

Marine Walk Masterplan SPD: Screening for an Appropriate Assessment

January 2010



Prepared for:



Revision Schedule

Marine Walk Masterplan and SPD: Screening for an Appropriate Assessment January 2010 S106072

Rev	Date	Details	Prepared by	Reviewed by	Approved by
01	13/05/09	1st Draft	Sue Bell Sue Bell Ecology	Lewis Hurley Senior Environmental Consultant	Nigel Hackett Technical Director
			Jenny Sneddon Ecologist	Simon Geary Principal Ecologist	Simon Geary Principal Ecologist
03	30/10/09	3 rd draft	Jenny Sneddon Ecologist	Simon Geary Principal Ecologist	Simon Geary Principal Ecologist
04	20/01/10	Final	Jenny Sneddon Ecologist	Simon Geary Principal Ecologist	Simon Geary Principal Ecologist

Scott Wilson
23 Chester Street
Edinburgh
EH3 7EN

Tel 0131 225 1230
Fax 0131 225 5582

www.scottwilson.com

This document has been prepared in accordance with the scope of Scott Wilson's appointment with its client and is subject to the terms of that appointment. It is addressed to and for the sole and confidential use and reliance of Scott Wilson's client. Scott Wilson accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided. No person other than the client may copy (in whole or in part) use or rely on the contents of this document, without the prior written permission of the Company Secretary of Scott Wilson Scotland Ltd. Any advice, opinions, or recommendations within this document should be read and relied upon only in the context of the document as a whole. The contents of this document do not provide legal or tax advice or opinion.

© Scott Wilson Scotland Ltd 2008

Table of Contents

1	Introduction	1
1.1	Habitats Regulations Assessment and Appropriate Assessment (AA)	1
1.2	This Report	4
1.3	Relationship between AA and Sustainability Appraisal/ Strategic Environmental Assessment	5
1.4	The Process	6
1.5	Structure of this Document	6
2	Methods	7
2.2	Information sources	7
2.3	Identification of relevant European sites	7
2.4	Assessment of vulnerability to effects	8
2.5	Masterplan analysis including identification of options or aspects that might impact on European sites	8
2.6	“In Combination” Effects	8
3	European sites	9
3.1	Sites within the zone of influence of the Marine Walk Masterplan	9
3.2	Site Sensitivities	13
3.3	Marine Walk Development Site.....	14
4	Plan analysis	15
4.1	Preferred options	15
4.2	Aspects of the Marine Walk Masterplan that might impact on the integrity of the European sites.....	16
5	Other plans and projects contributing to “in combination” effects	18
6	Significance of effects	23
6.1	Durham Coast SAC	23
6.2	Northumbria Coast SPA.....	23
6.3	Desk Study Data.....	25
7	Summary and Conclusion	30
8	Appendix 1	32
9	Appendix 2	33



SPD Consultation Responses	33
10 References	40

1 Introduction

Sunderland City Council has developed a Seafront Regeneration Strategy and Marine Walk Masterplan. As part of this process an issues and options report was published in December 2008¹, 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 in Roker and Seaburn.

This screening document has been produced to accompany the Masterplan for the Marine Walk which will become a Supplementary Planning Document (SPD) within the Sunderland City Council Local Development Framework (LDF). An SPD for Seaburn will be developed at a later date depending on the timescales of the core strategy.

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) or Appropriate Assessment (AA). A separate document will be produced to accompany the Masterplan for Seaburn. An informal draft of this document was circulated to Natural England, RSPB and Durham Bird Club in May 2009. Following receipt of comments from RSPB and Durham Bird Club this document was amended.

1.1 Habitats Regulations Assessment and Appropriate Assessment (AA)

1.1.1 What is Appropriate Assessment (AA)?

AA provides 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 importance for their nature conservation value.

