

# Marine Walk Masterplan SPD: Habitats Regulations Assessment

May 2011



Prepared for:



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# 1 Introduction

The Marine Walk Masterplan (from here-in termed 'the Masterplan') is a Supplementary Planning Document (SPD) within the Sunderland City Council Local Development Framework (LDF), produced to assist delivery of the Sunderland Seafront Regeneration Strategy. The strategy provides a strategic platform to guide the regeneration of Roker and Seaburn seafront and deliver the objective set out in the Sunderland Strategy (2008-2025), the overarching strategy for the City, which states that: 'by 2025 Roker and Seaburn will have a key role in providing cultural tourism attractions.'

As part of this process an issues and options report was published in December 2008<sup>1</sup>, and the public were invited to comment on these issues between 16 February 2009 and 3 April 2009. The comments received have been used to create a vision for the seafront and development of a draft Seafront Regeneration Strategy and separate Masterplans for seafront sites of Marine Walk, Roker, and Seaburn.

This report considers the nature and scale of the effects of the Masterplan proposals upon the important wildlife features of international importance present along the shore. This process is known as a Habitats Regulations Assessment (HRA) of which Appropriate Assessment (AA) forms part.

A separate HRA will be produced to accompany the nearby Seaburn Masterplan but this document has assessed the Seaburn Masterplan for "in combination" effects. Drafts of the Marine Walk Masterplan HRA screening report were circulated to Natural England, RSPB and Durham Bird Club in May 2009, and again to Natural England in autumn 2010, as part of the formal consultation exercise.

## 1.1 Habitats Regulations Assessment and Appropriate Assessment

### 1.1.1 What is Habitats Regulations Assessment?

Habitats Regulations Assessment is an assessment of the effect of a plan or project, alone or in combination with other plans or projects, on sites considered to be of European Union importance for their nature conservation value.

European sites are areas identified as Special Protection Areas (SPA), designated under the Conservation of Wild Birds Directive (2009/147/EC) ("The Birds Directive"), and Special Areas of Conservation (SAC) designated under the Conservation of Natural Habitats and Wild Flora and Fauna Directive (92/43/EEC) ("The Habitats Directive"). These sites collectively contribute to the Natura 2000 network of protected sites, which are of international importance. Planning Policy Statement 9 (PPS9) also recommends that sites designated under the Ramsar Convention should be afforded the same level of protection as European sites. In practice most Ramsar sites are also SPA.

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<sup>1</sup> Sunderland City Council, December 2008

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Whilst many European sites are founded on, and contiguous with, Sites of Special Scientific Interest (SSSI), HRA relates only to the qualifying features of the European site and the effect on the ecological integrity of European sites.

The 'assessment' proper is a *statement* that says whether a plan does (or does not) affect the integrity of a European site<sup>2</sup>. But, the *process* of determining whether or not the plan will affect European sites is also commonly referred to as 'appropriate assessment'. To avoid this confusion some organisations refer to the process as the "Habitat Regulations Assessment", limiting the term "Appropriate Assessment" to assessing the impact of a policy/plan upon the integrity of a site (see Stage 2, section 1.1.5 below).

HRA is only considered for plans or policies that are not connected with or necessary to the management of European sites. The Marine Walk Masterplan and accompanying Seafront Regeneration Strategy is not connected with or necessary to the management of any European sites, and hence under Article 6 (3) of the Habitats Directive (see Section 1.1.2), requires consideration of any likely significant effects (LSE) on such sites.

European sites that lie within the plan boundary, and European sites that lie outside the boundary, but within the zone of influence of any changes brought about by the plan, must be considered. No definitive buffer distance has been prescribed as the potential effects on a site are influenced by the reasons for which the site has been designated and the type of changes arising from the plan.

### 1.1.2 Legal basis for Habitats Regulations Assessment

The Habitats Directive provides legal protection for habitats and species of European Importance. The Habitats Directive requires member states to identify and conserve sites, which contain such species/habitats. Collectively the sites are known as Natura 2000 sites. In the UK they include Special Areas of Conservation (SAC) and Special Protection Areas (SPA).

The requirement for AA is established through Article 6(3) of the Habitats Directive:

*"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."*

The European Court of Justice ruled, in October 2005, that the UK had failed to correctly transpose the provisions of Articles 6(3) and 6(4) (which addressed issues connected to alternative solutions, the test of imperative reasons of overriding public interest and compensatory measures) into national law. Land use plans do not in themselves authorise development, but were deemed by the Court to have a significant influence on

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<sup>2</sup> Scott Wilson *et al*, 2006

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development decisions and therefore should be subject to an appropriate assessment. The position was clarified in UK law by Section 85 of the Conservation (Natural habitats, &c.) (Amendment) Regulations 2007 and the requirement for an AA must be considered for any policy, project or plan that may have a significant effect on one or more European sites and which is not necessary for the management of that site.

### 1.1.3 Who carries out Habitats Regulations Assessment?

The responsibility for carrying out an HRA lies with the competent authority, i.e. the organisation that consents the activity to take place. For the Marine Walk Masterplan this responsibility lies with Sunderland City Council. A competent authority must consult with Natural England, and take its views into account when forming a decision about the impact of proposals.

### 1.1.4 What Is a Significant Effect?

An Appropriate Assessment is required where *significant* effects upon the qualifying features of a European site are likely. Significance is defined in terms of the designated interest features and conservation objectives of the site and the test is to ensure that the policy/plan does not affect the integrity of the site. Integrity is defined by the European Commission as: “*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.*” It further states: “*a site can be described as having a high degree of integrity where the inherent potential for meeting site conservation objectives is realised, the capacity for self repair and self renewal under dynamic conditions is maintained, and a minimum of external management support is required.*”

Natural England (formerly English Nature) guidance indicates that any effect that compromises a site’s ability to support and sustain the features for which it has been designated is likely to be considered significant, excluding trivial or inconsequential effects<sup>3</sup>.

In determining the likely “significance” of an effect, the EC recommends considering “*the probability, of the impact; the duration, frequency and reversibility of the impact.*” (EC, 2000, page 35).

If it is not possible to clearly rule out a significant effect, based on objective information, then further assessment is required, in line with the precautionary principle. This view has been supported by recent European case law<sup>4</sup>. That is, it is necessary to demonstrate that significant effects are *not* likely.

### 1.1.5 Stages in the Habitat Regulation Assessment process

The HRA process can be considered as comprising four main stages<sup>5</sup>:

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<sup>3</sup> English Nature. 1999. Habitats Regulation Guidance Note 3: The Determination of Likely Significant Effect under the Conservation (Natural Habitats &c) Regulations 1994

<sup>4</sup> ECJ. 2004.

<sup>5</sup>The DCLG Guidance groups these actions into three tasks, combining stages 3 and 4 as a single item

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**Stage 1 – Screening** both identifies if there is likely to be an impact on the site, and the determination if any likely effect, alone or in combination with other plans and projects, will be significant, and thus a Likely Significant Effect (LSE). If no LSE are identified there is no need to progress to stage 2 but reasoned and justified report of stage 1 must be completed to demonstrate how the Authority is able to ascertain no adverse effect on integrity of a European site.

**Stage 2 – Appropriate Assessment** considers the impact (LSE) on the integrity of any European site, with regard to its conservation objectives. Where adverse effects are recognised mitigation is assessed.

**Stage 3 – Assessment** of alternative solutions

**Stage 4 – consideration of imperative reasons of over-riding public interest (IROPI):** Generally, only policies and plans that do not affect the integrity of a European Site are allowed to proceed. But under certain, limited circumstances, (assessed using the IROPI test), a policy or plan may be allowed to proceed, providing adequate compensation is provided.

The best method for ensuring that integrity will not be impacted by proposals is to identify sources of possible impacts early in the planning process, and design the plan to avoid these. Where adverse effects on European sites are identified during the HRA process, it is necessary to apply adequate mitigation measures to remove these. If no further mitigation can be applied, but adverse impacts are still likely, then the plan is rejected. At this point it may be necessary to consider alternative solutions or to consider compensatory measures to address the remaining adverse effects. There are strict rules under which compensation is allowed, including an absence of alternative solutions and the plan is required for imperative reasons of overriding public interest.

## 1.2 Relationship between HRA, Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA)

The requirements for HRA and SA/SEA are governed by different European legislation.

The Planning and Compulsory Purchase Act (PCPA) 2004 requires an assessment of the sustainability of the Marine Walk Masterplan, as a Supplementary Planning Document. The Environmental Assessment of Plans and Programmes Regulations 2004 sets out the statutory requirement for local authorities to carry out an SEA of planning and land use documents. The regulations transpose the requirements of the SEA Directive.

The Government's preferred approach is to combine SEA and SA into one unified process that considers economic and social, as well as environmental effects. To this end, in November 2005, the Government published guidance<sup>6</sup> on undertaking SA of Local Development Documents that incorporates the requirements of the SEA Directive ('the Guidance'). The combined SA / SEA process is referred to in this document as Sustainability Appraisal (SA).

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<sup>6</sup> ODPM (2005) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents, London



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A separate Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) have been undertaken of the Marine Walk Masterplan. This has been undertaken in parallel with the HRA, and information from the SEA/SA has informed the HRA and vice versa.

## 1.3 This Report

This report informs an appropriate assessment for the Marine Walk Masterplan, located on the coast at Roker, Sunderland. The Marine Walk Masterplan will be taken forward as an SPD under the Unitary Development Plan (UDP) policies NA26 (Coastal and Seafront Zone), EC8 (Tourist Facilities) and EC9 (Tourist Facilities) until a relevant policy in the emerging Core Strategy is taken forward. As a statutory land use plan there is a requirement to consider the requirement for appropriate assessment.

This document enables Sunderland City Council to ascertain that the Marine Walk Masterplan will not adversely effect on the integrity of European sites, and contains desk study information and contemporary bird survey data generated to address areas of uncertainty identified in the Screening Report and which has been incorporated to inform an Appropriate Assessment. It forms stage 2 of the HRA process highlighted in section 1.1.5.

A HRA Stage 1 or screening report was produced to accompany the Issues and Options report for the Seafront Regeneration Strategy<sup>7</sup> and subsequent development of the Masterplan. The Seafront Regeneration Strategy considered broad issues associated with upgrading the seafront at both Marine Walk and Seaburn, and was based on three options that formed the basis for public consultation. The initial screening concluded that given the nature of the options and their proximity to European sites, significant impacts upon the European sites could not be ruled out, and that further consideration of effects was necessary.

