

From: Ann Deary Francis, Ecologist

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To: Rennington Parish Council, Neighbourhood Planning Team

cc: David Feige, Environment and Design Team Manager and County Ecologist

Habitats Regulations Assessment Screening Advice, Rennington Neighbourhood Development Plan 2024-2036, Regulation 14 Draft Plan and Policies.

Thank you for the request to provide Habitats Regulations Assessment (HRA) Screening Advice for the Rennington Neighbourhood Development Plan 2024-2036, Regulation 14 Draft Plan and Policies.

I previously advised that Appropriate Assessment would be required and therefore Strategic Environmental Assessment would also be required.

Mitigation is required within the plan for likely significant impacts on European Sites, namely the Northumbria Coast Special Protection Area and the North Northumberland Dunes Special Area of Conservation.

The draft plan mentions that the required mitigation (contribution to the Coastal Mitigation Service) is included in the Northumberland Local Plan and there is no need for the inclusion of a specific policy within the Neighbourhood Plan. However, a protection measure in a higher-level plan cannot be relied upon in Habitats Regulations Assessment for a specific plan, and this has been confirmed with reference to the Habitats Regulations Assessment Handbook and Natural England.

- 1.1 The Parish Council are leading the preparation of a neighbourhood development plan (the Plan) to provide locally specific planning policies intended to address issues identified as being important to the local community, particularly where those issues are perceived as not being adequately addressed through existing planning policies.
- 1.2 As the 'competent authority' under the Conservation of Habitats and Species Regulations 2017 (the Regulations) Northumberland County Council is required to assess development plans through the HRA process. The purpose of a HRA is to assess possible effects of development plans on the nature conservation interests of sites designated under the Habitats and Wild Birds Directives. These sites consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and also include Ramsar Sites. The integration of the HRA process as part of the preparation of development plans is fundamental to the plan making process as policies in the plan can potentially affect designated sites.
- 1.3 HRA is an iterative process and the remaining stages will be completed alongside and will inform preparation of the Plan. **This is a screening opinion to ensure that any changes required can be made to the plan to facilitate the next stages of assessment under the Regulations and consultation with Natural England.**

1.4 How do we do this?

The HRA report will detail the reasons for the site(s) being designated (the interest features), Natural England's current assessment of the site condition and conservation objectives (including supplementary guidance where provided)¹ and consider the impacts on the site(s) of the Plan alone and in combination with other plans and projects.

1.5 The Council has adopted the following assessment methodology to meet the requirements of the Habitats Directive:

Stage One – Screening

This comprises an initial analysis to determine whether the Neighbourhood Plan is likely to have a significant effect on any European sites. The Neighbourhood Plan will require appropriate assessment unless it is certain that it will not have a significant effect on any European sites.

Where there is a credible risk of an effect and in the absence of objective evidence demonstrating that there will not be it has to be concluded that there is a likely significant effect.

- Stage 1A: Identification of European sites relevant to the assessment, and analysis of them in terms of reasons for designation, factors affecting their integrity and trends affecting them.
- Stage 1B: Identification of underlying trends that could affect the integrity of sites.
- Stage 1C: Analysis of the Neighbourhood Plan objectives, proposals and proposed policies in terms of their possible adverse effects on the integrity of European sites, examination of options and alternatives to avoid or reduce these effects.
- Stage 1D: Identification of other plans and projects relevant to the assessment, to identify any likely in-combination effects. Article 6(3) of the Habitats Directive requires that plans and projects likely to have a significant effect on a European site alone *or in combination with other plans or projects* shall be subject to appropriate assessment.

The ruling of the Court of Justice of the European Union in case C-323/17 *People over Wind* given in April 2018 has had a profound effect on the approach to screening. Prior to this ruling it was established practice to take account of mitigation measures included in a plan or project when determining if that plan or project was likely to have a significant effect. However, paragraph 40 of the ruling states that:

Article 6(3)... must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerning, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site'

Accordingly, the benefit of measures intended to avoid or reduce the harmful effects of a plan or project must be disregarded when determining whether it is likely to have a significant effect on a European site.

Stage Two – Appropriate Assessment

Determination of whether any proposals or policies in the Neighbourhood Plan identified at the screening stage as having a likely significant effect would have an adverse effect on the integrity of any European sites, in view of the conservation objectives for those

¹ <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx>

sites and the nature of the likely significant effect that has been identified. Modifications to those proposals or policies are identified to avoid any adverse effects on site integrity.

1.7 Coastal Mitigation Service

The Northumberland Coast is of national and international importance for its wildlife. This includes a wide range of wading birds and wildfowl (ducks, geese and swans) that pass through on migration each spring or autumn or spend the winter there before returning to arctic breeding grounds; little terns and arctic terns that nest on beaches in the north of the county; and the diverse plant communities found on its sand dunes. Areas of the coast of national importance for their bird populations or plant communities are protected through designation as Sites of Special Scientific Interest (SSSIs), and areas of international importance are also designated as Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). Dune grasslands of international importance are designated as Special Areas of Conservation (SACs).

