance	The policy aims to reduce traffic levels in Whitburn and improve cycling and walking links in the Plan area. Due to the location of identified improvements schemes, these are not considered to result in any effects – No LSE.
Policy WNP 15: Air Quality	n/a	The policy aims to improve air quality. No development is likely to occur from this policy – No LSE.

IN-COMBINATION EFFECTS

5.16 The neighbourhood plan also needs to be screened for the likelihood of combined effects with other plans and projects. For the purpose of this HRA this includes:

- South Tyneside Local Development Framework documents;
- Emerging South Tyneside Draft Local Plan (2019).

5.17 It is considered that as the draft Neighbourhood Plan does not:

- i) allocate sites for development;
- ii) does not amend or introduce development limits set out in the South Tyneside LDF or emerging Local Plan;
- iii) is in general conformity with the statutory development framework;

Therefore, it is concluded that no significant in-combination effects are likely to occur from the implementation of the Whitburn Neighbourhood Plan.

6. CONSULTATION & CONCLUSION

- 6.1 On the basis of the HRA Screening Assessment set out in Table 5.1 and the in-combination effects screening; the Local Planning Authority have concluded that the Whitburn Neighbourhood Plan is unlikely to result in significant effects on the Durham Coast SAC and Northumbria Coast SPA and Ramsar site.
- 6.2 This HRA Screening Report has been subject to consultation with Natural England. Natural England has agreed with the findings of the report that the Neighbourhood Plan is unlikely to result in significant effects. A copy of Natural England's response has been included in Appendix II.

**APPENDIX 1: DURHAM COAST SAC & NORTHUMBRIAN COAST SPA & RAMSAR SITE
– QUALIFYING FEATURES & CONSERVATION OBJECTIVES**

Qualifying Features and Conservation Objectives of Durham Coast SAC and Northumbria Coast SPA			
Qualifying Features	Favourable Conditions	Vulnerabilities	Conservation Objectives
Durham Coast SAC			
Habitat 1230: Vegetated sea cliffs of the Atlantic and Baltic coasts	<ul style="list-style-type: none"> • No loss in habitat • Minimal disturbance • Open terrain – no reduction in views • Food availability – fish, crustaceans, worms, molluscs, sub-surface invertebrates & epibenthic invertebrates. • Retention of structures for high tide roosts 	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 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.	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; <ul style="list-style-type: none"> • The extent and 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.
Northumbria Coast SPA			
Arctic Tern <i>Sterna paradisaea</i> 1549 pairs representing 2.92% of GB population Little Tern <i>Sterna albifrons</i> - 40 pairs representing at least 1.7% of the breeding population in Great Britain (1993 - 1997) Purple Sandpiper <i>Calidris maritima</i> 787 individuals	<ul style="list-style-type: none"> • Minimal disturbance • Food availability – epibenthic invertebrates, marine fish, crustaceans, worms and molluscs. • No loss in habitat • Open ground with sparse vegetation and open terrain • Retention of structures for high tide roosts. 	Little terns are vulnerable to disturbance by tourists in the summer causing reduced breeding success. The National Trust employs wardens each summer to protect the little tern colony at Beadnell Bay	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; <ul style="list-style-type: none"> • 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 qualifying features within the site.

<p>representing at least 1.6% biogeographic population (1992/3 – 1996/7)</p> <p>Turnstone <i>Arenaria interpres</i> - 1,739 individuals representing at least 2.6% biogeographic population (1992/3 – 1996/7)</p>			
Northumbria Coast Ramsar Site			
<p>Little tern , <i>Sterna albifrons</i>, Purple sandpiper, <i>Calidris maritima</i> Ruddy turnstone, <i>Arenaria interpres</i></p>		<p>Little terns are vulnerable to disturbance by tourists in the summer causing reduced breeding success.</p> <p>The National Trust employs wardens each summer to protect the little tern colony at Beadnell Bay</p>	

APPENDIX 2: NATURAL ENGLAND CONSULTATION RESPONSE

Date: 20 July 2021
Our ref: 357790
Your ref: Whitburn Neighbourhood Plan HRA Screening



Ms. Deborah Lamb
Senior Planning Officer
Spatial Planning Team
South Tyneside Council
Deborah.lamb@southtyneside.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 8GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Ms. Lamb,

Whitburn Neighbourhood Plan Habitats Regulations Screening Report (June 2021)

Thank you for your consultation on the above dated 23 June 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England agrees with the conclusions of the Whitburn Neighbourhood Plan Habitats Regulations Screening Report (June 2021), that the amendments to the Plan are unlikely to result in insignificant effects on the nearby internationally designated sites. As such, we do not have any further comments on this draft neighbourhood plan.

Habitats Regulations Assessment – screening and appropriate assessment requirements

Where a neighbourhood plan could potentially affect a '[habitats site](#)', it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the 'Habitats Regulations'). Where likely significant effects are identified, it will be necessary to undertake an appropriate assessment of the neighbourhood plan and, if needed, identify and secure appropriate mitigation measures to ensure the plan does not result in an adverse effect on the integrity of the habitats site.

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 (as amended), a neighbourhood plan cannot be made if it breaches the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended).

A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on the habitats site(s). This will be particularly important if a neighbourhood plan is to progress before a local plan and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan. Where mitigation is necessary to ensure no effects then this will need to be properly assessed via an appropriate assessment.

Other Issues and Opportunities

We refer you to the attached annex which covers the issues and opportunities that should be

considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Nick Lightfoot
Northumbria Area Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)⁵ website and also from the [LandIS website](http://www.landis.org.uk/index.cfm)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here⁹](#)), such as Sites of Special Scientific Interest or [Ancient woodland¹⁰](#). If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here¹¹](#)) or protected species. To help you do this, Natural England has produced advice [here¹²](#) to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land¹³](#).

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹²<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³<http://publications.naturalengland.org.uk/publication/35012>

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#)¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>