Habitat Regulations Assessment: Developer Guidance and Requirements in County Durham

October 2017

Altogether better

Durham County Council

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Executive Summary

The EU Habitats and Wild Birds Directives [i] aim to protect Europe's most important habitats and species. They primarily achieve this by requiring:

1. The designation and protection of a network of land and marine habitats (European Protected Sites); and
2. The protection of certain animals and plants of European importance and all naturally occurring wild birds (European Protected Species)

This guidance document aims to explain the requirements relating to European Protected Sites. These requirements are transposed in England by the Habitats Regulations. [ii]

There are nine European Protected Sites in County Durham which are predominantly located in the western uplands and along the coastline. The Council has a duty to ensure that all the activities it controls, including land use planning does not harm any of the sites or the natural processes that support them. In order to determine whether planning proposals are likely to harm a European Protected Site(s) or not an assessment of their effects is required. This is known as Habitats Regulations Assessment (HRA). Whilst it is the responsibility of the Council to undertake the HRA, those proposing or submitting planning applications will need to provide the Council with sufficient information and evidence to enable the assessment to be undertaken.

If following HRA, taking mitigating measures into account, it is established that harm is likely to occur, or if there is uncertainty over the effects of a planning proposal, the Council will be required to proceed on a precautionary basis and not grant consent. The Council would only be able to grant consent under these circumstances if three additional, sequential tests (known as derogations) are met. These tests must be interpreted strictly and include:

- No feasible less damaging alternative solutions to the proposal exist;
- Imperative reasons of overriding public interest can be demonstrated; and
- Compensatory measures can be secured

In practice it is likely that only a small minority of proposals will reach this stage of consideration and meet the tests.

Coastal European Protected Sites

Previous HRA undertaken by the Council and supported by independent bird and coastal visitor surveys has established that recreational pressure is likely to harm County Durham's coastal European Protected Sites. Development types which increase recreational pressure (e.g. residential development, visitor accommodation) falling within 6km of the coastal European Protected Sites are considered to contribute to harmful effects. For example, the disturbance of important breeding and over wintering bird populations.

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i Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive") and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ("the Wild Birds Directive")

ii The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") (as amended) apply in England and its seas up to 12 nautical miles from the coast.

The Council has developed a coastal mitigation strategy in order to aid developers proposing relevant development types between 0.4km and 6km of the coastal European Protected Sites and to enable development. If the mitigation strategy is adopted and appropriately incorporated alongside planning proposals, the Council should be able to establish following HRA that they will not lead to harmful effects as a result of increased recreational pressure. Depending on the nature of the individual development, applicants can choose to either:

- Contribute to the provision of or enhancement of suitable natural greenspace; or
- Contribute to coastal access management measures

The provision or enhancement of suitable natural greenspace should be funded by developer contributions unless adequate onsite provision is being made. The calculation of costs will be undertaken on a case by case basis. Per dwelling contributions towards the coastal access management measures will be sought as follows:

- Small residential developments (less than 10 dwellings) - £323.92 per dwelling
- Medium to large residential development s (10+ dwellings) - £658.98 per dwelling

If for any reason the applicant chooses not to adopt the Council's mitigation strategy, sufficient information and evidence will need to be supplied to the Council to enable the HRA to be undertaken. The information/evidence should demonstrate beyond reasonable scientific doubt why the proposal will not lead to harmful effects. In order to do so, it is expected that the information supplied will build upon the evidence contained within this guidance document, with supporting surveys, an assessment of in-combination effects and discussion with neighbouring local authorities.