This document, which reports this more detailed consideration of impacts associated with the Masterplan, has been produced to:

- ensure that Sunderland City council complies with the requirements of the Habitats Directive 92/43/EEC as implemented by the Conservation (Natural habitats, &c) Regulations 1994 and subsequent amendments;
- identify any aspects of the proposals that are likely alone, or in combination with other policies or proposals, to have a significant effect on sites of European importance;
- identify whether any further, stage 2 appropriate assessment is required; and
- advise what further work would be required in a stage 2 assessment if one is required.

This document may be issued to Natural England for final consultation if Sunderland City Council decides this is required.

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<sup>7</sup> Sunderland City Council, December 2008

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## 1.4 The Process

Scott Wilson became engaged in the development of the Seafront Regeneration Strategy at the Issues and Options stage, which enabled it to identify potential risks and conflicts between particular Options and European sites, and to suggest mechanisms or policy considerations that would enable such impacts to be avoided as far as possible.

The requirement for HRA was determined at the Masterplan Options stage, as draft policies are required for the determination. An earlier draft of this document was circulated to Natural England and other interested parties during the public consultation on the Seafront Regeneration Strategy and Marine Walk Masterplan Options. It principally provides detailed comment on the Marine Walk Masterplan SPD, but the “in combination” effects are considered with a separate HRA document produced for the Seaburn Masterplan SPD.

Final comments have been received and this document has now been amended, as necessary, to comply with legislation, and to take account of any changes in the Marine Walk Masterplan arising from the consultation process.

## 1.5 Structure of this Document

This document comprises the following sections:

- Section 2 summarises the methods that have been used in undertaking the assessment, including sources of data;
- Section 3 describes the European sites potentially affected by the Marine Walk Masterplan and includes details of their conservation importance and identifies the types of activity likely to significantly affect the qualifying interest features of the sites (site sensitivity);
- Section 4 provides details of the proposals included in the Marine Walk Masterplan, focussing upon those aspects that might give rise to significant effect upon the designated features of the European sites;
- Section 5 identifies other projects and plans that may contribute to “in combination” effects;
- Section 6 considers the significance of potential effects that have been identified in Sections 4 and 5;
- Section 7 draws together the conclusions of the assessment and any next steps required.

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## 2 Methods

### 2.1 Guidance

Case law and best practice of the application of HRA to Land Use plans continues to evolve, and there is no single agreed approach. The methods used in this document are designed to be compliant with the draft guidance issued by the Department for Communities and Local Government (DCLG) (August 2006<sup>8</sup>) and “*Assessment of plans and projects significantly affecting Natura 2000 sites*” produced by the European Union<sup>9</sup>.

The approach is based on current best practice gleaned from a review of current HRA documents produced for a selection of regional spatial plans and has been informed by a variety of guidance including advice for local authorities prepared by Scott Wilson *et al*<sup>10</sup>, advice commissioned by Natural England<sup>11</sup>, and advice published by the RSPB<sup>12</sup>.

### 2.2 Information sources

Information to assist with the assessment process has been sought from internet sources (e.g. websites of the Joint Nature Conservation Committee, and Natural England), Natural England and Sunderland City Council. Information obtained during the Appropriate Assessment of the UDP, Alteration No. 2 conducted in 2007 has also been drawn on, which included information on bird populations obtained from the British Trust for Ornithology (BTO), and through consultation with the Durham Bird Club (DBC).

### 2.3 Identification of relevant European sites

The purpose of the screening and assessment is to identify any European sites that are likely to be adversely affected by the Marine Walk Masterplan (SPD). This requires the identification of:

- European sites not affected (i.e. screened out with no further assessment required);
- European sites for which there may be an effect, but modification of a policy within the Masterplan would remove this effect; and
- Any European site(s) for which further information is required in order to determine the significance of an effect.

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<sup>8</sup> DCLG, 2006

<sup>9</sup> European Communities, 2002.

<sup>10</sup> Scott Wilson *et al* September 2006

<sup>11</sup> Tyldesley and Associates, August 2006

<sup>12</sup> RSPB 2007

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The location and interest features of European sites within the vicinity<sup>13</sup> of the plan area were identified using information provided by Natural England<sup>14</sup>, and information available from the Natural England website, including details about their current condition.

## 2.4 Assessment of vulnerability to effects

Following the identification of European sites within the zone of influence of the Marine Walk Masterplan, the conservation objectives for each site were reviewed to identify the types of activity that might conflict with these objectives. Information about the current condition of each feature was collated, either from published information collected during Site Condition Monitoring exercises conducted by Natural England, or information on bird populations collated by the JNCC and the BTO.

## 2.5 Masterplan analysis including identification of options or aspects that might impact on European sites

The aim of plan analysis is to determine whether the Marine Walk Masterplan may affect the key environmental conditions that need to be maintained or improved in order to preserve the integrity of European Sites<sup>15</sup>.

The approach taken is based on guidance produced by Scott Wilson *et al* (2006), and focuses upon a consideration of the total impact of a plan upon the notified interest features.

## 2.6 “In Combination” Effects

The HRA is required to consider the potential effects of a proposed plan alone and “in combination” with other plans and projects. These other plans have been identified from a review of the type of documents considered for the SEA/SA and comments received from Natural England.

New documents and plans are constantly being produced, and it may be that there are additional documents that should also be considered “in combination” with the Marine Walk Masterplan. It is hoped that any relevant additional documents will be identified through the consultation process.

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<sup>13</sup> It is a requirement of the legislation that effects on European sites outside the boundary of the plan area should also be considered.

<sup>14</sup> CD of relevant information to help inform Appropriate Assessments provided by Jenny Loring, Natural England

<sup>15</sup> Scott Wilson *et al*, 2006

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## 3 European sites

### 3.1 Sites within the zone of influence of the Marine Walk Masterplan

Two European sites may potentially be affected by the Masterplan:

- Durham Coast Special Area of Conservation (SAC), designated for its vegetated sea cliffs of the Atlantic and Baltic Coasts; and
- Northumbria Coast Special Protection Area (SPA) and Ramsar site, designated for populations of breeding little tern *Sternula albifrons*, wintering turnstone *Arenaria interpres* and wintering purple sandpiper *Calidris maritima*.

Both sites are geographically fragmented, comprising discrete portions of the coast north and south of the Wear Estuary. Whilst both sites also cover the same area as the Durham Coast Site of Special Scientific Interest (SSSI), which underpins the European sites, there are some small differences in the boundary of the SAC and SPA. Principally, the area known as Parson's Rocks, which lies just north of Sunderland Port is included within the SPA, but is excluded from the SAC (see Figure 1 in Appendix 1).

The qualifying features of these designations are summarised in Table 1 and a map of the area is shown in Appendix 1. Table 1 also identifies the key environmental conditions required to maintain the integrity of the European sites. These have been extracted from a variety of sources<sup>16</sup>. A brief description of the factors that may impact upon the integrity of each site is provided in sections 3.1.1 and 3.1.2, with a fuller description of the cause of these factors provided in Section 3.2. Further comments on the important features and their sensitivity are given below. Natural England has sub-divided the Durham Coast SSSI (and hence the Durham Coast SAC & Northumbria Coast SPA/Ramsar sites) into a number of management units. One of these, Parson's Rocks, is located within the zone of influence of the Marine Walk Masterplan. Comments on the current condition of the SAC and SPA features are also included below.

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<sup>16</sup> e.g. "Northumbria Coast European marine site. English Nature's advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994", published information on management of the Durham Coast SSSI (which underpins the SAC/SPA)<sup>16</sup>, results of site condition monitoring contained on the Natural England<sup>16</sup> website, generic information related to habitat management on the JNCC website or are based on the consultant's interpretation of likely risk to the interest features. (English Nature, 6 November 2000)

Table 1. Conservation objectives and qualifying features for Durham Coast SAC and Northumbria Coast SPA

European Site	Reasons for which the site has been designated (Qualifying Features)	Conservation objectives for European interest on the Durham Coast SSSI	Sub-features identified by Natural England as key ecosystem elements that need to be maintained if management objectives are to be met	Potential hazards
Durham Coast SAC	Vegetated sea cliffs of the Atlantic and Baltic coasts	To maintain in favourable condition the habitats for the populations of Annex 1 species (Little tern) of importance, with particular reference to: Intertidal sand and mudflats, sand dunes and coastal waters.  Subject to natural change, to maintain, in favourable condition, the: vegetated sea cliffs of the Atlantic and Baltic Coasts.	<i>Extent of cliffs</i> <i>Vegetation structure</i> – showing zones and transitions <i>Indicators of local distinctiveness</i> - e.g. notable species.	Loss of habitat, changes in flushing regime (both quantity and quality of water), changes to geomorphological processes (e.g. introduction of sea defences), changes to grazing regime, changes to trampling regime (recreation) <sup>17</sup> .
Northumbria Coast SPA/Ramsar	Wintering - <i>Arenaria interpres</i> (Turnstone) Wintering - <i>Calidris maritima</i> (Purple sandpiper) Breeding - <i>Sternula albifrons</i> (Little tern)	To maintain in favourable condition the habitats for the populations of migratory birds species (knot, purple sandpiper and turnstone) of European importance, with particular reference to Intertidal sand and mudflats, rocky shores and associated boulder and cobble beaches, artificial high tide roost sites  To maintain in favourable condition the habitats for the populations of waterfowl that contribute to the wintering waterfowl assemblage of European importance, with	For the wintering birds: <i>Rocky shores with associated boulder and cobble beaches</i> , which are used as feeding areas <i>High tide artificial roost sites</i> e.g. piers at River Tyne South Pier and Seaham Harbour Pier.  For the breeding birds: <i>Sandy and shingle beaches</i> above the high-tide mark, which are used by nesting little terns. (Sandy beaches adjacent to the Long Nanny at Low Newton are the key area.) <i>Shallow inshore areas</i> used by little tern for foraging. (Waters off Long Nanny and	Potential hazards identified by Natural England for interest features & sub-features that may be relevant for the Seafrost Regeneration Strategy/ Marine Walk Masterplan: <ul style="list-style-type: none"> <li>• Effects on hydrodynamic regime especially with respect to silt/sand movements along coast &amp; effect on beaches (little tern)</li> <li>• Toxic contamination (pollution risks) (little tern, turnstone, purple sandpiper) – Tyne listed as</li> </ul>

<sup>17</sup> Determined by consultants, based on Common standards of monitoring proforma "Maritime Cliff and Slope Habitats" extracted from JNCC website

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		particular reference to: Intertidal sand and mudflats	inshore waters.) Most feeding occurs offshore. <i>Disturbance</i> - the birds are vulnerable to disturbance.	greatest potential risk • Disturbance (all spp.) • Habitat loss (all spp.)
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### 3.1.1 Durham Coast SAC

The Durham Coast SAC is valued as the only example of vegetated sea cliffs of the Atlantic and Baltic Coasts on magnesium limestone in the UK<sup>18</sup>. Based on the management statement published by Natural England and the monitoring objectives for coastal cliffs published by the Joint Nature Conservation Committee<sup>19</sup> (see Annex 3), the notified interest features of the Durham Coast SAC are vulnerable to:

- loss of habitat e.g. as a result of natural erosion processes being constrained;
- loss of habitat, particularly related to changes in vegetation composition and structure e.g. as a result of changes in grazing, fertiliser application and/or trampling pressure from people and wildlife.