European sites are areas identified as Special Protection Areas (SPA), designated under the Conservation of Wild Birds Directive (79/409/EEC) ("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. PPS9 also recommends that sites designated under the Ramsar convention should be afforded the same level of consideration as European sites. In practice most Ramsar sites are also SPA.

Whilst many European sites overlap with Sites of Special Scientific Interest (SSSI), AA relates only to the qualifying interest features of the European site.

¹ Sunderland City Council, December 2008

The ‘assessment’ proper is a *statement* that says whether a plan does (or does not) affect the integrity of a European site². 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).

AA 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 Seafrost 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 for its likely effects 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 AA

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 these species/habitats. Collectively they 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 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

² Scott Wilson *et al*, 2006

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 an appropriate assessment?

The responsibility for carrying out an appropriate assessment 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 AA is required where *significant* effects upon the notified interest 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.*”

English Nature (now Natural England) 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 effects³.

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 law⁴. That is, it is necessary to demonstrate that significant effects are *not* likely.

1.1.5 Stages in the Habitat Regulation Assessment (HRA) process

The AA process can be considered as comprising four main stages⁵:

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

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

⁴ ECJ. 2004.

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

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 AA 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 This Report

This report is a screening for the requirements of appropriate assessment for the Marine Walk Masterplan located on the coast at Roker in 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 need for appropriate assessment.

The document explains how Sunderland City Council has determined whether the Masterplan for the Marine Walk is likely to have a significant effect upon adjacent nature conservation sites of European importance, and identifies any areas of uncertainty that require further investigation to complete the AA. It forms stage 2 of the process highlighted in section 1.1.5. A separate screening and assessment will be required to cover the proposed Masterplan located at Seaburn.

An initial stage 1 or screening report was produced to accompany the Issues and Options report for the Seafront Regeneration Strategy⁶. That considered broad issues associated with upgrading the seafront at both Roker 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

⁶ Sunderland City Council, December 2008

European sites could not be ruled out, and that further consideration of effects was necessary.

This screening 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 will be issued to Natural England for formal advice, as required by the Habitats Directive. Other interested bodies are also invited to provide comments on the issues raised in this document.

1.3 Relationship between AA and Sustainability Appraisal/ Strategic Environmental Assessment

The requirements for AA and Sustainability Appraisal/ Strategic Environmental Assessment are governed by different pieces of legislation.

The Planning and Compulsory Purchase Act (PCPA) 2004 requires an assessment of the sustainability of Development Plan Documents (DPDs), such as the Marine Walk Masterplan. 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 guidance⁷ 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).

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 AA, and information from the SEA/SA has informed the AA screening and vice versa.

⁷ ODPM (2005) Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents, London

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 need for formal Appropriate Assessment is being determined at the Masterplan Options stage as draft policies are required for the determination. This document will be circulated to Natural England, and other interested parties, during the public consultation on the Seafront Regeneration Strategy and Marine Walk Masterplan Options, but is only able to provide detailed comment on the Marine Walk Masterplan SPD. A separate document will be produced to accompany consultation on the Masterplan for Seaburn.

Once comments have been received the document will be 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.

2 Methods

2.1.1 Guidance

Case law and best practice of the application of AA to Land Use plans is still evolving, 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 2006⁸) and “*Assessment of plans and projects significantly affecting Natura 2000 sites*” produced by the European Union⁹.

The approach is based on current best practice gleaned from a review of current AA 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*¹⁰, advice commissioned by Natural England¹¹, and advice published by the RSPB¹².

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 website of the British Trust for Ornithology (BTO), and through consultation with the Durham Bird Club.

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:

- those European sites not affected (i.e. 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.

The location and interest features of European sites within the vicinity¹³ of the plan area were identified using information provided by Natural England¹⁴, and information available from the Natural England website, including details about their current condition.

⁸ DCLG, 2006

⁹ European Communities, 2002.

¹⁰ Scott Wilson *et al* September 2006

¹¹ Tyllesley and Associates, August 2006

¹² RSPB 2007

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

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

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 influence their conservation status. 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 statistics collated by the JNCC and the British Trust for Ornithology.