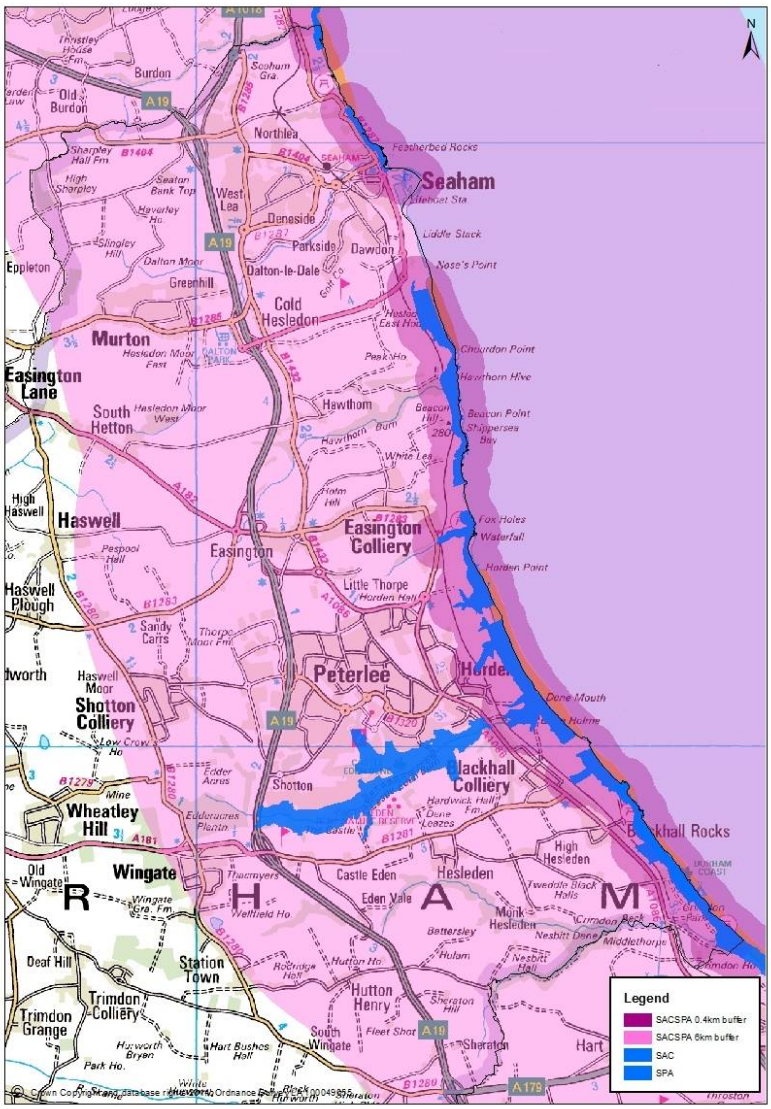
Owing to issues of proximity, proposals falling within 0.4km of a coastal European Protected Site may not be sufficiently mitigated by suitable natural greenspace or coastal access management measures. Applicants of 0.4km proposals will also need to provide information and evidence to inform the HRA which robustly demonstrates why the proposal will not lead to harmful effects.

How to use this Document

This document aims to explain the responsibilities of the Council and developers in respect of HRA and sets out in greater detail the coastal avoidance and mitigation strategy. If you are able to answer yes to either questions 1 or 2 below, all sections of this guidance document are relevant. If you are able to answer yes to question 3 only, please refer to sections 1 and 2.

1. Is my development either within the boundary of a European Protected Site or within 0.4km of the designation boundary.
2. Is my development between 0.4km and 6km of a coastal European Protected Site(s) (Map 1) and likely to either increase the resident population or visitor levels to Durham's coastline?
3. Whether or not development is outside of the 6km buffer, does it have characteristics such as a very large size, or a major polluter, which may warrant its own HRA?

Map 1 Buffer zones - coastal European Protected Sites



Further information

For further information on Habitats Regulations Assessment, please contact the Ecology Team on: **03000 267137**. For applicants proposing development within the 6km catchment in East Durham, the relevant Development Management Team can be contacted on: **03000 262830**

1 Introduction

1.0.1 The Conservation of Habitats and Species Regulations 2010, referred to as the 'Habitats Regulations' implement in Great Britain the requirements of the EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Fauna, referred to as the 'Habitats Directive' (Council Directive 92/43/EEC) and protect areas classified under Directive 2009/147/EC referred to as the 'Birds Directive.' The regulations aim to protect a network of sites known as Natura 2000 that have rare or important habitats and species threatened at a pan European level in order to safeguard biodiversity.

