

REPORT TO INFORM A HABITAT REGULATIONS ASSESSMENT

AMBERLEY AND HARROGATE STREET



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FINAL

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A. SUMMARY

E3 Ecology Ltd was commissioned by Thirteen Group in February 2022 to produce a report to inform a Habitat Regulations Assessment for a proposed development site at Amberley & Harrogate Street, Sunderland, assessing potential effects on internationally designated sites (formerly Natura 2000, now known as National Site Network sites) within the local area.

The proposed project/development includes the construction of 103 residential houses on the site including two SuDS basins, shared gardens and small areas of public open space.

This report will assist the planning authority, as the competent authority, to undertake an Appropriate Assessment in relation to internationally sites which lie within 6km: the Northumbria Coast Special Protection Area (SPA) and Ramsar site and the Durham Coast Special Area of Conservation (SAC). The closest section of these sites all lie approximately 1.7km to the south-east.

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

The site is regularly disturbed by dog walkers, intersected by numerous roads and is enclosed by residential areas. In addition, given the distance of the site from the closest section of SPA (1.7km) it is not considered that the site forms functional land used by qualifying species of the SPA.

The proposed development site does not support the qualifying feature of the Durham Coast SAC, namely vegetated sea cliffs.

The proposed development site is surrounded by residential housing and lies 1.7km from the closest section of SPA/SAC. Between the site and SPA and SAC is dense residential and industrial development. Given this distance and isolation of the site from the SPA or any better quality habitat, no direct disturbance effects on the qualifying species associated with the SPA or habitats associated with the SAC during the construction or operational phases are anticipated.

No invasive species were recorded within the development site and spread of invasive species is therefore not a concern. Given the nature of the proposed development and distance to the SPA/SAC, no adverse effects through pathways such as pollution incidents, dust emission or degradation of air or water quality are anticipated.

Potential indirect impacts of the proposed change of use are considered to be limited to the low potential to attract increased numbers of visitors to the coast.

To address the potential for increased recreational pressure on the SPA/SAC associated with an increase in activity at the coast, financial contributions towards the Coastal Mitigation Service will be required.

If you are assessing this report for a local planning authority and have any difficulties interpreting plans and figures from a scanned version of the report, E3 Ecology Ltd would be happy to email a PDF copy to you. Please contact us on 01434 230982.

B. INTRODUCTION

E3 Ecology Ltd was commissioned by Thirteen Group in February 2022 to produce a report to inform a Habitats Regulations Assessment Appropriate in relation to the proposed project at Amberley & Harrogate Street, Sunderland and potential effects on internationally designated sites within the local area, namely the Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC). The closest section of these sites all lie approximately 1.7km to the south-east.

The Habitats Directive¹ applies a precautionary principle to developments that may affect internationally designated sites. Proposals can only be permitted once it has been ascertained that there will be no likely significant effects on the integrity of the sites in question, *unless* there are no alternatives and the development is of over-riding public interest.

Habitat Regulations Assessment (HRA) seeks to assess proposals in order to determine whether they are likely to have significant effects on an internationally designated site. HRA comprises a four-stage process: Screening, Appropriate Assessment, identifying alternative solutions and identifying compensation measures where imperative reasons of overriding public interest are proven. The first screening stage sets out to identify development proposals which can be screened out of the need for further assessment, i.e. they are determined as not likely to have a significant effect on the relevant internationally designated sites.

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

The site is located at Amberley & Harrogate Street, Sunderland, at an approximate central grid reference of NZ 40231 56281. The survey area is illustrated in the figure below.

¹ EU Habitats Directive (92/43/EEC)



FIGURE 1: SURVEY AREA

C. RELEVANT LEGISLATION AND PLANNING CONTEXT

C.1 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS

The Conservation of Habitats and Species Regulations (2017) (as amended) transpose the Birds Directive and the Habitats Directive into English and Welsh law.

The aspect of the Conservation of Habitats and Species Regulations 2017 (as amended) which is of particular relevance to this report is Regulation 61 which states:

1. A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which —

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

2. A person applying for any such consent, permission or other authorisation, must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

3. In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

D. METHODOLOGY

D.1 ZONE OF INFLUENCE

The assessment area for potential direct effects is considered to comprise the area within the development boundary termed 'the site' and a 400m buffer around it where there may be direct effects, for example from changes in hydrology or direct disturbance during construction works.