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 Sites¹⁵.

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 appropriate assessment 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.

¹⁵ Scott Wilson *et al*, 2006

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 Seafront Regeneration Strategy and the Marine Walk Masterplan (SPD):

- 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 (*Sterna albifrons*), wintering turnstone (*Arenaria interpres*) and wintering purple sandpiper (*Calidris maritima*).

Both sites are 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), 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 boundary, but is excluded from the SAC boundary (see Figure 1).

The interest 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 sources¹⁶. 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 influence of the Marine Walk Masterplan. Comments on the current condition of the SAC and SPA features are also included below.

¹⁶ 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)¹⁶, results of site condition monitoring contained on the Natural England¹⁶ 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. Summary of interest features for SPA and SAC

European Site	Reasons for which the site has been designated (Qualifying Features)	Objectives for management	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, purple sandpiper, turnstone and knot) 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) ¹⁷ .
Northumbria Coast SPA/Ramsar	Wintering - <i>Arenaria interpres</i> (Turnstone) Wintering - <i>Calidris maritima</i> (Purple sandpiper) Breeding - <i>Sterna albifrons</i> (Little tern)	To maintain the condition of the habitats (sub-features) used by the qualifying species (interest features)	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 inshore waters.) Most feeding occurs offshore.	Potential hazards identified by Natural England for interest features & sub-features that <i>may</i> be relevant for the Seafront Regeneration Strategy/ Marine Walk Masterplan: <ul style="list-style-type: none"> • Effects on hydrodynamic regime especially with respect to silt/sand movements along coast & effect on beaches (little

¹⁷ Determined by consultants, based on Common standards of monitoring proforma “*Maritime Cliff and Slope Habitats*” extracted from JNCC website

Sunderland City Council

Marine Walk Masterplan and SPD: Screening for appropriate assessment



			<i>Disturbance</i> - the birds are vulnerable to disturbance.	tern) <ul style="list-style-type: none">• Toxic contamination (pollution risks) (little tern, turnstone, purple sandpiper) – Tyne listed as greatest potential risk• Disturbance (all spp.)• Habitat loss (all spp.)
--	--	--	---	---

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 UK¹⁸. Based on the management statement published by Natural England and the monitoring objectives for coastal cliffs published by the Joint Nature Conservation Committee¹⁹ (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 study area, is used by turnstone and is assessed by Natural England to be in favourable condition for its value for purple sandpiper²⁰. Both purple sandpiper and turnstone will forage on intertidal habitats and grasslands outside the boundary of the SPA.

Bird Survey reports for the SPA²¹ suggest that purple sandpiper numbers are in decline within the Northumbria Coast SPA, and the British Trust for Ornithology 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 Qualifying Species of Interest for the Northumbria Coast SPA

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

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

¹⁹ JNCC, 2004

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

²¹ BTO, 2005

- Little tern

Breeding little tern is a qualifying species of interest for the Northumbria Coast SPA. Little terns nest in coastal areas 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, depredation by foxes, crows, gulls and kestrels and also by blowing sand and flooding by spring high tides. The breeding little tern colony is located ca 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.

- Turnstones

During the winter period Turnstones are found exclusively along coastlines, on sandy beaches, estuaries, and especially the intertidal area of rocky shores. During periods of extreme storms they may also feed up to a few hundred metres inland on grassland such as playing fields.

- Purple Sandpiper

Over the winter period, purple sandpiper primarily inhabits rocky seashores, and will also sometimes occur on 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).

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 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. 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 proposed development area is approximately 1.05 km².

4 Plan analysis

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

4.1 Preferred options

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 responses received, a Masterplan has been developed that incorporates elements of all three options. A copy of the Masterplan is contained in the consultation document that accompanies this report. 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 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 patterns 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 scheme 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 of the Marine Walk Masterplan, and Parson's Rocks, part of the Northumbria Coast SPA also lies beyond the study area. The proposals will not require any changes to be made to the rocky shores.