Parts of the SAC are considered to be in unfavourable condition due to bonfires and littering (Natural England website).

The Durham Coast SAC does not extend into the area directly affected by the Marine Walk Masterplan, but does abut the area in Seaburn that is subject to a separate Masterplanning process.

### 3.1.2 Northumbria Coast SPA / Ramsar

The main breeding area for little tern, Low Newton, ca. 40 miles to the North, is considered to be beyond the influence of the Marine Walk Masterplan.

Rocky shores with associated boulder and cobble beaches are important feeding areas for purple sandpiper and turnstone. Parson's Rocks, which lies to the north of the Masterplan area, is used by turnstone and is assessed by Natural England to be in favourable condition for its value for purple sandpiper<sup>20</sup>. Purple sandpiper forages exclusively on intertidal habitats but turnstone will forage on a wider range of intertidal and non tidal habitats, e.g. amenity grasslands, outwith the boundary of the SPA.

Bird Survey reports for the SPA<sup>21</sup> suggest that purple sandpiper numbers are in decline within the Northumbria Coast SPA, and the BTO has issued a species alert for this species. Alerts indicate species that have undergone major declines in numbers. The species is considered to have suffered substantial declines within the Northumbria Coast SPA since the late 1980s, attributed, in part, to increased recreational disturbance. Turnstone numbers may also be decreasing, but only in line with national trends. No specific reasons for these trends are identified within the BTO report.

### 3.1.3 Important habitats for bird qualifying features of the Northumbria Coast SPA

As mentioned in section 3.1.2, there are three bird species of qualifying interest for the Northumbria Coast SPA:

<sup>18</sup> Magic Interactive Resource [accessed 2008] Available at: <http://www.magic.gov.uk/website/magic/>

<sup>19</sup> JNCC, 2004

<sup>20</sup> Extracted from Condition of SSSI units included on Natural England's website & updated 2<sup>nd</sup> October 2007

<sup>21</sup> BTO, 2005



### **Little tern**

Breeding little tern is a qualifying feature of the Northumbria Coast SPA. Little tern nests colonially at coastal sites on sandy or shingle spits, usually close to sheltered, shallow marine or estuarine feeding areas. Little tern breeding colonies are vulnerable to disturbance by humans and dogs, predation by foxes, crows, gulls and kestrels and also by blowing sand and flooding by spring high tides. The main little tern breeding colony is located c.40 miles north of the proposed development site at Low Newton. This breeding site is considered to be beyond the influence of the Marine Walk Masterplan and therefore little terns are not considered further in this report.

### **Purple Sandpiper**

Over the winter period, purple sandpiper primarily inhabits rocky seashores, and will also sometimes occur on seaweed-strewn, sandy beaches close to rocky shores. Their preferred habitat is exposed shallow-sloping rocky shores where they forage over bedrock and among stones and cobbles (Summers et al. 2002c) at low tide. At high tide birds form communal roosts at safe locations, e.g. natural rock outcrops or human structures (such as quays and jetties) just above the high tide level.

### **Turnstone**

During the winter period turnstone is found exclusively along coastlines, predominantly in intertidal zones on rocky or stony shores, seaweed-strewn beaches and estuaries. During periods of stormy weather or at high tide birds may also feed up to a few hundred metres inland on short sward grassland, such as playing fields, quays, docks and jetties.

## **3.2 Site Sensitivities**

Factors that are likely to give rise to significant impacts upon the integrity of the two European sites are coastal processes and the hydrodynamic regime, direct damage of habitats (both intentional and unintentional), disturbance to qualifying features and pollution. These factors are now described in more detail.

### **3.2.1 Coastal processes and hydrodynamic regime**

Coastal processes (including erosion and accretion) and the hydrodynamic regimes are important in ensuring that areas of rock are maintained for bird feeding and roosting, and also that sediment patterns are maintained. Changes in sea defence mechanisms or dredging are activities that may impact upon the notified interest features.

### **3.2.2 Direct Damage of Habitats**

Habitats may be damaged as a result of littering, removal of land or bonfires. Natural England considers that part of the SAC is currently in unfavourable condition due to littering of materials and the occurrence of bonfires.

There may also be unintentional changes in habitat quality, caused, for example, by changes in grazing or trampling pressure. Such changes may arise as a result in changes in the number of people following a particular route along the cliff.

### 3.2.3 Disturbance

Many bird species, including coastal species, are vulnerable to disturbance, particularly from people walking with dogs. The disturbance can limit the time available for birds to feed, reducing their energy intake. Alternatively, disturbance whilst roosting requires birds to use extra energy at a time of year when opportunities for feeding may be limited by short day length. Disturbance of nesting birds increases the chances of other species predated the eggs, and reducing breeding success.

### 3.2.4 Pollution

Changes in coastal water quality could affect the availability of food for bird species and the clarity of the water.

## 3.3 Marine Walk Development Site

The existing site at Marine Walk, Roker, is comprised of sandy and rocky coastline adjoining small areas of grassland, which leads onto a developed urban area consisting of a mixture of houses and other buildings. The mouth of the River Wear marks the southern end of the development area and the Sunderland City border marks the northern limits of the development area.

The area of coastline within the development footprint is comprised of intertidal sandy habitat with several rocky outcrops and piers. There are exposed rocks adjacent to the New South Pier, along the South pier and also at Bede's Cross, at the location of the Old South Pier Lighthouse. The area of coastline within the Masterplan area is approximately 1.05 km<sup>2</sup>.

## 4 Masterplan analysis

This section reviews the Marine Walk Masterplan to identify any aspects that might affect the environmental conditions required to maintain the integrity of European sites.

### 4.1 Preferred options

The Masterplan has been devised with the objective of regenerating Roker as a thriving seaside resort and reconnecting it within the riverside/coastal trail from St Peter's to Roker Park and the wider coastal landscape.

The Seafront Regeneration Strategy options and issues report, which was issued for consultation, identified three broad options for the Roker study area:

- A place for passive recreation;
- A place for beach play; and
- A place for sports.

Based on consultation responses, the Masterplan incorporates elements of all three broad options. The proposed vision is: "Building on its unique natural environment and rich heritage, the seafront at Roker will be an attractive, safe, clean and accessible destination for all residents and visitors, of which the people of Sunderland can be proud. It will be a welcoming place to enjoy all year round, offering activities and events for everyone and supporting Sunderland's aspiration to be the UK's most livable city." Seven regeneration objectives are proposed:

1. To develop a sense of place and pride by building on and enhancing the area's rich heritage and attractive natural environment
2. To create an attractive environment where both residents and visitors can relax
3. To create a family friendly area which is safe and clean
4. To provide high quality public amenities
5. To offer high quality and affordable activities and cultural events throughout the year
6. To create an area which is physically and intellectually accessible
7. To maximise the impact and improve the economic vibrancy of the area

In response to the public consultation, which highlighted desires to make the most of the area for relaxation, protecting the natural environment, and improving what is on offer for families, the Masterplan focuses on passive recreation; improving and upgrading the existing facilities; it will create improved access and quality of the landscape. The location and nature of the current seawall will remain unchanged, other than to lower a short length to create a ramp, and to install new wooden steps over the wall.

## 4.2 Aspects of the Marine Walk Masterplan that might impact on the integrity of the European sites

The assessment of aspects of the Marine Walk Masterplan that might impact upon the integrity of the European sites is based on a consideration of the site sensitivities identified in Section 3.2.

### 4.2.1 Coastal processes and hydrodynamic regime

Coastal processes (including erosion and accretion) and the hydrodynamic regimes are important in ensuring that areas of rock are maintained for bird feeding and roosting, and also that sediment dynamics are maintained. Changes in sea defence mechanisms or dredging are activities that may impact upon the notified interest features such as purple sandpiper and turnstone.

Maintenance of the sea wall is a requirement of the Shoreline Management Plan 222, which has undergone a separate Appropriate Assessment process. This concluded that SMP policy is largely focussed on maintaining or pursuing measures which will either maintain or enhance the features of International sites and as such is unlikely to have an adverse impact on the integrity of the local International designations.

### 4.2.2 Direct Damage of Habitats

The Masterplan is not likely to result in any direct damage to habitats of the Durham Coast SAC, which is considered to be beyond the zone of influence, or to Parson's Rocks, part of the Northumbria Coast SPA just beyond the Masterplan area.

### 4.2.3 Disturbance

Two aspects of disturbance to bird qualifying features have been considered: disturbance during construction works when upgrading the public realm along the promenade and implementation of other elements of the Masterplan; and potential disturbance resulting from increased level of human activity or usage of the seafront and intertidal zone as a result of the Masterplan. Disturbance is considered in more detail in Section 6.2.

### 4.2.4 Loss of Foraging Habitat

Loss of foraging habitat for bird qualifying features may occur through displacement due to disturbance from construction works, artificial lighting or increased levels of human activity in the intertidal zone. The ecological importance of bird habitats in the zone of influence have been assessed by a non breeding bird survey undertaken during 2010-2011. This potential impact is discussed further in section 6.

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<sup>22</sup> North East Coastal Authorities Group. 2007. Shoreline Management Plan 2. River Tyne to Flamborough Head. 9PO184

#### 4.2.5 Inland bird feeding and roosting sites

Data on non-tidal or inland feeding and roosting sites is virtually non-existent and it appears that bird usage of such habitats has been poorly documented both in the Masterplan area and Sunderland seafront in general. Archive data comprises one record of two turnstone at 'Seaburn Links', a grassy habitat above the high tide line, suggests that these birds were recorded outwith the intertidal zone, but such 'bird club' records are sometimes geographically ambiguous and this record could just as easily pertain to birds on the beach close to the Links. The ecological importance of bird habitats in the zone of influence have been assessed by a non breeding bird survey undertaken during 2010-2011. This potential impact is discussed further in section 6.