For indirect effects, a 6km buffer from the site has been identified as the zone of influence. This 6km buffer has been accepted by councils for their Habitat Regulations Assessment (HRA) in relation to their draft Local Plan and potential effects on the Northumbria Coast Special Protection Area and Durham Coast Special Area of Conservation².

D.2 DESKTOP STUDY

The Multi Agency Geographic Information for the Countryside website³ was searched for all SAC/SPA sites that lie within a 6km radius of the proposed development. Qualifying features and conservation objectives of any SAC/SPA sites identified within this buffer were then obtained through the Joint Nature Conservation Committee website⁴.

The site and surroundings were assessed from aerial photography and 1:25,000 Ordnance Survey plans.

D.3 FIELD SURVEY

D.3.1 SURVEY METHODS

The initial field survey of the proposed site was conducted using the methodology of the Joint Nature Conservation Committee's Phase 1 Habitat Survey, as outlined in their habitat-mapping manual⁵. Each parcel of land was assessed by a trained surveyor and classified as one of approximately ninety habitat types. These were then mapped and the habitat information supplemented by dominant and indicator species codes and target notes where appropriate. Where areas within the study area do not fall into the Phase 1 Habitat Survey classification, alternative methods of classification have been used.

D.3.2 SURVEY EQUIPMENT

- Binoculars
- Digital Camera

D.3.3 ENVIRONMENTAL CONDITIONS

The table below details the environmental conditions during the surveys.

TABLE 1: SURVEY CONDITIONS				
Date	Temperature (°C)	Cloud Cover (%)	Precipitation	Wind Conditions (Beaufort scale)
11/03/2022	9	50	Dry	F4

D.3.4 PERSONNEL

The table below details the personnel who undertook the survey work.

² North Tyneside Council Local Plan, Habitat Regulations Assessment – Appropriate Assessment, March 2017, Capita

³ www.magic.gov.uk

⁴ www.jncc.gov.uk

⁵ Handbook for Phase 1 habitat survey, A Technique For Environmental Audit, JNCC, 2010

TABLE 2: LEAD SURVEYORS

Name	Position	Professional Qualifications
Georgia Vessey	Graduate Ecologist	BSc

Further details of experience and qualifications are available at www.e3ecology.co.uk.

D.3.5 CONSTRAINTS

No constraints to survey were encountered.

E. RESULTS

E.1 DESKTOP STUDY

E.1.1 PROTECTED SITES

Consultation with the MAGIC website⁶ indicated that the following internationally designated sites lie within a 6km buffer of the proposed development site:

TABLE 3: DESIGNATED SITES

Designation	Site Name	Brief Reason for Designation	Distance from Survey Area
Special Area of Conservation	Durham Coast	Vegetated sea cliffs on magnesian limestone exposures, including a mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall herb fen, seepage flushes and wind-pruned shrub.	1.7km south-east
Special Protection Area	Northumbria Coast	This site is designated for internationally important populations of breeding little tern and non-breeding purple sandpiper and turnstone. It also supports nationally important breeding populations of arctic tern.	1.7km south-east
Ramsar	Northumbria Coast	Several discrete sections of rocky foreshore regularly supporting internationally important numbers of purple sandpiper and turnstone. The Ramsar site also supports a nationally important breeding colony of little tern and parts of three artificial piers which form important roost sites for purple sandpiper.	1.7km south-east