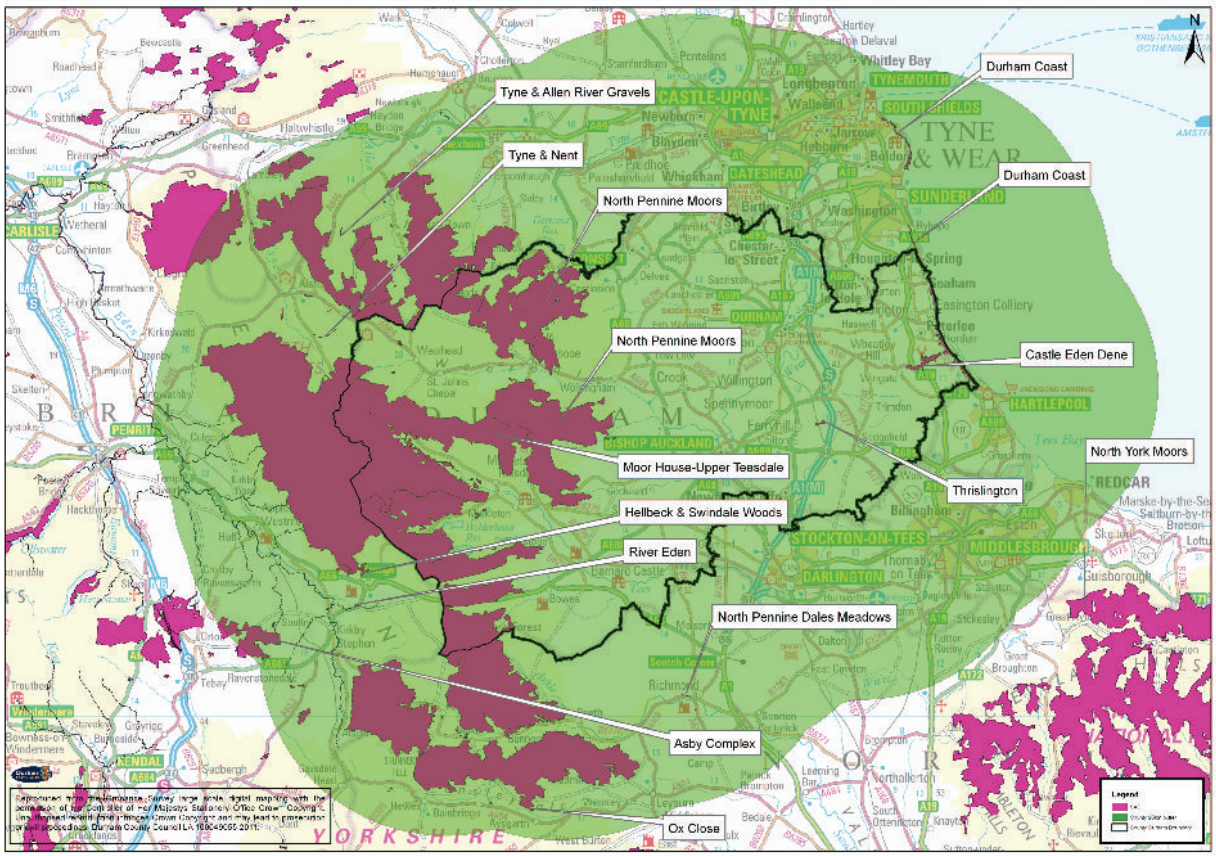
1.0.2 County Durham has a number of Natura 2000 or European Protected Sites, comprising:

Special Areas of Conservation (SAC): protected because they make a significant contribution to conserving habitats and species listed in the Habitats Directive

In County Durham there are 6 whole or part SACs which are predominantly divided between the western uplands and the coastline.