4.2.3 Disturbance

Two aspects of disturbance have been considered: disturbance during construction works for the upgrading of the promenade and implementation of the Marine Walk Masterplan; and disturbance resulting from any increased usage of the area as a result of the new facilities. Disturbance is a potential issue, and has been considered in more detail in Section 6.2.

4.2.4 Pollution

The Marine Walk Masterplan will not result in any significant works within the inter-tidal zone, and hence there is minimal risk of any pollution. Works to improve the promenade etc. will be subject to construction best practice guidance following guidance PPS23: Planning and Pollution Control, and the risk of any pollution incident is considered to be low, and impacts upon the integrity of the SPA are not likely.

If however, there are works proposed in the inter-tidal zone, pollution incidents may arise from direct release of pollutants into the water column or through the disturbance of contaminated sediments carried to areas of interest by longshore drift. If there is any planned work within the inter-tidal zone it will be necessary to assess whether sediments in

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

the development footprint are contaminated and also to determine the direction of longshore drift to examine potential impacts of contaminated sediments on areas of interest.

4.2.5 Loss of Foraging Habitat

Loss of foraging habitat may occur as a result of the proposed works which may impact on the qualifying species of interest for the SPA. Habitats that need to be assessed for their importance for winter foraging by turnstone and purple sandpiper include the rocky foreshore habitats and coastal amenity grassland that exist within the area of proposed development.

4.2.6 Inland bird feeding and roosting sites

Data on supra-tidal or inland feeding and roosting sites is virtually non-existent and it appears that this aspect of bird behaviour is poorly documented in the area. One record of two turnstones 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 ambiguous and this record could just as easily pertain to birds on the beach close to the Links.

This assessment cannot fully address this phenomenon at present without further information.

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
- 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

- Sunderland Climate Change Action Plan
- The Seafront Strategy
- Gateshead UDP

Appropriate Assessment has been undertaken on some of these plans at the time they were prepared (e.g. the Shoreline Management Plan), whilst others, such as the LDF Core strategy that is being developed for Sunderland is still undergoing development, but will be subject to its own AA.

The Marine Walk Masterplan forms part of the Seafront Regeneration Strategy, which also includes a proposed Seaburn SPD. Key elements of the Seafront Regeneration Strategy are included within the Marine Walk Masterplan, and so are not considered separately within this report. The Seaburn SPD has yet to be developed, but will also be subject to Habitats Regulations Assessment.

Table 2 sets out the proposals within these plans that could contribute to “in combination” effects on European sites. Three of these plans contain policies/proposals, which require further consideration in terms of potential “in combination” effects on European sites. These are:

- Local Transport Plan Tyne & Wear
- “Leading the way” Regional Economic strategy
- NE tourism strategy

The combined effect of these policies and those arising from the Marine Walk Masterplan on the notified interest features of the European site are considered in more detail 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.
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	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

Plan/Document	Aim and purpose of the plan/document	Possible aspects of the plan that could contribute to “in combination” effects
	will help avoid unnecessary development within high flood risk areas, other than exceptional cases and support the development of planning policies and plans.	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 Guidance for the North East (RPG1), November 2002	Provides a vision and strategy to achieve sustainable 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.	Implementation of the plan will be realised through 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	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

Plan/Document	Aim and purpose of the plan/document	Possible aspects of the plan that could contribute to “in combination” effects
	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.	from increased population numbers and better road access to the coast.
Marine and Coastal Access Bill	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 continuous access route around the English coast.	Increased recreational use of parts of the coast could lead to elevated levels of disturbance, particularly to bird populations, and damage to habitats.

Key:

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

6 Significance of effects

6.1 Durham Coast SAC

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

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.

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. However, further analysis is required to establish if there will be any impact from pollution events from the proposed development.

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.