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

⁶ www.magic.gov.uk

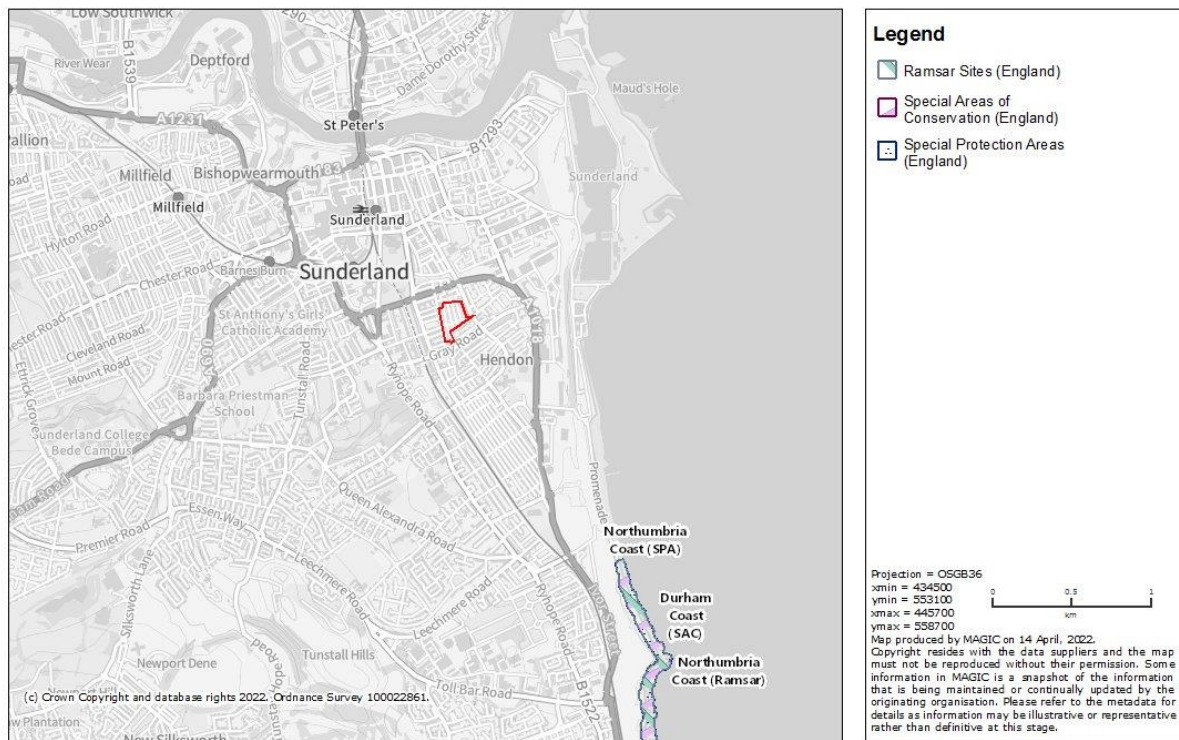


FIGURE 2: LOCATION OF INTERNATIONALLY DESIGNATED SITES IN RELATION TO PROPOSED DEVELOPMENT SITE

The table below details the qualifying species and conservation objectives for each internationally designated site.

TABLE 4: INTERNATIONALLY DESIGNATED SITES			
Northumbria Coast Special Protection Area (also a Ramsar)			
Background	Qualifying Features	Conservation Objectives	Current Status
<p>This area of coastline was designated in 2004 and comprises sections of coastline between north Northumberland and the south of County Durham.</p>	<p>The SPA comprises areas of rocky shore supporting a food resource for wading birds which are cited on the designation. There are four species listed on the citation for the protected area, these are Purple Sandpiper (<i>Calidris maritima</i>); Ruddy Turnstone (<i>Arenaria interpres</i>) Arctic Tern (<i>Sterna paradisaea</i>) and Little Tern (<i>Sterna albifrons</i>). The site is designated for the non-breeding use of the site by the first two species listed and for breeding use by the latter two species.</p>	<p>The avoidance of the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features; • The structure and function of the habitats of the qualifying features; • The supporting processes on which the habitats of the qualifying features rely; • The populations of the qualifying features; • The distribution of the 	<p>There are a number of SSSI units within the SPA which are components of the larger designated site.</p> <p>The most recent assessment of these components (March 2021) found that around 38.4% were classed as in favourable condition, with the remaining 53% being unfavourable recovering.</p>

TABLE 4: INTERNATIONALLY DESIGNATED SITES			
		qualifying features within the site.	
Durham Coast Special Area of Conservation			
Background	Qualifying Features	Conservation Objectives	Current Status
Designated in 2005, the SAC covers 389.61 Ha in sections of coastline between South Shields and Crimdon.	The Durham Coast is the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. These cliffs extend along the North Sea coast for over 20 km from South Shields southwards to Blackhall Rocks. Their vegetation is unique in the British Isles and consists of a complex mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall-herb fen, seepage flushes and wind-pruned scrub. Within these habitats rare species of contrasting phytogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water.	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats; • The structure and function (including typical species) of qualifying natural habitats; • The supporting processes on which the qualifying natural habitats rely. 	<p>There are a number of SSSI units within the SAC which are components of the larger designated site.</p> <p>The most recent assessment of these components (March 2021) found that around 38.4% were classed as in favourable condition, with the remaining 53% being unfavourable recovering.</p>

Table 5 provides information on the ecology of each of the qualifying species.