#### 4.2.6 Pollution

The Marine Walk Masterplan includes very limited development works in the intertidal zone comprising construction of new steps from promenade to the beach adjacent to Roker Ravine. Development will not affect any watercourses flowing into the sea. There is minimal risk of chemical pollution to intertidal habitats from construction activities. Works to build/improve the steps, etc., will be undertaken following Environment Agency Pollution Prevention Guidelines (PPG) (e.g. PPG1, PPG5), and the risk of any pollution incident is considered to be low and at worst would likely consist of very small quantities of cement which would be readily diluted by the sea. Such an event would not result in a likely significant effect on birds and would not adversely effect the integrity of the SPA are unlikely.

Light pollution due to the planned artificial lighting of natural and man made features on Marine Walk, principally the beach may have likely significant effect on bird qualifying features and the impact of artificial lighting on birds using the area has been considered when deciding on the type and positioning of lights. The Bird Survey Report (Appendix 3) recommendations have been adopted within the lighting scheme which incorporates hoods and temporal control of lights to enable them to be switched off at the critical time of year (winter) for birds along the seafront.

## 5 Other plans and projects contributing to “in combination” effects

The following documents have been reviewed for consideration of “in combination” effects:

- The Sunderland Strategy 2008 – 2025
- Local Area Agreement 2008 – 2011
- Sunderland Local Development Framework evolving options
- Sunderland UDP Alteration No. 2
- Sunderland Climate Change Action Plan
- The Sunderland Seafront Strategy
- Seaburn Masterplan
- Shoreline Management Plan 2 River Tyne to Flamborough Head
- Wear Catchment Flood Management Plan (Scoping phase August 2005)
- Tyne & Wear Strategic Flood Risk Assessment July 2007
- Local Transport Plan Tyne & Wear 2006 – 2011
- Regional Planning Guidance for the North East (RPG1), November 2002
- “Leading the way” Regional Economic strategy 2006 – 2016
- North East Tourism Strategy 2005-2010
- Regional Spatial Strategy for the North East
- Countryside and Rights of Way Act 2000 for coastal land
- “The North East England Regional Housing Strategy 2007
- North East Regional Renewable Energy Strategy, March 2005
- Rural Action Plan, 2002
- Emerging Regional Spatial Strategy for the North East
- LDF Core strategy issues and options report for Chester-le-street
- County Durham structure plan saved policies
- District of Easington LDF (evolving papers)
- City of Durham Development Control policies preferred options, LDF (evolving policies)
- South Tyneside LDF Core Strategy, adopted June 2007

- North Tyneside LDF Core Strategy Options and Issues report (policies not yet available on website)
- Durham Heritage Coast Management Plan
- Local Area Agreement
- Gateshead UDP

Some of the above plans were subject to their own HRA during their preparation (e.g. the Shoreline Management Plan 2, Sunderland LDF Core strategy, with no likely significant effects being identified).

The Marine Walk Masterplan forms part of the Seafront Regeneration Strategy, which also includes the Seaburn Masterplan. Key elements of the Seafront Regeneration Strategy are included within the Marine Walk Masterplan, and are therefore considered within this report. The Seaburn Masterplan has been subject to its own HRA.

Table 2 sets out the proposals within these plans that could contribute to “in combination” effects on European sites. Most plans are unlikely to result in significant effects on European sites. Four plans contain policies/proposals that promote greater access to the coast. These are:

- Local Transport Plan Tyne & Wear
- Leading the Way - Regional Economic Strategy
- North East Tourism Strategy
- Seaburn Masterplan

It is concluded that the first three plans or strategies are unlikely to result in significant effects as these describe aspirations rather than defined actions.

The Seaburn Masterplan shares similarities with Marine Walk Masterplan in terms of regenerating the Sunderland seafront through improvements to public realm, access, recreation and new business opportunities. In combination, the two masterplans will act to encourage more visitations to the Sunderland seafront which could result in greater disturbance to bird qualifying features.

The “in combination” effects of these plans and strategies together with the Marine Walk Masterplan on the qualifying features of the European sites, is considered in section 6.

Table 2. Analysis of other plans that may give rise to “in combination” significant effects upon European sites

Plan/Document	Aim and purpose of the plan/document	Possible aspects of the plan that could contribute to “in combination” effects
Sunderland Strategy 2008 – 2025	Sets out how the people who live, work and study in Sunderland would like to see the City evolve by 2025.	Contains five broad aims, including one to promote a strong culture of sustainability. No adverse impacts likely.
Local Area Agreement 2008 – 2011	Sets out the long term aims and key objectives identified in the Sunderland strategy and identifies related priority improvement indicators that will be used to set a focus for activity and provide the basis for measuring progress towards the vision in the short term.	None.
Sunderland Local Development Framework (LDF) evolving options	Establishes the planning framework for the City. Preferred options are still being developed, but likely to include policies relating to access to and enjoyment of the coast, and protection of biodiversity assets.	Acts as the framework for the Marine Walk Masterplan, and will require its own HRA/AA.
Sunderland UDP Alteration No. 2	Provides the planning framework pending development of the LDF. Includes policies for protection of biodiversity assets, and has been subject to its own AA.	None.
Sunderland Seafront Strategy	<p>“an overarching document to guide the regeneration of Roker and Seaburn seafronts and deliver the objective set out in the Sunderland Strategy (2008-2025), the overarching strategy for the city which states that: ‘by 2025 Roker and Seaburn will have a key role in providing cultural tourism attractions.’ The strategy has a number of purposes:</p> <ul style="list-style-type: none"> <li>• To establish an agreed vision and regeneration objectives for the seafront</li> <li>• To act as a supporting document for future funding bids</li> <li>• To ensure development at the seafront is cohesive and joined up</li> <li>• To pull together and supplement the various policies relating to the seafront in emerging Development Plan Documents as part of the Local Development Framework process</li> </ul>	This aspirational strategy aims to promote and secure development or re-development along Sunderland’s seafront and thus in itself is too non specific to identify potential effects. However, some aspects of development may be insensitive to the conservation objectives of the nearby coastal European sites and will need further assessment as they develop. Generally, improvements to the area, e.g. new visitor attractions and service industry, will attract more visitors and increase levels of disturbance to waterbird qualifying features of Northumbria Coast SPA/Ramsar, and possible damage to, or littering of, intertidal habitats on which they depend. Such potential impacts would be greatest during period Sept-Mar.



Plan/Document	Aim and purpose of the plan/document	Possible aspects of the plan that could contribute to “in combination” effects
Seaburn Masterplan	“In order to support the delivery of the objectives set out in the Seafront Regeneration Strategy, this draft Seaburn Masterplan has been prepared to guide the proper planning and regeneration of Seaburn.” “...City Council’s aspirations for Seaburn, and is accompanied by a design code which provides developers with more specific design guidance to ensure that proposals will match the City Council’s ambition for the site.”	Possible in combination effects from increased visitors and disturbance to wildlife, litter in marine environment, artificial lighting, paving of amenity grassland near coast
,Shoreline Management Plan 2 River Tyne to Flamborough Head	The plan establishes management policies over three time periods.	The proposals include options for hard sea defences, potentially in part of the SPA, and allowance of natural erosion, which could lead to a loss of coastal habitat. Scheme specific AA suggests that following inclusion of mitigation measures no adverse impacts are likely.
Wear Catchment Flood Management Plan (Scoping phase August 2005)	The plan aims to reduce the risk of flooding, to work with natural processes, to support the implementation of International and national legislation and policies, to promote sustainable flood risk management and inform and support the development of planning policies and plans.	None
Tyne & Wear Strategic Flood Risk Assessment, July 2007	Provides a planning tool and reference document which identifies the extent and severity of flood risk within the Tyne and Wear catchment area. This document will help to guide development towards areas of low flood risk and will help avoid unnecessary development within high flood risk areas, other than exceptional cases and support the development of planning policies and plans.	This document classifies the proposed development area as a High Flood Risk area. However, given the already developed nature of the area it is not thought that further development at the proposed level will worsen the hydrodynamic processes of the coastline and therefore the SFRA contains no aspects that will cause ‘in combination’ effects.
Local Transport Plan Tyne & Wear 2006 – 2011	The aim is to support and enhance regeneration and greater economic prosperity in the region through maintaining and improving linkages within and beyond the area, ensuring transport systems are safe and secure, improving efficiency of transport, and reducing the environmental impact of transport.	The Sunderland Strategic Corridor, linking the A19, the city centre and the docks, including the Sunderland Arc regeneration area is identified as a focus for growth over the next five years. The Core Strategy covers aspects of this development; possible impacts on the European sites are related to increased recreational use of the coast and possible disturbance of wildlife.
Regional Planning	Provides a vision and strategy to achieve sustainable	Implementation of the plan will be realised through

Plan/Document	Aim and purpose of the plan/document	Possible aspects of the plan that could contribute to “in combination” effects
Guidance for the North East (RPG1), November 2002	development of the NE region based on four themes: acceleration of the renaissance of the Tyne, Wear and Tees conurbations; provision of job opportunities and support of communities in the former coalfield areas; adaptation and revitalisation of the region’s town and city centres; and securing rural regeneration. The need for a strategic employment site north of Sunderland is identified. Targets for new housing and the generation of renewable energy are included.	documents produced by Sunderland City Council e.g. UDP Alteration No. 2 and this core strategy. No additional possible impacts are identified upon the European sites.
“Leading the way” Regional Economic strategy 2006 – 2016	Sets out priorities to achieving sustainable economic development. Includes targets for the creation of new jobs and businesses.	Plan includes recommendations for improvement to transport infrastructure, which could have knock-on effect on access to the coast and disturbance.
North East Tourism Strategy 2005-2010	Establishes ten objectives for promoting tourism in the North East area. The focus is on increasing visitor numbers, improving investment, improving the visitor experience conserving the region’s resources. Coastal areas are seen as a priority, together with improving transport links for visitors.	Increased recreational use of parts of the coast could lead to elevated levels of disturbance, particularly to bird populations, and damage to habitats.
Regional Spatial Strategy for the North East	Sets out a long-term strategy for the spatial development of the North East. Four objectives are identified: economic prosperity, sustainable communities, enhanced environment and improving connectivity. Economic development and development of retail opportunities in Sunderland are promoted. Targets for allocation of employment land and dwelling provision within the Sunderland area are also included. Other key elements include support for regeneration of the River Wear corridor, growth of the Port, development of small-scale urban windfarms, development of the Sunderland Strategic Transport Corridor and the Sunderland Southern radial route.	Sunderland City Council will achieve implementation of key areas through the LDF core strategy, UDP Alteration No. 2 and other policy documents. Main impacts on European sites could arise from increased disturbance and damage to coastal habitats arising from increased population numbers and better road access to the coast.
Marine and Coastal Access Act 2009	Sets out a vision for improving recreational access to the English Coast by introducing new powers to extend access to the English coast and enable the creation of a	Improved access or increased recreational use of remoter/sensitive parts of the coast could result in localised elevated levels of disturbance to wildlife, e.g.