6.2 Northumbria Coast SPA

Disturbance to notified bird interest features has been identified as a possible effect of the implementation of the Marine Walk Masterplan and “in combination” effects with other policies and plans (see sections 4.2.3 and 5). Whilst purple sandpiper and turnstone are most numerous within the SPA, birds that form a notified interest feature of the SPA may spend some of their time outside the SPA boundary, and disturbance to them at these other locations should be considered.

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 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 qualifying bird species utilising the coastal area.

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 will not disturb roosting and feeding birds at this section of the SPA.

The majority of works are likely to take place above the high water mark, away from areas that are likely to be used by significant numbers of the notified bird interest features. To ensure that the risks of disturbance to breeding and wintering birds are minimised, it will be necessary to examine detailed design plans on a case by case basis as they are developed and implement appropriate mitigation measures for breeding birds and overwinter birds to minimise any negative impacts at appropriate times of the year. .

6.2.2 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 recreation²³.

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 activities is confined to the summer months, minimising interaction between coastal users and the notified bird interests.

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 Council already implements a Coastal Code²⁴, which encourages responsible access and use of the coast. This includes provisions for dog prohibition areas during the summer months but not the winter months which are most critical for the bird interest along the coast, including SPA qualifying species turnstone and purple sandpiper.

The Masterplan proposals include provision for interpretation 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 birds near important habitats and locations for birds such as Parson's Rocks.

Improved lighting is also a feature of the Masterplan proposals. Artificial lighting can impact upon the normal roosting and feeding behaviour of a range of bird species. Details of the lighting are not yet available, but are likely to include elements of 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.

²³ English Nature, 1995

²⁴ The Coastal Code. Sunderland City Council.

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 the qualifying species of interest.

6.3 Desk Study Data

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.

Wetland Bird Survey (WeBS)

WeBS data was provided by the BTO for the count section between River Weir to South Bents. WeBS is a systematic and standardised survey and for regularly monitored sites can provide mean counts of birds which is more useful in determining bird use of wetland habitats. The standard analysis is to use five year peak mean counts. However, for the River Weir to South Bents count section only 3 years of data are available at present and therefore caution is required when assessing the 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 coastline.

6.3.1 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 bird species for 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 notified bird species of interest, however it is not known at this stage how important these areas are for purple sandpiper as a feeding and roosting resource during the winter period. There is an existing but at present not quantified level of human disturbance, including pet dogs, along this stretch of coast. However, in the absence of disturbance this section of coastline provides very limited feeding and roosting habitat for purple sandpiper.

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 as count numbers remained small from 2004 to 2007, reaching a maximum of 8 during the winter period of 2005-2006, however, as described in section 6.3 this data is unlikely to be a comprehensive representation of how birds use this area of coastline. .

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	-	-	-	-	-

6.3.2 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 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	20	1.2	31/12/2007

Site	Numbers of Turnstone	% Northumbria Coast SPA population (1739)	Date
spread about the harbour area			
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.

Date	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.

The detailed design for Marine Walk has not yet been determined, however in order to maintain the site as a feeding and roosting resource for the qualifying species of birds it is recommended that any proposals preserve the existing rocky habitat along Roker beach and Sunderland harbour and Pier and disturbance around these areas is kept to a minimum during construction and operation by implementing careful visitor management during the winter months.

However, one potential development site has been identified and is located to the north of Adventure Sunderland. This site is informally used as a car park. The development of this site would not affect the existing rocky habitat along this section of the coastline however, it is likely to attract additional visitors to the area.

Until the detailed design stages are known and how visitors to the site are going to be managed the precise impacts of the proposed developments cannot be assessed accurately at this stage.

Increased visitor numbers in combination with other developments as a result of the Masterplan may lead to increased disturbance of the shoreline in the absence of mitigation. This will have to be assessed as other developments become known

7 Summary and Conclusion

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

Possible effects upon the notified interest features of the Northumbria Coast SPA and Ramsar site have been considered in more detail.