- Castle Eden Dene
- Durham Coast
- Moor House, Upper Teesdale
- North Pennine Dales Meadows
- North Pennine Moors
- Thrislington

Figure 1 SAC's within and bordering County Durham



Special Protection Areas (SPA): protected because they constitute internationally important areas for breeding, feeding, wintering or the migration of rare and vulnerable species of birds listed under the Birds Directive

In County Durham there are 3 whole or part SPAs, divided between the western uplands and the coastline.

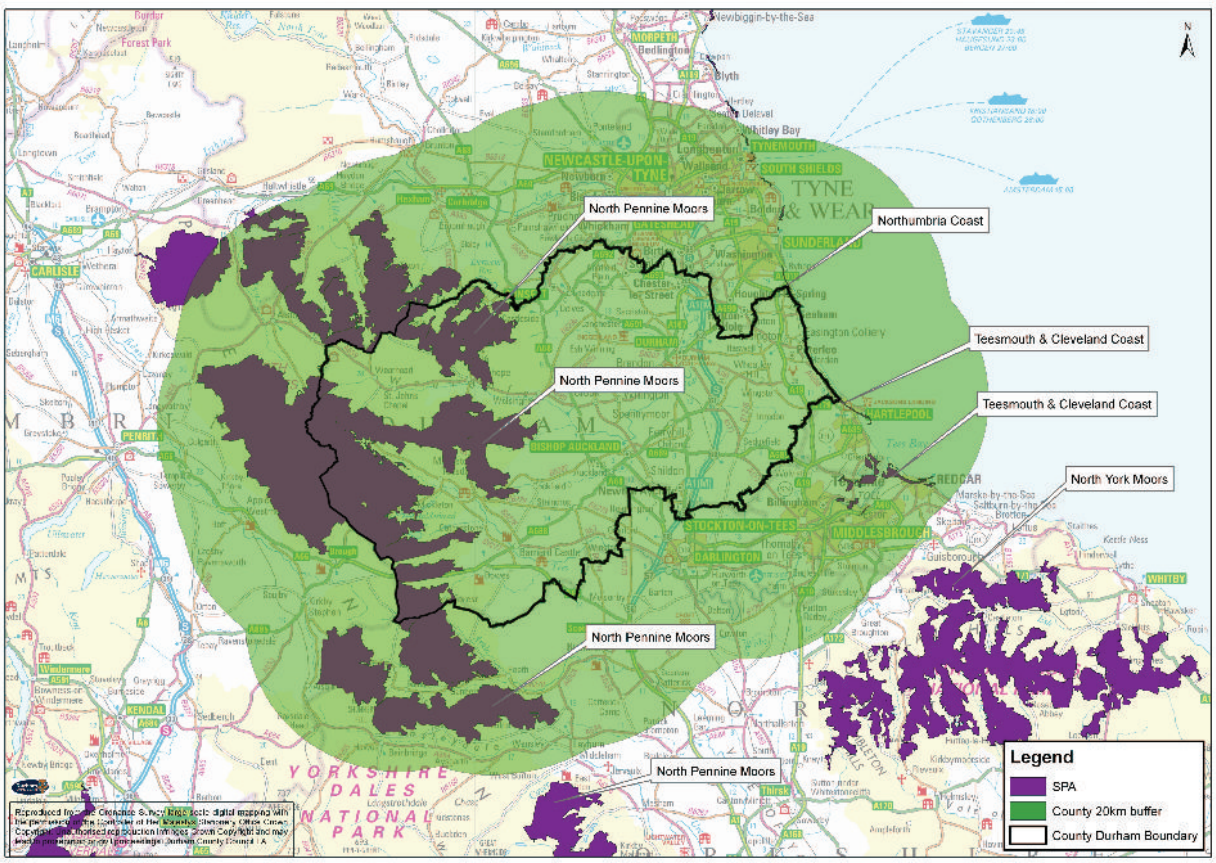
- North Pennine Moors
- Northumbria Coast
- Teesmouth & Cleveland Coast

Each SPA has a list of qualifying bird species for which it is designated.