Plan/Document	Aim and purpose of the plan/document	Possible aspects of the plan that could contribute to “in combination” effects
	continuous access route around the English coast.	bird populations, and damage to habitats. However, it is considered that the strategic level of this legislation, which facilitates better coastal access amongst other things, is unlikely to result in adverse effects along the Sunderland Seafront, which already has comprehensive public access.

Key:

	Objective for which no likely significant effects upon European sites are anticipated
	Objective for which likely significant effects upon European sites cannot be ruled out at this stage

## 6 Likely significant effects

### 6.1 Durham Coast SAC

The Durham Coast SAC is vulnerable to direct damage of habitat, e.g. from trampling pressure, but is considered to be located at a sufficient distance from the Marine Walk to be unaffected by the proposals.

It is unlikely that there will be impacts from the proposed development at Roker from increased numbers of visitors due to it being located at a suitable distance from the development area.

Works will be undertaken within the intertidal zone through the construction of stepped access to the beach. Works carried out in this area, should consider the possibility of contaminants entering the water column or transfer of contaminated sediments to areas of interest via longshore drift. To assess if contamination as a result of longshore drift will cause significant impacts it will be necessary to establish firstly if sediments are contaminated in areas of proposed works and also patterns of longshore drift off the Roker coast.

Measures have been set out in the SPD in order to reduce possible pollution events such as the installation of sustainable urban drainage systems (SUDS). Such measures would aim to reduce any impacts of pollution within the coastal zone.

Overall it is considered highly unlikely that the Marine Walk Masterplan will result in likely significant effects on the Durham Coast SAC.

### 6.2 Northumbria Coast SPA/Ramsar

Disturbance to bird qualifying features has been identified as a possible likely significant effect of the implementation of the Marine Walk Masterplan and “in combination” effects with other policies and plans (see sections 4.2.3, 4.2.4 and 4.2.5). Whilst purple sandpiper are most frequent and numerous in rocky habitats within the SPA boundary, turnstone and knot bird qualifying features are more likely to spend some of their time in adjacent intertidal habitats acting as ‘functional land’ outwith the SPA boundary. Turnstone and knot are therefore at risk of disturbance due to human activity at such locations. The level of activity and disturbance is likely to be enhanced due if more visitors are attracted to the seafront as a result of the environmental enhancements and attractions proposed in the Masterplan.

Sources of disturbance include work to upgrade the Promenade and Piers and other associated construction works to implement the Masterplan and as a result of increased usage of the area once the facilities have been completed, including the effects of alterations to or introduction of artificial lighting along the shoreline.

The impacts of artificial lighting on birds will be given consideration during the course of the detailed planning stage and lighting will be planned to minimise negative impacts on the bird qualifying features utilising the coastal area.

It is concluded that an increased level of disturbance to birds is considered likely to occur without appropriate mitigation.

### 6.2.1 Disturbance during construction

Implementation of the Masterplan will require a variety of engineering work including re-surfacing, installation of new features, and construction of new access points. All the areas to be affected are located away from Parson's Rocks, and therefore construction activities will not disturb roosting and feeding birds at this section of the SPA.

The works will take place above the high water mark, away from areas that are likely to be used by significant numbers of the bird qualifying features. To ensure that the risks of disturbance to non breeding birds is minimised, it will be necessary to examine detailed design plans on a case by case basis as they are developed. Appropriate mitigation measures for non breeding birds must be implemented to minimise any negative impacts.

### 6.2.2 Human disturbance as a result of the use of new facilities

It is often difficult to demonstrate that even high levels of disturbance impact adversely on bird populations, so a precautionary approach is often taken to manage the possible impacts from recreation<sup>23</sup>.

A variety of recreational activities currently take place along the coast, but the location of each is regulated through a zoning programme. Parson's Rocks are excluded from the use zones, and motorised and non-motorised activity is located at some distance from the Rocks. Greatest use of the coastal area for organised activities will be mainly confined to the summer months, minimising interaction between coastal users and the bird qualifying features, which mainly occur during autumn, winter and early spring.

The aim of the Marine Walk Masterplan is to improve the quality of recreational experience as well as increase visitor numbers. Other policies such as the North East Tourism Strategy also encourage use of the coast, but such use is likely to be predominantly focused on the summer months.

The Masterplan study area is situated away from Parson's Rocks, and so impacts upon birds in this area due to construction are considered unlikely.

Sunderland City Council already implements a Coastal Code<sup>24</sup>, which encourages responsible access and use of the coast. The Council's Countryside Team is independently conducting a review of zoning at the seafront which includes a dog prohibition zone informed by the recent winter bird study. The Council recognises that the winter months are the most critical for the bird interest along the coast, including SPA qualifying features (turnstone and purple sandpiper). The review of dog prohibition zone

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<sup>23</sup> English Nature, 1995

<sup>24</sup> The Coastal Code. Sunderland City Council.

will take into account Parson's Rocks and beach areas within 50m (to reduce noise disturbance from barking dogs) during the period 1 October - 31 Mar inclusive. This will help to avoid excessive disturbance to birds.

The Masterplan proposals include provision for interpretative signage, which will make users more aware of the bird interest of the area and how to minimise disturbance to it, e.g. by keeping dogs on leads near flocks of foraging or roosting birds, near important habitats / locations for birds, such as Parson's Rocks.

Artificial 'feature' lighting comprises one of the Masterplan proposals. Artificial lighting could impact upon the roosting and feeding behaviour of a range of bird species if insensitively located or via light spill into previously unlit intertidal habitats. The feature lighting is planned for localised non tidal habitats such as the Roker Ravine and Holey Rock corner. It comprises ground level lighting and illumination of key landscape features. The extent and nature of light spill onto the beach area will be a material consideration in the design of the lights, but it is unlikely to create any additional illumination of intertidal habitats above the present baseline level created by existing streetlights.

It is stated in the Masterplan that "the impact lighting will have on roosting birds will be considered when designing its position". This approach will act to minimise any potential effects of lighting on bird qualifying features.

## 6.3 Desk Study Data

### 6.3.1 Durham Bird Club

Bird data for the period 2006 to 2009 was obtained from Durham Bird Club. The data comprises anecdotal records of roosting and feeding by waders collected at sites along the coastline between Roker and Seaham. The data is shown in Table 3 below.

The data was not collected as part of a systematic survey and therefore cannot be considered as a comprehensive representation of how birds utilise the Sunderland coastline but is merely indicative of occurrence, abundance and distribution.

### 6.3.2 Wetland Bird Survey (WeBS)

As part of the desk study, data from the national Wetland Bird Survey (WeBS) was obtained from BTO for the count section between River Wear to South Bents (effectively covering then whole Sunderland Seafront). The WeBS is an independent, systematic and standardised national monthly monitoring scheme administered by BTO. The data obtained provided mean counts of birds, which is a more accurate measure of bird abundance. The standard analysis is to use five-year peak mean counts. However, for the River Wear to South Bents count section only three years of data are available at present and therefore some caution is required when assessing the mean count data. WeBS is not a comprehensive survey for some waterbird species due to varying constraints, e.g. survey coverage does not generally cover stretches of open coast but focuses on estuaries, reservoirs, lakes and ponds, and therefore data are unlikely to

represent a comprehensive count of the birds using this section of open coastline. Furthermore, WeBS counts are conducted on a specific date each month which coincides with a spring high tide during the day. The Survey does not therefore record low tide feeding distribution or nocturnal distribution, which is poorly recorded along the Sunderland coastline, if at all.

The WeBS scheme has identified that the national and north east regional populations of turnstone and purple sandpiper have declined in recent winters. The reasons for this are unclear but climatic factors have been implicated. However, any development should endeavour to prevent or mitigate any “in combination” effects on these species.

To assist in addressing this deficiency and to inform Appropriate Assessment through early consultation with Natural England, Sunderland City Council commissioned Argus Ecology Ltd to undertake a non breeding bird survey of the Sunderland seafront, including the Marine Walk Masterplan development area, to inform HRA and enable adequate mitigation to be incorporated into the Masterplan to avoid likely significant effects on Northumbria Coast SPA bird qualifying features. This work is detailed in section 6.4.

### 6.3.3 Purple Sandpiper

The data provided by DBC and BTO identified several feeding and roosting areas along the Sunderland coastline that are outside of the Northumbria Coast SPA but which are used by waders during the winter period. The records show that Sunderland Harbour provides feeding and roosting habitat for purple sandpipers. Purple sandpiper is a qualifying feature of the Northumbria Coast SPA. However, the Durham Bird Club data indicates that there are only low numbers of this species feeding and roosting around the area of Marine Walk, Roker. All the purple sandpiper records provided by the Durham Bird Club for Roker and the surrounding area are ranked by number of birds in descending order in Table 3. The birds recorded within these areas are also shown as a percentage of the total number of birds within the Northumbria Coast SPA.

Even though numbers of purple sandpiper appear low this does not mean that this area is not an important feeding and roosting resource for these birds as birds tend to disperse to obtain suitable feeding and roosting resources and the species concerned typically occur at low density over wide areas. The numbers using the area may therefore make up part of other smaller groups that have dispersed along the coastline and are therefore part of a larger important population.