There are several potential significant effects on the qualifying bird species that cannot be ruled out at this stage. These are:

- Disturbance caused by dogs on the beach
- Disturbance by increased numbers of people accessing the beach
- Lighting
- Construction

Although purple sandpiper and turnstone are mainly present during the winter period when recreational activity is lower than during the summer, disturbance during winter could be more significant in terms of winter survival, particularly disturbance during periods of cold weather. Therefore it is not possible at this stage to determine whether or not the development will have a significant impact on the qualifying species of interest for the SPA without more detailed proposals. Analysis of the detailed design for Marine Walk and field work to assess the use of the site by turnstone and purple sandpiper will allow determination of the effects of the proposed development.

The main areas where increased recreation are likely to occur are at some distance from the SPA; however the qualifying species do use the coastal area at Marine Walk for foraging and roosting purposes and so any effect on these birds at this site has the potential to effect the SPA populations.

The Masterplan states that studies will be undertaken to determine any sensitive areas where construction should be timed according to sensitivity. These studies will identify any potential impacts on the qualifying bird species of the SPA and appropriate mitigation measures can be formulated to reduce any potential impacts that may be identified.

The national populations of turnstone and purple sandpiper have declined in recent winters and the reasons for this are unclear but climatic factors have been implicated. However, any development should endeavour to prevent or mitigate any further negative impacts on these species.

It is recommended that ornithological studies of the area are undertaken to determine use of the area by birds and existing distribution levels on birds by human activity before proposals are finalised and developed and the results should be used to identify and

quantify likely disturbance by development including use of wind power generation, lighting of the area and areas of sensitive recreational use.