Land not within the SPA but used by the qualifying bird species of the SPA may also be protected as “functional land” (determined through bird surveys) utilised by and necessary to support the SPAs bird populations.

A sub-set of the coastline designated as SPA is also designated as an internationally important wetland under the Ramsar Convention of 1971 and receives the same level of protection as a European site.

Figure 2 SPA's within and bordering County Durham



1.0.3 Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended), the Council (as a Competent Authority) has a duty to ensure that all the activities it regulates have no adverse effect on the integrity of any of the European Protected sites. Therefore, the Council must assess the possible effects of a plan or project on any sites and shall agree to them (give consent) only after ascertaining that they will not adversely affect them. The term Habitats Regulations Assessment (HRA) has come into use for describing the overall assessment process including screening and the specific Appropriate Assessment stage.

1.0.4 It is important to understand that the HRA will address not only the instigating plan or project but must also consider the in combination (cumulative) effect the plan or project may have along with other plans or projects which may be generated from multiple, diverse sources. Plans or projects which are geographically separate from the site but which may still have an indirect effect on the site, (for example increased air pollution, recreational use) will also need to be considered. It is also necessary to recognise that effects (including cumulative effects) may extend beyond administrative boundaries and that there will be a need to consult with neighbouring authorities. In Durham this will apply to all European Protected Sites along with the functional land supporting the qualifying birds of the SPA.

1.0.5 The precautionary approach to the HRA process means that a “significant effect” should be considered likely if it cannot be completely excluded on the basis of the available information. The absence of information is not a basis to assume no negative effect.

HRA Findings

1.0.6 Previous HRA undertaken by Durham County Council and supported by independent bird and coastal visitor surveys determined that recreational pressure and associated disturbance is likely to have a detrimental effect on the habitat and species for which County Durham's coastal European Protected sites (Durham Coast SAC, Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA) were designated. These sites collectively host the only example of vegetated sea cliffs on magnesian limestone exposures in the UK, important over wintering wader populations and internationally important breeding populations of Little Tern. The research undertaken as part of the HRA has identified that development types which increase recreational pressure, (e.g. Residential development, visitor accommodation) falling within 6km of the coastal European Protected Sites are likely to contribute to detrimental effects. For further information please see Appendices C to F.

Purpose of this Document

1.0.7 The purpose of this document is twofold and aims to:

- Explain the stages in the HRA process and the responsibilities of developers and the Council; and
- Outline the coastal mitigation strategy which developers may wish to adopt to ensure that adverse effects arising as a result of recreational pressure can be avoided and mitigated.

Sub-Regional Working

1.0.8 The coastal European Protected Sites extend into five authorities in the region[iii] and recreational pressure arising in County Durham or its neighbouring authorities is not limited to its own administrative boundaries. Therefore, in order to be sure of a consistent approach, Durham County Council is working jointly at a sub-regional level to implement complimentary avoidance and mitigation measures and will endeavour to continue to do so in the future.

Document Status

1.0.9 This guidance document is a working document and will be reviewed for its effectiveness at least every 5 years or sooner if new evidence emerges or monitoring results indicate that a more urgent review is required. The Council is confident that the measures advocated will be effective, however if for some reason specific measures are not found to be working, these will be readdressed.

iii Including: Northumberland County Council, North Tyneside Council, South Tyneside Council, Sunderland City Council and Hartlepool Borough Council

2 Stages in the HRA Process and Participant Responsibilities

2.0.1 A staged approach is adopted for undertaking an HRA:

1. Screening
2. Appropriate Assessment
3. Avoidance and mitigation
4. Absence of alternatives, IROPI and compensation

2.0.2 For each of these stages it is the responsibility of the applicant or proposer of a plan or project to provide sufficient information, in a suitable format, to the Council as the competent authority. The timing and content of each stage will be agreed in advance by the proposer and Durham County Council. A flowchart showing the stages is included at Appendix A.