TABLE 5: QUALIFYING SPECIES - ECOLOGY		
Internationally Designated Site	Species	Ecology
Northumbria Coast SPA	Purple Sandpiper- At least 1.5% of the wintering Eastern Atlantic - wintering population (5 year peak mean 1991/2 - 1995/6)	The purple sandpiper is a medium-sized wading bird that is larger, stockier and darker than a dunlin. This species is mainly a winter visitor to almost any rocky coast in the UK. Most are found in Orkney, Shetland and along the east coast of Scotland and northern England – the species is scarce south of Yorkshire, other than in Devon and Cornwall. Wintering numbers in the UK are approximately 13,000 birds (October-March) ⁷ .
	Ruddy Turnstone- At least 2.1% of the wintering Western Palearctic wintering population (5 year peak mean 1991/2 - 1995/6)	Smaller than a redshank, turnstones have a mottled appearance with brown or chestnut and black upperparts and brown and white or black and white head pattern, whilst their underparts are white and legs orange. Wintering numbers in the UK are approximately 51,000 birds (October-March) ⁷ .
	Little Tern- At least 1.7% of the breeding population in Great Britain (5 year peak mean 1991/2 - 1995/6)	Little tern is the smallest species of tern breeding in the UK, nesting exclusively on beaches, spits or inshore islets. Colonies are found around much of the coastline, but the main concentration is in south and east England.
	Arctic Tern – At least 2.92% of the	Slightly smaller than a common tern, the adult Arctic tern has a dark red bill and legs, and long tail streamers. In Britain and Ireland, the

⁷ <http://rspb.org.uk>

TABLE 5: QUALIFYING SPECIES - ECOLOGY

Internationally Designated Site	Species	Ecology
	breeding population in Great Britain	Arctic Tern is almost exclusively a coastal breeder, usually nesting on the immediate shoreline and virtually never more than 10 km from the coast. Nearly 90% of the Arctic Terns breeding in Britain and Ireland are found in Scotland, Orkney and Shetland and throughout the Outer and Inner Hebrides. There are also some colonies on the east and north coasts. In England, they are found mainly in the north-east and the northwest, with very small numbers in north Norfolk and along the south coast.

E.2 PROPOSED DEVELOPMENT SITE

The proposed development site measures approximately 3ha and is dominated by strips of amenity and poor semi-improved grassland, intersected by roads and surrounded on all sides by residential housing.

Figure 1 in Section B illustrates the proposed development site.

E.3 FIELD SURVEY

E.3.1 SURVEY

E.3.1.1 SITE

The site comprises strips of amenity and poor semi-improved grassland, intersected by roads and surrounded on all sides by residential housing. Full details are provided within the separate Ecological Appraisal report (6466 Amberley Street EclA).

Given the distance of the site from the nearest point of the SPA, it is not considered to provide a functional link to the SPA. It is also regularly disturbed and surrounded by housing on all sides.