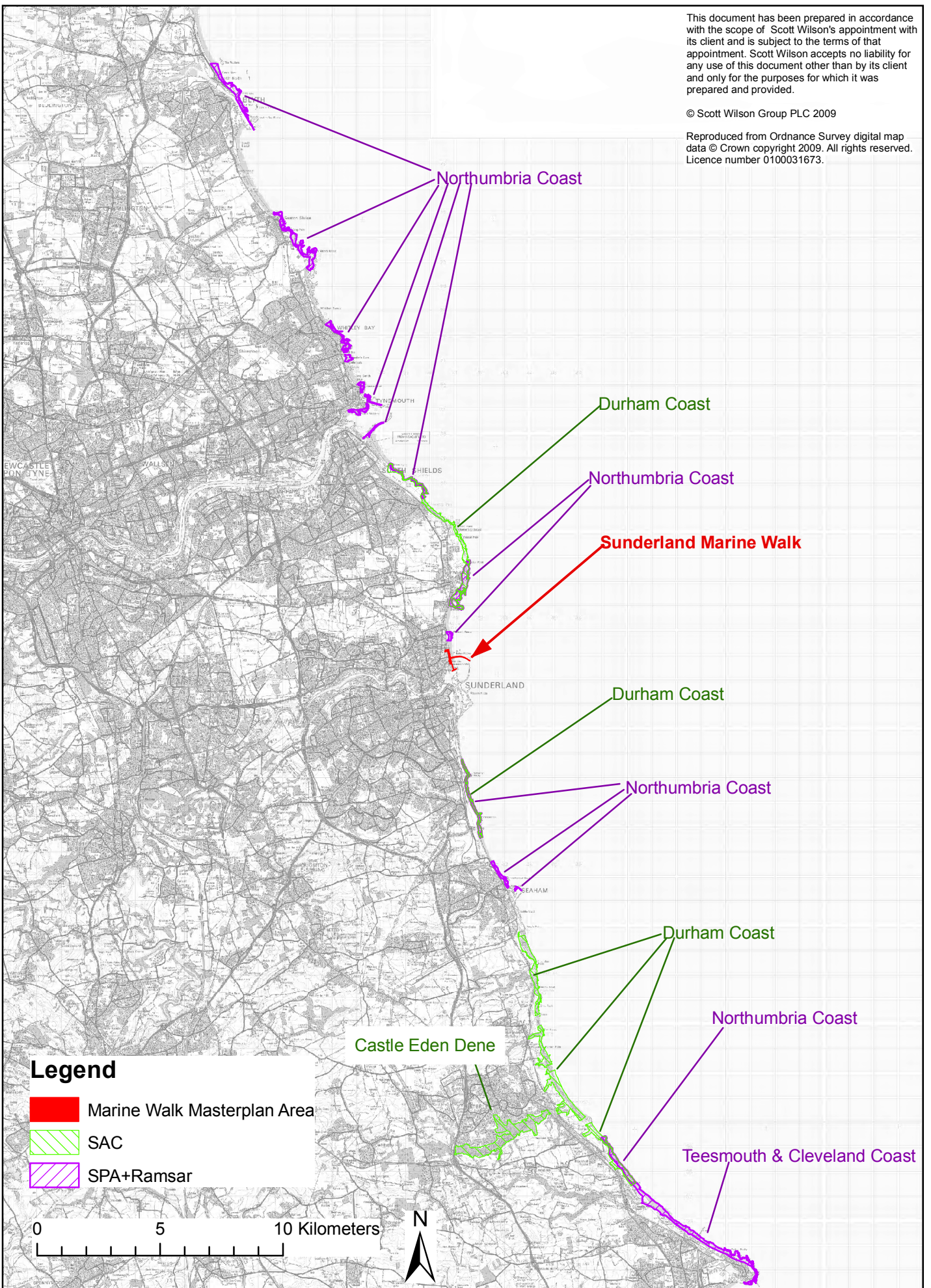


Appendix 1

This document has been prepared in accordance with the scope of Scott Wilson's appointment with its client and is subject to the terms of that appointment. Scott Wilson accepts no liability for any use of this document other than by its client and only for the purposes for which it was prepared and provided.

© Scott Wilson Group PLC 2009

Reproduced from Ordnance Survey digital map data © Crown copyright 2009. All rights reserved. Licence number 0100031673.



Project Title	SUNDERLAND MARINE WALK AA			FIGURE 1		
	Scale at A4: 1:200,000					
Drawing Title	EUROPEAN DESIGNATIONS IN WIDER AREA			Drw: ND	App: JS	Rev:
				Chk: JS	Date: 09.12.2009	Date:



www.scottwilson.com

File location:



Appendix 2

SPD Consultation Responses

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>



Consultation Authority	Section/Paragraph	Comments	Response/Action – Agree/Disagree
		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.	Provision of a green corridor is not proposed in the Appropriate Assessment Screening report.
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”	
	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.

Consultation Authority	Section/Paragraph	Comments	Response/Action – Agree/Disagree
	Comments on AA 1.2	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.
	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. 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.	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. 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.

Consultation Authority	Section/Paragraph	Comments	Response/Action – Agree/Disagree
	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.	EP to get more details.
	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.	
	Significance of effects AA stage	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.



Consultation Authority	Section/Paragraph	Comments	Response/Action – Agree/Disagree
	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.
		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.	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.

Sunderland City Council

Marine Walk Masterplan SPD: Screening for appropriate assessment



Consultation Authority	Section/Paragraph	Comments	Response/Action – Agree/Disagree
	7.2	The conclusion as stated is not clear and does not show that the council has ascertained that this SPD will not result in a n adverse effect on the integrity of a European Site. Until this is established the SPD cannot be adopted.	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.

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

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)

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.

8 References

British Trust for Ornithology. The Wetland Bird Survey (WeBS) – Alerts. Site details for the Northumbria Coast. <http://blx1.bto.org/webs/alerts2005/Results/UK9006131/site>

Department for Communities and Local Government. 2003. Regional Planning guidance for the North East to 2016

Department for Communities and Local Government. 2005. Planning Policy Statement 9: Biodiversity and Geological Conservation

Department for Communities and Local Government. 2006. Planning for the protection of European Sites: Appropriate Assessment under The Conservation (Natural Habitats, &C) (Amendment) (England and Wales) Regulations 2006. Guidance for Regional Spatial Strategies and Local Development Documents.