When considering planning applications for new development or assessing plans, Northumberland County Council is obliged to consider impacts on these specially protected areas.

For internationally important sites the Council is obliged to fulfil the strict requirements set out in the Conservation of Habitats and Species Regulations 2017, ensuring that adequate mitigation is provided for any impacts that a development is likely to have on them, alone or in-combination with other plans or projects.

This legislation is precautionary in nature, and so an impact must be assumed unless it is beyond reasonable scientific doubt that there will not be an impact.

New development can have a range of impacts on these protected areas, but one that is likely to arise from all new housing or tourist accommodation is increased disturbance to the bird species that are their special features, arising from increased recreational activity on the coast. Increased foot passage through the dunes also causes the spread of a non-native invasive species called pirri-pirri bur.

It is the responsibility of the developer to provide the required mitigation for their development. However, this can be especially difficult for developers to achieve for impacts arising from recreational activity on sites outside the developer's control and which people have a right to access and an understandably strong desire to access, such as the coast.

Northumberland County Council has been working with Natural England to review its approach to the assessment and management of impacts arising from new development on specially protected sites on the coast, and has determined that the only realistic way to address the impacts of recreational activity on designated sites on the coast is through a strategic scheme funded by developers and implemented by the Council.

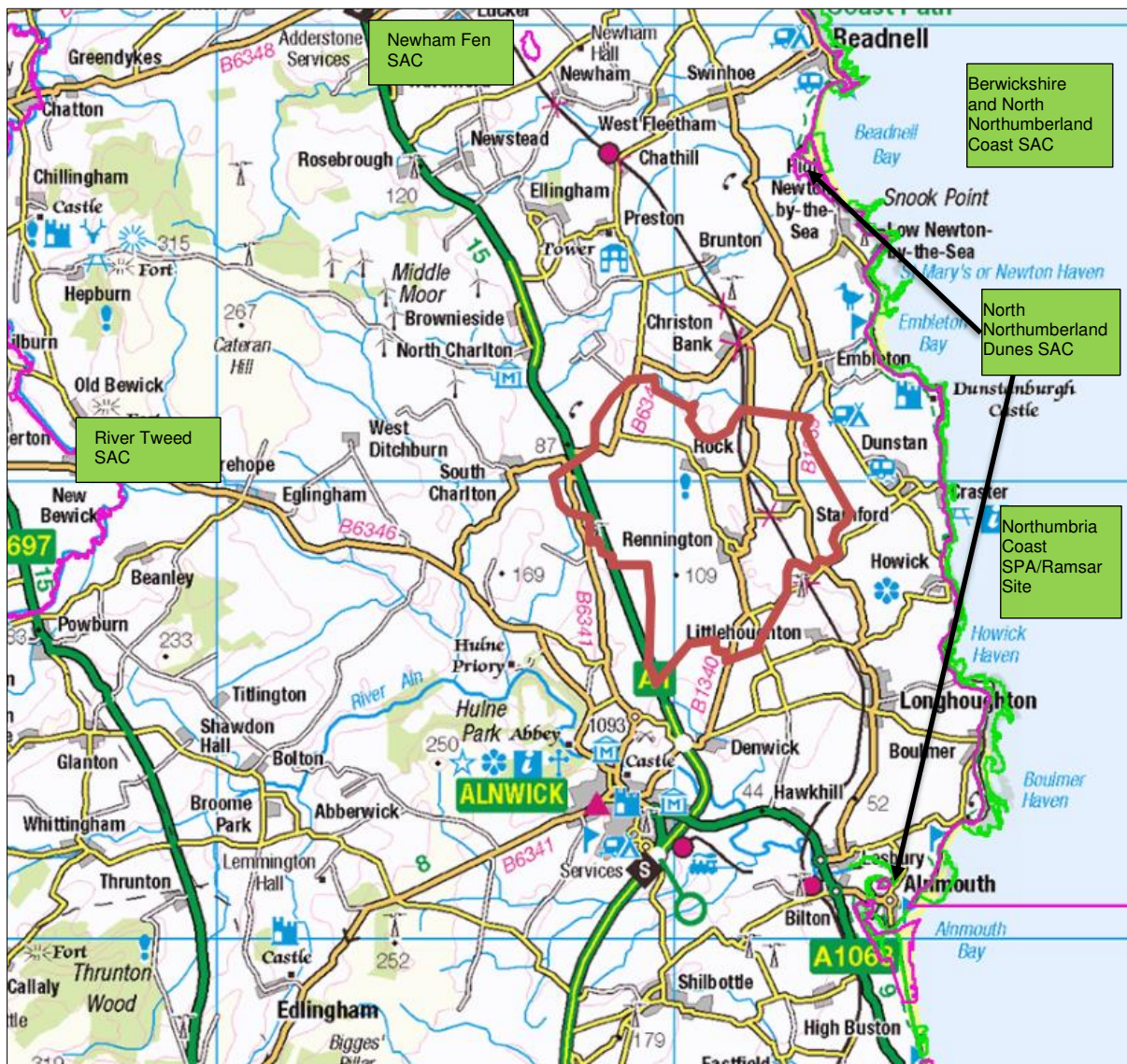
This will enable mitigation to be provided within the designated sites themselves, in a consistent manner along the whole of the Northumberland coast. This approach also provides clarity and certainty for developers, as they will make a known financial contribution to the Mitigation Service rather than trying to provide their own bespoke mitigation for each development, and will save them time and money because they will not have to undertake the ecological surveys and assessments required to devise such mitigation.