Stage 1. Screening

2.0.3 The purpose of the screening stage is to determine whether the plan or project is connected with or necessary for the management of the site and if not whether it is 'likely to have a significant effect' on a European site (either alone or in combination with other plans and projects) and therefore require appropriate assessment.

2.0.4 There is no formal requirement for a screening stage in the habitats legislation, however, screening is a useful assessment tool. The assessment acts as a coarse filter which should not require extensive supporting evidence to establish where Likely (is it possible, not is it probable) Significant (i.e. not trivial or inconsequential) Effects will occur. The Council will decide how screening should be applied in each case, depending on the likelihood of significant effects on a European site. Please note that the precautionary principle applies to the screening stage, therefore if Likely Significant Effects cannot be ruled out, an appropriate assessment will be required.

2.0.5 However, if at this stage it can be concluded that no likely significant effects arise from the plan or project then no further stages of the HRA are required. It is strongly in an applicant's interests to ensure that any need for formal screening is identified as early as possible. In practice they should seek to confirm this during pre-application discussions with the Council to help minimise delays.

2.0.6 At the screening stage, it will often be appropriate to consider whether projects can be adapted or mitigated so that any likely significant effect can be ruled out. This can include conditions / legal agreements to secure any adaptations or mitigation. Ideally such adaptations and / or mitigation measures should be incorporated into plans or projects before screening takes place but, where this is not the case, they can and should be considered during the screening stage.

Stage 2. Appropriate Assessment

2.0.7 If, after screening, it is undetermined whether adverse effects are likely or the screening process identifies particular adverse effects either alone or in combination, then an assessment of only those identified effects (i.e. An Appropriate Assessment, on the

qualifying features of the SAC/SPA must be carried out. The Appropriate Assessment utilises evidence to further refine and quantify the identified effects and to consider them in combination with any proposed mitigation.

2.0.8 It is the responsibility of the Council to undertake the Appropriate Assessment and to determine whether there will be an adverse effect on the integrity of the European Protected Site. At the end of the assessment process Durham County Council must be certain that there will be no adverse effect on the Conservation Objectives of the European Protected Site before it can consider allowing the plan or project to proceed. It is the responsibility of the applicant or proposer to provide sufficient information and evidence in an appropriate format for the Council to carry out the assessment. This will be in the form of a "shadow" Appropriate Assessment, likely to consist of a suite of specialist surveys and desk studies including an assessment of in combination plans or projects. The Council must consult Natural England on the assessment process and have regard to any representations made. If at this stage it can be concluded that no adverse effects arise then no further stages of HRA are required.

Stage 3. Avoidance and Mitigation

2.0.9 Where likely significant effects continue to be identified following Stage 2, avoidance measures, followed by mitigation measures should be considered further. Please note that mitigation measures should be proven to be deliverable and the Appropriate Assessment will also need to ensure that residual effects (after mitigation) do not act in combination with other plans and projects (cumulative effects).Where adverse effects are still identified, the plan or project should be altered until adverse effects are cancelled out fully.

Stage 4. Absence of alternatives, IROPI and compensation

2.0.10 If after stage 3 an adverse effect on the integrity of the European Protected Site(s) remains the proposal can only proceed providing the following three sequential tests are met:

- There must be no feasible alternative solutions to the proposal which are less damaging to the affected European site(s);
- There must be 'imperative reasons of overriding public interest' (IROPI) for the plan or project to proceed; and
- All necessary compensatory measures must be secured to ensure that the overall coherence of the network of European sites is protected.