Department for Environment, Food and Rural Affairs. 2006. The assessment of regional spatial strategies and sub-regional strategies under the provisions of the Habitats Regulations. Draft.

ECJ. 2004. Case C0127/02: landelijke Vereniging tot Behoud van de Waddenzee, Nederlandse Vereniging tot Bersherming van Vogels vs. Staatssecretaris van Landbouw, Natuurbeheer en Visserij (the Waddenzee ruling)

English Nature. 1995. Disturbance to birds on the coast. Species Conservation Handbook. Birds 20: March 1995

English Nature. 2000. Northumbria Coast European marine site. English Nature's advice given under Regulation 33(2) of the Conservation (Natural Habitats &c.) Regulations 1994

English Nature. 2001. Conservation objectives for the European interest on the SSSI – SPA Northumbria coast, SPA Teesmouth and Cleveland Coast, pSAC: Durham Coast, Component SSSI: Durham Coast v3 04/01/2001

European Commission. 1992. Directive 92/43/EEC on The Conservation of Natural Habitats and Wild Flora and Fauna Directive

European Communities. 2000. Managing Natura 2000 Sites. The provisions of Article 6 of the 'Habitats' directive 92/43/EEC

European Communities. 2002. 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

Government Office for the North East. 2008. The North East of England Plan Regional Spatial Strategy (RSS) to 2021

JBA Consulting. 2007. Tyne and Wear Strategic Flood Risk Assessment.

Joint Nature Conservation Committee. 2004. Common Standards Monitoring Guidance for Maritime Cliff and Slope Habitats. JNCC, Peterborough.

North East Tourism Advisory Board. 2005. North East Tourism Strategy 2005 - 2010

North East Coastal Authorities Group. 2007. Shoreline Management Plan 2 River Tyne to Flamborough Head. 9PO184

ONE North East. 2006. Regional Spatial Strategy for the North East

RSPB. 2007. The Appropriate Assessment of Spatial Plans in England. A guide to why, when and how to do it. RSPB, Bedfordshire

Scott Wilson, Levett-Therivel, Treweek Environmental Consultants, Land Use Consultants. September 2006. Appropriate Assessment of Plans. Scott Wilson, Basingstoke.

Scott Wilson. 2005. Sustainability Appraisal of the Sunderland City Council Local Development Framework and UDP Alteration No. 2 Central Sunderland. Scoping Report.

Scott Wilson. 2006. Revisions to UDP, Alteration No. 2 Screening for an Appropriate Assessment.

Summers. R.W. & Nicoll, M. 2004. The dispersion of wintering Purple Sandpiper *Calidris maritima* in relation to the tidal cycle and shore zonation. *Wader Study Group Bull.* 103: 32-35.

Sunderland City Council. 2007. City of Sunderland Unitary Development Plan (1998). Alteration No 2 Central Sunderland.

Sunderland City Council. December 2008. Seafront Regeneration Options Report.

Sunderland City Council. *In prep.* Sunderland Local Development Framework

Sunderland Partnership. 2008a. The Sunderland Strategy 2008 – 2025

Sunderland Partnership. 2008b. Local Area Agreement 2008 – 2011.

The Conservation (Natural Habitats & c.) Regulations 2004 as amended

Tyldesley and Associates. August 2006. The Assessment of Regional Spatial Strategies and Sub-Regional Strategies under the provisions of the habitats regulations. Draft Guidance For English Nature.

Tyne and Wear Local Transport Plan 2006 – 11 (LTP2)

www.englishnature.org.uk/Special/sssi/reportAction.cfm?report=sdrt13&category=S&reference=1000255 - Condition of SSSI Units – Durham Coast SSSI. Compiled 2nd October 2007