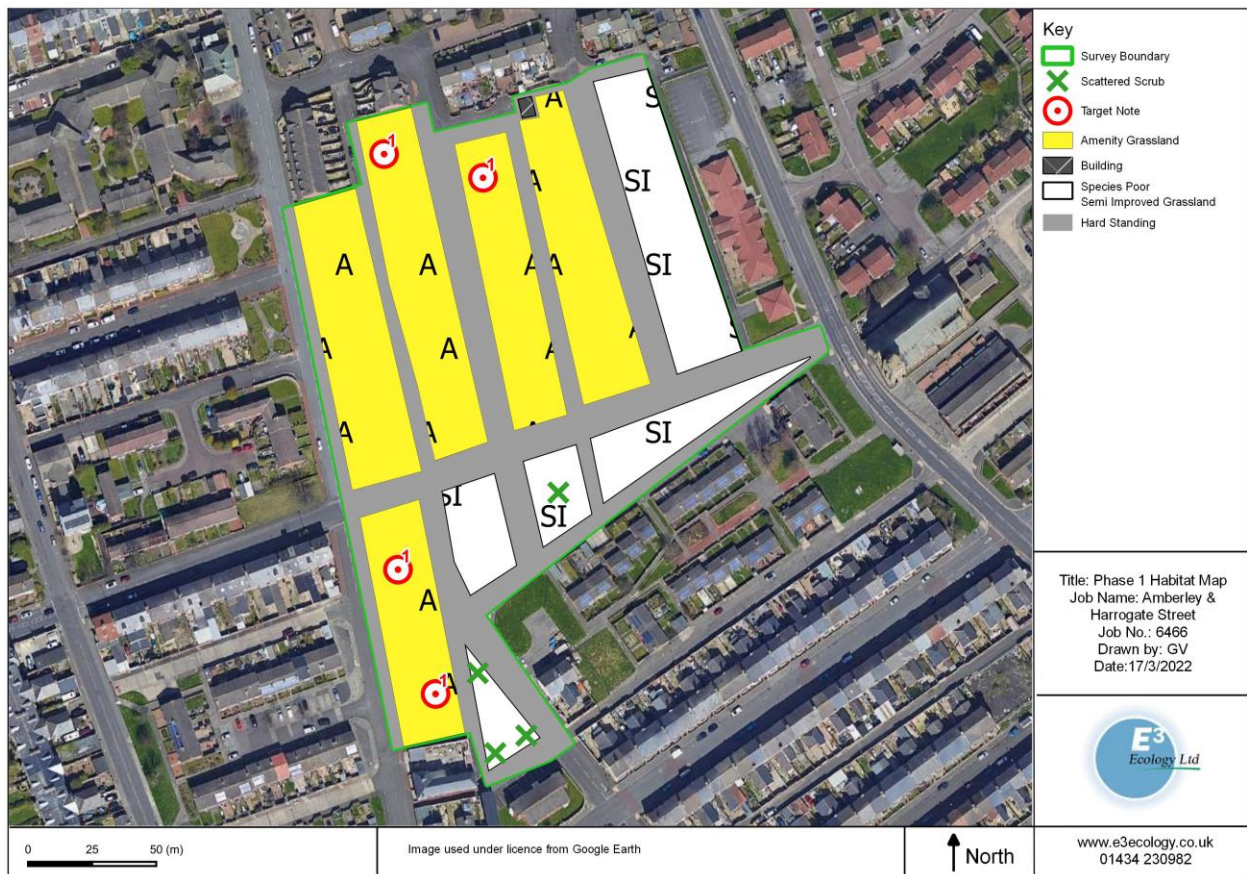


FIGURE 3: PHASE 1 HABITAT MAP

F. ASSESSMENT

F.1 POTENTIAL MECHANISMS OF EFFECT

F.1.1 DIRECT EFFECTS

Direct effects on internationally designated sites are only likely to result from direct habitat loss within the designated sites or loss of habitats suitable for use by qualifying species and which have a functional link to the designated sites. There may also be effects through disturbance during construction or changes in hydrology as a result of construction work to land within the designated sites or to land which has a functional link to the designated site.

F.1.2 INDIRECT EFFECTS

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

F.2 ASSESSMENT OF POTENTIAL IMPACTS

TABLE 6: ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS ON THE NORTHUMBRIA COAST SPA						
Mechanism of Effect	Description of Activity	Impact/Effect	Likely Significant Effect (without mitigation)	Mitigation	Likely Significant Effect (with mitigation)	Further action required
Construction Phase (Direct)						
Direct Habitat Loss	No direct loss of SPA habitat.					No
Direct Loss of Functional Land	The site is 1.7km from the nearest section of SPA, and is regularly disturbed and enclosed by residential areas therefore it is not considered that the site forms functional land used by qualifying species of the SPA.					No
Noise associated with construction	The proposed development site lies 1.7km from the closest section of the SPA. Given this distance, no disturbance effect during construction works is anticipated.					No
Storage of potential pollutants/spillages	Given the distance to the closest section of the SPA (1.7km) there is not considered to be any potential for adverse effects through pollution/spillages associated with construction works.					No
Emission of dust/degradation of air quality	Given the distance to the closest section of the SPA (1.7km) there is not considered to be any potential for adverse effects through emission of dust or degradation of air quality associated with construction works.					No
Degradation in Water Quality	Given the distance to the closest section of the SPA (1.7km) there is not considered to be any potential for adverse effects through degradation in water quality associated with construction works.					No
Construction Phase (Indirect)						
Spread of Invasive Species	No invasive species were recorded on site during survey. Given the distance to the closest section of the SPA (1.7km) and the largely urban habitats between the site and SPA, the potential spread of invasive species is not considered to be an issue.					No
Operational Phase (Direct)						
Direct Loss of Functional Land	The site is regularly disturbed and enclosed by residential areas therefore it is not considered that the site forms functional land used by qualifying species of the SPA.					No
Degradation in Air/Water Quality	Given the distance to the closest section of the SPA (1.7km) and the installation of SuDS ponds on the site there is not considered to be any potential for adverse effects through degradation in air/water quality once the site is operational.					No
Increased noise/light disturbance associated with the new development	Given the distance to the closest section of the SPA (1.7km) there is not anticipated to be any effects from noise or light disturbance associated with the new project once operational.					No
Operational Phase (Indirect)						
Increased recreational pressure associated with an increase in activity at the coast, in particular dog walking.	The proposed site is for a residential development and this may lead to an increase in visitors to the protected coastal sites, which could lead to the disturbance/displacement of qualifying bird species. Contributions will be required to the Coastal Mitigation Service (CMS).					Contributions to CMS