The contributions from developers will fund a ranger team who will be out on the coast working with visitors and residents, raising awareness and providing wardening.

More detail on the mitigation service can be found at this link

<https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Planning-and-Building/planning%20policy/Local%20Plan/Northumberland-Coastal-Mitigation-Service-Strategy-Document-December-2018.pdf>

2. Designated Sites (European) within a 10km Zone of Influence.



- Berwickshire and North Northumberland Coast Special Area of Conservation (SAC) 2.9km East
- Northumberland Marine Special Protection Area (SPA) 2.9km East
- Northumbria Coast SPA and Ramsar Site 2.9km East
- North Northumberland Dunes SAC 4.8km north at Beadnell Bay and 5.3km South at Alnmouth Bay
- River Tweed SAC 9.3km west
- Newham Fen SAC 9.1km North

3. Screening of Policies.

3.1 The sites identified as being subject to a significant effect from recreational disturbance are:

- Northumbria Coast SPA/Ramsar
- North Northumberland Dunes SAC

3.2 Screened In

- Policy RR1: Rennington and Rock Settlement Boundaries
- Policy RR2: Affordable Housing to Meet Local Needs
- Policy RR3i: Land west of Cricket Field, Rock
- Policy RR3ii: Housing allocation in Stamford

The housing numbers are likely to be small but measured against the existing threshold (condition of the designated sites and their interest features) and taken cumulatively and in-combination with other plans and projects a significant effect is likely, and mitigation is required to prevent an adverse impact on designated sites.

3.3 Screened Out

- Policy RR1: Rennington and Rock Settlement Boundaries
- Policy RR2: Affordable Housing to Meet Local Needs
- Policy RR3: New housing development
- Policy RR5: Design in new development
- Policy RR6 – Non-designated Heritage Assets

These are design and heritage policies intended to set criteria for design and are not therefore likely to have any significant effect on a European Site.

- Policy RR4: Principal Occupancy

This is a protection policy and is not therefore likely to have any significant effect on a European Site.

- Policy RR7: Community and Recreational Facilities
- Policy RR8: Local Green Spaces
- Policy RR9: The Natural Environment and Biodiversity
- Policy RR11: Walking and cycling

These are environmental and community protection policies and are not therefore likely to have any significant effect on a European Site.

- Policy RR10: Employment and rural enterprise

This policy supports local businesses and is not considered likely to have any significant effect on a European Site.

4. Required Mitigation.

Identifying likely significant effects of the plan policies triggers the requirement for Appropriate Assessment.

At this stage, it is possible to consider mitigation measures which can be included within the plan. For Neighbourhood Plans, policy wording can be amended, or policies added, which make it clear that development in the plan area will only be considered where it provides adequate mitigation to prevent an adverse impact on the integrity of European Sites.

Therefore, the following policy is recommended for inclusion in the Rennington Neighbourhood Plan.

This will allow the Appropriate Assessment to conclude that adverse impacts on site integrity can be avoided through mitigation.

Policy Recommendation 1.

“To ensure that the impacts arising from increasing levels of recreational disturbance on coastal Sites of Special Scientific Interest and European Sites can be addressed, all development within 7km of the coast that will result in a net increase in the number of residential units or tourist accommodation will be required to contribute to the Coastal Mitigation Service, or provide alternative mitigation of demonstrable effectiveness. Within a zone, as shown on the policies map, extending between 7km and 10km from the coast, only major development will be required to make a contribution to the Coastal Mitigation Service, or provide alternative mitigation of demonstrable effectiveness.

All financial contributions required in accordance with this policy will be secured by way of a planning obligation under section 106 of the Town and Country Planning Act 1990, or any subsequent amending legislation.”

5. Other Ecological Considerations.

There are no other designated sites and habitats within the plan area. Habitats of Principal Importance (HPI) deciduous woodland, species rich grassland and wood pasture and parkland are present within the plan area. Policy RR9 makes specific provision for the protection of the natural environment.

I hope that these comments are of assistance but if you require any further information or assistance regarding this matter please contact me at this office.

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