*Table 3. Purple sandpiper records collected by Durham Bird Club at sites along the Sunderland coast from 2006 to 2009, ranked in descending order*

Site	Numbers of Purple Sandpiper	% Northumbria Coast SPA Population (787)	Date
Sunderland Harbour	16	2.0	28/12/2009
Seaham	9	1.1	05/04/2006
Salterfen Rocks	8	1.0	16/04/2006
Roker and Harbour	8	1.0	12/02/2006

Salterfen Rocks	7	0.9	06/01/2009
Roker and Harbour	7	0.9	15/01/2006
Salterfen Rocks	6	0.8	21/04/2007
Roker North Pier – Feeding on rocks	5	0.6	14/11/2007
Sunderland North Dock/Roker Beach – On the new south pier	3	0.4	05/01/2008
Roker Beach	3	0.4	12/03/2006
Sunderland North – Dock/Roker Beach – on the small beach at the south of the North Pier	1	0.1	31/12/2007

Small numbers of purple sandpiper use the area around Roker for feeding and roosting with a maximum count of 16 at Sunderland Harbour on 28 December 2009 over the period between 2006 and 2009. There are no extensive stretches of suitable habitat for these birds along the seafront at Roker. There are small areas of rock outcrop, however these areas would not be able to support significant numbers of the bird qualifying features. To address how important the small areas of rock outcrop are for birds a bird survey has been undertaken (see section 6.4). There is an existing, but at present not quantified, level of human disturbance along this stretch of coast. However, even in the absence of disturbance this section of coastline provides very limited feeding and roosting habitat for purple sandpiper but slightly greater potential for turnstone due to its more catholic choice of habitat.

Furthermore, WeBS records from River Wear to South Bents (Table 4) support that there are low numbers of purple sandpiper utilising this stretch of coast. For example, count numbers remained small from 2004 to 2007, reaching a maximum of 8 during the winter period of 2005-2006.

*Table 4. WeBS count data for purple sandpiper from 2004 to 2007, provided by Durham Bird Club for the areas between River Wear to South Bents. .*

Date	Oct	Nov	Dec	Jan	Feb	Mar	Apr
2004-2005	-	4	3	-	-	3	-
2005-2006	-	1	8	7	8	3	-
2006-2007	-	2	-	-	-	-	-

### 6.3.4 Turnstone

Records from the Durham Bird Club show that turnstone use this section of coast in a similar way as purple sandpiper. Both species use rocky shore habitat for feeding and roosting, but turnstone will also utilise a wider variety of habitats such as beaches, shingle, jetties, piers, docks and amenity grassland. Numbers of turnstone recorded by the Durham Bird Club are slightly higher than those recorded for purple sandpiper. All turnstone records provided by the Durham Bird Club for Roker and the surrounding area are ranked number of birds in descending order in Table5.





Table 5. Turnstone records provided by Durham Bird Club from 2006 to 2009 ranked in descending order.

Site	Numbers of Turnstone	% Northumbria Coast SPA population (1739)	Date
Sunderland South Pier	100	5.8	11/02/2006
Sunderland North Dock/Rocker Spread around both north and south piers and also new south pier	40	2.3	05/01/2008
Sunderland Harbour	40	2.3	20/02/2007
Roker Beach	35	2.0	29/08/2006
Sunderland Harbour	33	1.9	28/12/2008
Salterfen Rocks	30	1.7	06/01/2009
Sunderland North Dock/Roker Beach	30	1.7	24/01/2008
Roker and Harbour	30	1.7	12/02/2006
Sunderland North Dock	28	1.6	29/12/2007
Roker and Harbour	27	1.6	08/04/2006
Sunderland Harbour	25	1.4	20/12/2008
Sunderland: North Dock/Roker Beach spread about the harbour area	20	1.2	31/12/2007
Hendon	17	1.0	30/01/2009
Sunderland North Dock/Roker Beach	14	0.8	01/01/2009
Roker north pier	9	0.5	14/11/2007
Sunderland north pier	8	0.5	07/01/2009
Roker	6	0.3	09/09/2006
Sunderland Glass Centre	2	0.1	07/01/2009
Sunderland Glass Centre	2	0.1	11/12/2008
Seaburn Links	2	0.1	11/12/2008

WeBS records in Table 6 for Turnstone from River Wear to South Bents show similar activity levels from 2005-2007.

Table 6. WeBS count data for turnstones from River Wear to South Bents, 2004 to 2007, provided by Durham Bird Club.

Year	Oct	Nov	Dec	Jan	Feb	Mar	Apr
2004-2005	112	19	19	48	1	11	7
2005-2006	7	21	35	14	30	3	27
2006-2007	11	24	6	-	-	-	-

The Northumbria Coast SPA is designated partly for its internationally important population of overwintering turnstone with a 5-year mean peak count of 1,739 birds.

## 6.4 Non breeding bird survey to inform this assessment

### 6.4.1 Introduction

The Habitats Regulations Assessment screening report for the Marine Walk Masterplan (Scott Wilson January 2010) identified a deficiency in ornithological data for the Sunderland Seafront, specifically data on bird foraging distribution and usage of intertidal and adjacent non tidal habitats. To address this deficiency and to inform Appropriate Assessment, Sunderland City Council commissioned Argus Ecology Ltd to undertake a non breeding bird survey of the Sunderland seafront, including the Marine Walk Masterplan development area, to inform HRA and enable adequate mitigation to be incorporated into the Masterplan to avoid likely significant effects on Northumbria Coast SPA bird qualifying features.

This section provides a summary of the survey and its main findings and the likely significant effects based on desk study and bird survey data.

The survey was undertaken using Wetland Bird Survey methodology with monthly bird counts from selected vantage points along the coast between May 2010 and March 2011. The full bird survey report including bird distribution maps forms Appendix 3 to this report.

### 6.4.2 Results

#### **Purple sandpiper**

Maximum counts of purple sandpiper were ten in February, eight in November and six in January. Numbers varied between monthly counts with no birds recorded between May and September.

The number of birds varied between vantage points with the species most consistently recorded at Parson's Rocks during high and low tide and on or very close to the piers at high tide or Roker Rocks at low tide.

#### **Turnstone**

Maximum counts of turnstone were 52 in October, 27 in December and 24 in September. Numbers varied between monthly counts with birds recorded in every month between August and March, but absent between May and July.

The number of birds varied between vantage points with the species most consistently recorded at North Pier, Parson's Rocks and Whitburn Steel during high and low tide, with the piers or nearby intertidal habitats, including Roker Rocks, used more at low tide.

#### **Disturbance to birds**

The Sunderland seafront is a popular area for visitors and it was no surprise that recreational activities were by far the greatest sources of disturbance to birds in the

survey area. The existing level of disturbance is described as moderate to high with different types of activity creating different levels of disturbance. Some activities were more localised (e.g. angling from the piers) and therefore created more localised disturbance than other activities, e.g. dog walking which was widespread in the intertidal zone. The temporal nature of disturbance also varied with activity type, whereby angling caused prolonged (but localised) displacement to birds, whereas dog walking caused frequent, short term disturbance and displacement incidents, often repeated in many locations and cumulatively affecting wide areas of intertidal habitat, including Parson's Rocks. This corroborates Natural England's site condition monitoring report for Unit 13 of the Durham Coast SSSI (i.e. Parson's Rocks), which states "The only negative factor on the unit was the amount of dog walking occurring on the accessible parts of the unit. The birds are forced to the seaward edge of the rocky shore so the amount of useable habitat during these times is reduced."

Other recreational/commercial activities causing disturbance to birds comprised surfing and kite surfing, mountain biking, horse riding, bait digging, shellfishing and seaweed collecting. Occasional disturbance was also caused due to the removal of seaweed/debris and re-profiling of beach sediments by tractors. Removal of seaweed has the secondary affect of reducing food resources for birds which feed on invertebrates living in the decaying seaweed.

### **Summary of results**

Overall, the number of purple sandpiper and turnstone recorded during the bird survey agree with the counts recorded by Durham Bird Club (DBC).

To a large extent, the distribution of bird records of these two species also match records from DBC with birds recorded on rocky outcrops at Whitburn Steel, Parson's Rocks, Roker Rocks and the two piers. Purple sandpiper was not recorded away from rocks or piers. Neither species were recorded along open stretches of beach at Roker or Whitburn Sands.

The record of turnstone foraging with other wetland birds on amenity grassland at Roker Cliff Park reinforces this species capacity to use such habitat and reflects its broader choice of foraging habitat compared with purple sandpiper.

Existing levels of human disturbance was clearly a factor in affecting temporal and spatial bird distribution.

### **6.4.3 Likely significant effects**

This study has identified potential impacts on the bird qualifying features of the SPA and appropriate mitigation measures have been formulated to reduce potential impacts. These are discussed in section 7.

The seafront is a popular location to visit and that the aims of the Marine Walk Masterplan are to make the area more attractive to people through boosting local businesses and attracting more people by providing services, activities and events.

Given the existing level of disturbance to birds along the Sunderland seafront during winter, it is likely that many birds cannot forage for very long periods before being disturbed or displaced. It is a fair assumption that the abundance of birds using the Sunderland seafront may be depressed by the existing level of human disturbance. It is reasonable to expect that the development of visual/aesthetic enhancements, or additional visitor attractions/businesses, in the area will at very least maintain the current level of visitation and disturbance and will likely enhance the number and frequency of visits and corresponding levels of disturbance at any one time.

The effects of disturbance and displacement to SPA qualifying features and other birds are therefore likely to increase in the future. However, it is likely that most visitors and tourists will occur during the summer which is outwith the most sensitive period for birds. Notwithstanding this, the management of seafront visitors and activities particularly during the winter is therefore very important in order to mitigate the impacts of their activities on bird qualifying features and the integrity of the European site.

## 7 Mitigation measures

The non breeding bird survey has highlighted the existing moderate to high level of disturbance to birds along Sunderland seafront, particularly during the sensitive winter season. Given this existing situation and the likelihood that the regeneration of the seafront, together with general planning policy promoting access to the coast will ultimately attract more visitors to the seafront, a degree of mitigation is required to control access and certain activities particularly in sensitive locations.