TABLE 7: ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS ON THE DURHAM COAST SAC						
Mechanism of Effect	Description of Activity	Impact/Effect	Likely Significant Effect (without mitigation)	Mitigation	Likely Significant Effect (with mitigation)	Further action required
Construction Phase (Direct)						
Direct Habitat Loss	No direct loss of SAC habitat.					No
Emission of dust/degradation of air quality	Given the distance to the closest section of the Durham Coast SAC (1.7km), there is not considered to be any potential for adverse effects through emission of dust or degradation of air quality associated with construction works.					No
Storage of potential pollutants/spillages	Given the distance to the closest section of the Durham Coast SAC (1.7km), there is not considered to be any potential for adverse effects through pollution/spillages associated with construction works.					No
Degradation in Water Quality	Given the distance to the closest section of the Durham Coast SAC (1.7km), there is not considered to be any potential for adverse effects through degradation in water quality associated with construction works.					No
Construction Phase (Indirect)						
Spread of Invasive Species	No invasive species were recorded on site during survey. Given the distance to the closest section of the Durham Coast SAC (1.7km), there is not considered to be any potential for the spread of invasive species through construction works.					No
Operational Phase (Direct)						
Degradation in Air Quality	Given the distance to the closest section of the Durham Coast SAC (1.7km) and the installation of SuDS ponds, there is not considered to be any potential for adverse effects through degradation in air/water quality once the site is operational.					No
Degradation in Water Quality						No
Increased recreational pressure associated with an increase in activity at the coast	Given the distance to the Durham Coast SAC (1.7km) no significant increase in recreational pressure on this SAC is anticipated.					No
Operational Phase (Indirect)						
Degradation in Air Quality	Given the distance to the closest section of the Durham Coast SAC (1.7km), there is not considered to be any potential indirect adverse effects through degradation in air/water quality once the site is operational.					No
Degradation in Water Quality						No
Increased recreational pressure associated with an increase in activity at the coast, in particular dog walking.	The proposed site is for a residential development and this may lead to an increase in visitors to the protected coastal sites, which could lead to the damage of habitats. Contributions will be required to the Coastal Mitigation Service					Contributions to CMS

F.3 DISCUSSION OF POTENTIAL IMPACTS

F.3.1 DIRECT IMPACTS

The site is regularly disturbed by dog walkers, intersected by numerous roads and is enclosed by residential areas. In addition, given the distance of the site from the closest section of SPA (1.7km) it is not considered that the site forms functional land used by qualifying species of the SPA.

The proposed development site does not support the qualifying feature of the Durham Coast SAC, namely vegetated sea cliffs.

The proposed development site is surrounded by residential housing and lies 1.7km from the closest section of SPA/SAC. Between the site and SPA and SAC is dense residential and industrial development. Given this distance and isolation of the site from the SPA or any better quality habitat, no direct disturbance effects on the qualifying species associated with the SPA or habitats associated with the SAC during the construction or operational phases are anticipated.

No invasive species were recorded within the development site and spread of invasive species is therefore not a concern. Given the nature of the proposed development and distance to the SPA/SAC, no adverse effects through pathways such as pollution incidents, dust emission or degradation of air or water quality are anticipated.

F.3.2 INDIRECT IMPACTS

Potential indirect impacts of the proposed change of use are considered to be limited to the low potential to attract increased numbers of visitors to the coast.

F.4 MITIGATION PROPOSALS

To address the potential for increased recreational pressure on the SPA/SAC associated with an increase in activity at the coast, financial contributions towards the Coastal Mitigation Service will be required.