It is recognised that Marine Walk and the Sunderland seafront in general effectively lies adjacent to the conurbation of Sunderland and as such is always going to be subject to higher numbers of visitors and disturbance. Furthermore it would be extremely difficult if not impossible without the permanent presence of a site warden to prevent people disturbing birds at sensitive locations. As this option would be commercially unfeasible, passive management of public access and recreational activities in certain areas at certain times must be adopted in order to reduce impacts on the most sensitive habitats and reduce disturbance to birds. The following management is to be adopted:

- As part of the Interpretation Trail, interpretive signage is erected at Parson's Rocks and near Roker Rocks, perhaps on the roof of the North Pier, explaining the importance of the habitats for wintering birds and showing the paintings of the species concerned at information about their ecology relevant to the location.
- Directive signage requesting people do not walk over or allow their dogs to run uncontrolled over these sensitive locations and avoid undertaking disturbing activities such as mountain biking, dog walking or general walking/commuting over Parson's Rocks or Roker Rocks during winter.
- Artificial lighting at Roker Ravine, Holey Rock Corner and Roker Pods will be controlled (as described in the Bird Survey Report – Appendix 3) to prevent direct illumination or incidental light spill over intertidal habitats by avoiding pointing lights towards intertidal areas and where necessary by fitting cowls / shields to lights closest to the beach.
- New developments that may arise under the Masterplan which are not currently known may require further professional ecological opinion and assessment. Should this circumstance arise, the Council will consult with a professional ecologist where considered relevant.

## 8 Summary and Conclusions

Two European sites lie in the vicinity of the Marine Walk Masterplan; Durham Coast SAC and Northumbria Coast SPA / Ramsar site.

No significant impacts upon the Durham Coast SAC are likely owing to the nature of the Marine Walk Masterplan proposals and the distance between the SAC and Marine Walk.

No direct impacts on the habitats of the Northumbria Coast SPA / Ramsar site are likely as no development will occur in the intertidal zone.

Likely significant effects upon the bird qualifying features of the Northumbria Coast SPA / Ramsar site have been considered in more detail. A likely significant effect on the bird qualifying features cannot be ruled out due to increased disturbance from a greater number of visitors along the seafront a proportion of whom will access the intertidal zone for recreational or commercial purposes. Of particular concern is the existing extent and frequency of dog walking, particularly during winter, and the potential for this activity to increase with visitor numbers.

Although purple sandpiper and turnstone are mainly present between September and April<sup>25</sup>, outwith the main tourist season, disturbance during winter can be significant in terms of winter survival, particularly disturbance during periods of cold weather.

The main areas where increased visitation is likely to occur are along the promenade and street areas away from intertidal habitats and some distance from Parson's Rocks, the closest area of the SPA. However, the nature of recreational activities are such that often open spaces such as beaches and intertidal habitats are sought (as evidenced by a mountain biker on Parson's Rocks) or are transited to reach the sea (e.g. surfers) or other areas (e.g. horse riding/dog walking) and therefore many recreational activities can result in far reaching disturbance.

Bird qualifying features use the neighbouring intertidal and pier habitats at Roker (which acts as 'functional land' for the SPA) for foraging and roosting. Increased disturbance to birds would affect the temporal distribution of birds in the Masterplan zone of influence and locally may limit the size of local bird populations in the area. The level of disturbance to birds is already high enough to be causing a likely significant effect on bird qualifying features. However, given that the Masterplan area is small in relation to the geographical extent of the SPA it is unlikely to be having a likely significant effect on the overall SPA bird populations.

Given the type and scale of developments proposed in the Marine Walk Masterplan, and given the high levels of human disturbance that already occur and will continue in the area, irrespective of the Masterplan, it is considered unlikely that the Masterplan alone or in combination will adversely affect the integrity of the European site.

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<sup>25</sup> The bird survey did not cover April, but it would be expected (as supported by DBC data) that both purple sandpiper and turnstone would occur during April (either remaining wintering birds and/or passage migrants from further south).

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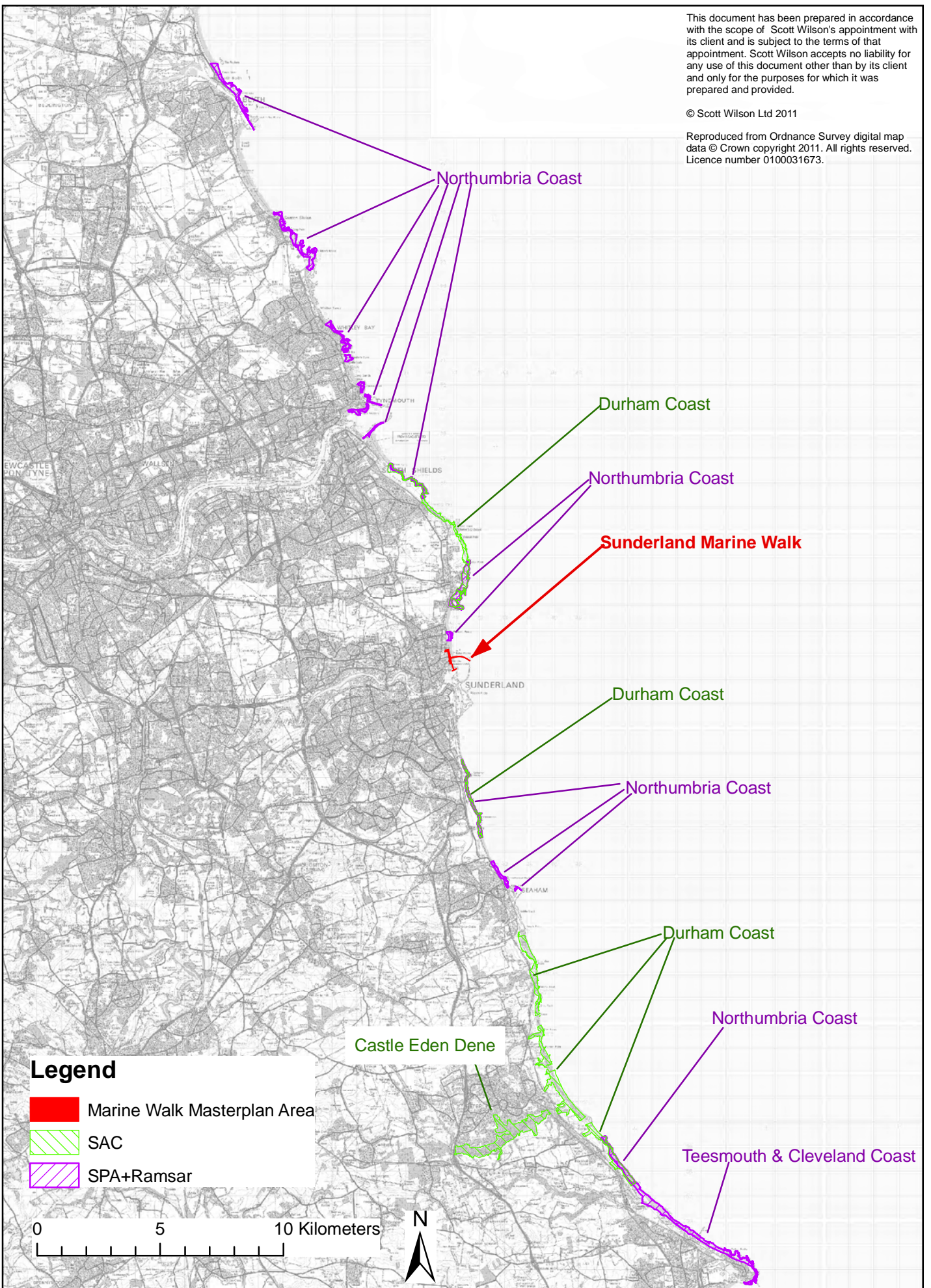
## Appendix 1

Figure 1. Location of Marine Walk Masterplan in relation to European sites

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Project Title <b>SUNDERLAND MARINE WALK AA</b>	<b>FIGURE 1</b>		
	Scale at A4: 1:200,000		
Drawing Title <b>EUROPEAN DESIGNATIONS IN WIDER AREA</b>	Drw: ND	App: SG	Rev:
	Chk: SG	Date: 05.04.2011	Date:





## Appendix 2

### SPD, DRAFT SEA & AA SCOPING Consultation Responses October - December 2009

Consultation Authority	Section / Paragraph	Comments	Response/Action – Agree/Disagree
Green Party	General	Made no comments relating to the Appropriate Assessment	
Environment Agency		Lighting used as part of the Strategy implementation to ensure that issues such as fear of crime, safety and aesthetics are addressed should also consider the potential detrimental impact on wildlife and their habitats.	The impact of lighting on the notified features of interest of the Natura 2000 sites has been considered within the screening report at this stage and recommendation of mitigation measures have been proposed to reduce any impact. However, these are factors that would be considered at the detailed design stage rather than at the plan stage as it currently stands.

Consultation Authority	Section / Paragraph	Comments	Response/Action – Agree/Disagree
		<p>The potential for disturbance to these areas should form an important element of the proposals set out in the Strategy for each site.</p>	<p>Areas important to the bird species of notified interest for the Northumbria Coast SPA have been identified by obtaining bird records from the Durham Bird Club. Impacts of disturbance on feeding and roosting birds for these areas have been considered and recommendations for mitigation measures have been discussed within the report. However, these are factors that would be considered at the detailed design stage rather than at the plan stage as it currently stands.</p>
		<p>Potential for previously contaminative uses should be investigated on a site-by-site basis, and where necessary, addressed in line with the pre-cautionary approach PPS23: Planning and Pollution Control due to the sensitive location of the area within the SPA and Ramsar site.</p>	<p>Recommendations for best practice and reference to PPS23: Planning and Pollution Control is made within the screening document to ensure good site management and mitigation which would minimise the risk of detrimental impacts occurring at the detailed design stage.</p>
		<p>Reference is made to linkages between the built and natural environment where the two compliment each other. The EA recommend that potential conflicts between the built and natural environment as a result of the proposals are fully explored and addressed within the SPD.</p>	<p>It is felt that the AA screening report explores all potential impacts as a result of implementation of the Masterplan</p>
		<p>The issue of potential disturbance by increased use of the beach by dog-walkers should the proposals be implemented is not addressed within the SPD.</p>	<p>It is not thought that there will be an increase in the number of dog walkers as a result of implementation of the Masterplan. Disturbance is likely to increase during the summer as more people will be attracted to this area. However, it is unlikely that levels of disturbance will increase during the winter months.</p>
		<p>The Appropriate Assessment does propose a green corridor to mitigate potential conflicts between the built and natural environment, and this is an option that should be investigated fully.</p>	<p>Provision of a green corridor is not proposed in the Appropriate Assessment Screening report.</p>

Consultation Authority	Section / Paragraph	Comments	Response/Action – Agree/Disagree
Natural England	General	In response to the HRA, NE recommend a bird a bird study of the area, this study should also inform pod design if any conflict is identified.	Bird data has been obtained from the Durham Bird Club. This data includes WeBS data from 2005-2007 in addition to observations reported to the bird club form 2006 to 2009 at important feeding and roosting sites along the Sunderland coast. This information has been incorporated into the report in order to assess any potential effects of disturbance on birds at the planning stage.
	6.1	NE suggest that the text for the HRA to read “the function of the Habitats Regulation Assessment is to enable the Planning Authority to ascertain that no adverse effect on the integrity of a European site will result from implementation of the plan or project” rather than “to ensure the Masterplan will not negatively impact on sites of international nature conservation importance”	Agreed
	5.4 Roker Pods	We would initially expect any adverse impact of these pods as illustrated to be minimal but would recommend that detailed design, placing and use takes account of use of the area by important and protected birds. In our response to the HRA (Annex 3) we recommend a bird study of the area, this study should also inform pod design if any conflict is identified.	These are factors that would be considered at the detailed design stage rather than the plan stage as it stands currently. Clarification that this approach will be taken should be clarified in the text.
	<b>Comments on AA 1.2</b>	Refers to both the Marine Walk Master Plan and the Seafront regeneration Strategy but it is not clear what the relationship is between the two documents, either here or within the two documents. NE would look to see the Assessment of the Seafront Master Plan at this stage, for consideration with the consultation draft. Each document should be recognised in the other as ‘other plans and projects’	Paragraph will be written to explain relationship.
	3.2.2	Damage to habitats – relates to dumping and burning. The site assessments specifically refer to littering and bonfires.	This wording has been altered in the text.

Consultation Authority	Section / Paragraph	Comments	Response/Action – Agree/Disagree
	6.1 Sustainability	Pollution should recognise chemical and biological contamination and sediment load, which carry in longshore drift to impact on interests away from the study area. This would be particularly relevant should any alterations be made to the sea wall frontage.	The potential impact on the Natura 2000 sites and notified features of interest from chemical and biological contamination and sediment load has been discussed in the screening report. Consideration of these potential impacts will be considered further during the detailed design stage.
		Figure 1 does not show the relationship to sites south of the study area, i.e. areas which might be impacted by long shore effects.	Map has been amended to show full extent of areas that may be impacted by long shore effects.
		NE are concerned that this assessment confines consideration to the designated areas of the European sites within the study area. The assessment does not address areas of functional importance to the integrity of the sites such as any inland feeding and roosting sites used by birds. This should be recognised as Turnstones are likely to feed on amenity grasslands.	Information from the Durham Bird Club on feeding areas on inland sites has been incorporated into the report to highlight areas that may be important to feeding turnstones, for example.
	Section 4	Plan analysis should recognise the nature of the foreshore areas as this relates to the use of the area by wintering birds, i.e. how rocky shore and sandy shores are used differentially and how these will be affected by the proposals for development and access. This is not demonstrated in the assessment of the regeneration strategy itself.	The foreshore habitat has been assessed in the screening report for its importance for feeding and roosting birds from the SPA. Records from the Durham Bid Club have been used to assess the use of the notified bird species of interest along this stretch of coastline and potential impacts at the planning stage have been considered.
	Section 5 – Table 2	Need to include projects including planning applications and granted permissions with likely significant effect, alone or in combination, on the integrity of the sites, both within and outwith the current plan area. As the screening document for assessment of the Marine Walk master plan this table should include the ‘Seafront Regeneration Strategy’ as a separate document.	A review of current applications was considered. There was none that were applicable. The Seafront Regeneration Strategy was reviewed as a separate document.

Consultation Authority	Section / Paragraph	Comments	Response/Action – Agree/Disagree
	Table 2	Table 2 has identified a number of issues that could contribute to in combination effects however the Appropriate Assessment stage of the Habitats Regulations Assessment has not addressed all these, in particular it is not recognised that increased access in the master plan area could result in increased access to the SPA areas outwith the study area, this should be addressed and any necessary solutions embedded in the plan.	
	<b>Significance of effects AA stage</b>	Durham Coast, should consider any effects from release of sediments along the coast as part of construction and use of development.	Recommendations for best practice and reference to PPS23: Planning and Pollution Control is made within the screening document to ensure good site management and mitigation which would minimise the risk of detrimental impacts occurring at the detailed design stage.
	6.2.1	Avoidance of disturbance of wintering birds due to construction need not be onerous. Studies can be carried out to determine any sensitive areas where construction should be times according to sensitivity. Timing of works should also recognise impacts on any birds breeding in the area (protected under Wildlife and Countryside Act 1981, as amended, rather than subject to the Habitat Regulations) and birds for which the SSSI is notified, it is important that all aspects are integrated in establishing the Masterplan and unnecessary constraints can be avoided.	Bird data has been provided by Durham Bird Club and this has been used to determine sites along the coastline that are important for feeding and roosting birds outside of the SPA. These sites are discussed in the screening report in addition to mitigation to avoid disturbance during construction work.
	6.2.2	Studies of bird use of the area before proposals are finalised and developed should be used to identify likely disturbance including use of wind power generation, lighting of the area and areas sensitive to recreational use.	It has been stated in the screening report that bird surveys are recommended at the detailed design stage and this will help to inform mitigation measures to reduce/prevent significant impacts.





Consultation Authority	Section / Paragraph	Comments	Response/Action – Agree/Disagree
		<p>This refers to the coastal code including dog prohibition areas during the summer months; this does not resolve the issue of critical disturbance to feeding and roosting birds during autumn and winter.</p>	<p>It is not thought that the Marine Walk Masterplan will increase the level of disturbance already experienced along marine walk during the winter months as plans are for summer month activities and this will not affect the wintering bird population. This is discussed further in the screening report. However, it has been recommended that signs are put up in the area to encourage dog owners to practice responsible dog ownership during the winter months in order to minimise any potential disturbance to over wintering birds.</p>
	7.2	<p>The conclusion as stated is not clear and does not show that the council has ascertained that this SPD will not result in an adverse effect on the integrity of a European Site. Until this is established the SPD cannot be adopted.</p>	<p>The information from the Durham Bird Club has been incorporated into the report and this has allowed the site to be assessed for its importance for over wintering birds. It is felt that at this stage there is adequate data to allow conclusions to be drawn for potential impacts at the planning stage.</p>

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**Sunderland City Council**

**Marine Walk Masterplan and SPD**

Scoping for an Appropriate Assessment

Comments from Natural England December 2009

1.1.5 I am concerned that the process is not correctly described. Please refer to: '**Assessment of plans and projects significantly affecting Natura 2000 sites Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC**'

[http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

ie: Stage 1 - *Screening* both identifies if there is likely to be an impact on the site, and the determination if any likely effect, alone or in combination with other plans and projects, will be significant, and thus a Likely Significant Effect (LSE). [If no LSE are identified there is no need to progress to stage 2 but a reasoned and justified report of stage 1 must be completed to demonstrate how the Authority is able to ascertain no adverse effect on integrity of a European site.]

Stage 2 – *Appropriate Assessment* considers the impact (LSE) on the integrity of any European site, with regard to its conservation objectives. Where adverse effects are recognised mitigation is assessed.

Stage 3 - *Assessment of alternative solutions*

As the process with regard to LDF documents may not proceed to stage 2 it avoids confusion to refer to the process as Habitats Regulation Assessment (HRA) rather than AA which is only one stage of the process.

Table 1

Apologies if Conservation Objectives for Durham Coast have not been provided previously I have copied the exiting document as Annex 1.

4.2.4 Welcome the recognition to determine if contaminated sediments might be released from development of the plan area and how this may be carried by longshore drift. If this is likely the AAP must ensure that contaminated sediments are contained.

5 Consideration of "in combination" effects should recognise other plans likely to affect the integrity of the identified European sites (not just within or close to the current plan area) and should thus consider plans and projects in Northumberland, Tyne and Wear, Durham and Tees Valley. To this end it is valuable to look at HRA screening / reports for plans and projects in these areas and consider the LSEs identified which could contribute to an 'in combination' effect.

6.2 Should also address access to the foreshore from the master plan area resulting in access to and thus disturbance of SPA species along the coast. How far people travel along the foreshore from point of access should be considered recognising that access with dogs along the coast can be particularly significant in disturbing birds feeding and roosting in winter. It is not clear in 6.2.2 if it is intended or recommended to exclude dogs from sensitive areas in winter, keeping dogs on leads may not prevent disturbance.

That existing levels of dog walking keep feeding or roosting numbers low should be addressed if possible to secure feeding and roosting areas for these important species, rather than cited as a reason why the area is not of importance.

Some clarification may be useful here. It is not relevant to directly compare the numbers of turnstone and purple sandpiper using the area as the population sizes in the UK and Europe are distinct; this is indicated in the SPA qualification reasons:

"Purple Sandpiper *Calidris maritima*, 763 individuals representing at least 1.5% of the wintering Eastern Atlantic - wintering population (5 year peak mean 1991/2 - 1995/6)

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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)"

Population numbers also vary with time, with tide, across the season and from year to year. Ranking by absolute numbers is not necessarily appropriate and the report does not explain the relevance of including this information.

The report goes on to state that the birds at Marine Walk Roker do not comprise a significant proportion of the numbers found in the SPA, It must be clear that this does not mean they can be disregarded as many areas within the SPA may support similar numbers and 'in combination' contribute to the significance and integrity of the European site.

7 summary recommends that mitigation measures are implemented. These should be set out and embedded in the AAP to secure delivery before the Authority can ascertain no adverse effect on the integrity of the European sites will result.

#### 8 Conclusions and Appropriate Assessment

Where LSE have been identified the Appropriate Assessment (stage 2) should be carried out in advance of summary and conclusions and provide more detailed assessment of relevant issues. The conclusion suggest the creation of new areas of suitable habitat, the feasibility of this is not addressed and, if it is possible, such measures must be in place before any development commences and should be secured in the Masterplan. These issues should be addressed more fully in an earlier Appropriate Assessment stage rather than introduced in the closing paragraphs of the Report.

8.2 concludes that no significant impacts are likely to result. This does not concur with the need for mitigation identified in 7 Summary, when as commented above the mitigation has not been set out and embedded in the Masterplan.

This opinion is based on the information provided by you, and for the avoidance of doubt does not affect our obligation to advise on, and potentially object to any specific development proposal which may subsequently arise from this or later versions of the plan or programme which is the subject of this consultation, and which may despite SA/SEA and HRA have adverse effects on the environment.