2.0.11 The purpose of the assessment of alternative solutions is to determine whether there are any other feasible ways to deliver the overall objectives of the proposal which will be less damaging to the integrity of the European Protected site(s) affected. For the assessment to be passed the Council must be able to demonstrate objectively the absence of feasible alternative solutions. The applicant is primarily responsible for identifying alternatives. Alternative solutions are limited to those which would deliver the overall objective as in the original proposal. Please note that where housing developments are

considered to adversely affect a European Protected site(s), alternative locations for housing are often available and therefore it is difficult to demonstrate the absence of alternatives.

2.0.12 Where the absence of alternatives can be demonstrated, and the proposal will affect a Special Area of Conservation (SAC) the Council can normally only consider IROPI reasons relating to human health, public safety or beneficial consequences of primary importance to the environment. Other IROPI reasons can only be considered having obtained and had regard to the opinion of the European Community. In all other cases the Council can consider IROPI reasons including those relating to social or economic benefit.

2.0.13 Where the absence of alternatives and IROPI can be demonstrated, the ability to secure suitable compensation must also be demonstrated. The Council, with Natural England are initially responsible for ensuring that suitable compensation is identified. Such measures must offset the negative effects caused by the proposal and must be secured before consent is given and where possible, complete before the adverse effect on the European site occurs.

HRA and the Development Management Process

2.0.14 It is likely that in most cases the HRA process will stop at either stage 2 or 3 above, with either avoidance or mitigation measures being applied. At this stage the developer must have provided Durham County Council with an adequate “shadow” Appropriate Assessment and the Council must be satisfied that the proposed mitigation it contains will be sufficient to completely avoid or nullify all likely adverse effects on the qualifying features of the European Protected Site(s) and will therefore not undermine the sites Conservation Objectives.

2.0.15 Pre application discussion with Durham County Council’s Development Management team should be carried out as early as possible in the decision making process. This is needed to correctly inform the HRA process and confirm the structure and content of an Appropriate Assessment if it is required and to determine the level and nature of any subsequent mitigation required. This must be done in advance of any planning application, most effectively through Durham County Council’s Development Management pre-application consultation system. Failure to do so may result in significant delays to the Development Management process.

2.0.16 HRA can be carried out for strategic plans and/or individual plans or projects down to the level of very small scale developments where an impact on the qualifying features of a European Protected Site has been identified. A strategic approach to HRA is encouraged where a land owner/developer owns multiple holdings for sale or development all of which may be subject to HRA. A holistic, master planning, approach will allow for efficiencies in assessment of impacts and ease of identification of appropriate mitigation at a plan level rather than the process stalling if sites are treated individually.

2.0.17 HRA at a strategic plan level is more efficient allowing for:

- the early identification of plans or projects which may have an impact on European Protected Sites

- early stage screening to eliminate individual plans or projects
- early stage recognition of those individual plans or projects which will be subject to Appropriate Assessment
- more effective assessment of in combination effects across plans or projects
- the identification of early stage requirements for mitigation
- single consultation with external consultees for multiple sites in one plan
- cumulative mitigation proposals where possible
- coordinated HRA and Appropriate Assessment
- efficiencies in mitigation, maximising development potential
- ease and speed within the Development Management process.

2.0.18 The following sections of this guidance document aim to outline the coastal mitigation strategy which developers may wish to adopt to ensure that adverse effects arising as a result of coastal recreational pressure can be avoided and mitigated.

3 Coastal Avoidance and Mitigation Strategy

3.0.1 Recreational pressure and associated disturbance along the coast comes from two distinct pathways:

- **Residential pressure within a local catchment -** Residents are likely to visit frequently and consistently e.g. to walk the dog or exercise
- **Visitor pressure from a wider catchment -** Visitors are likely to be 'tourists' from within and outside the region and are likely to visit less frequently

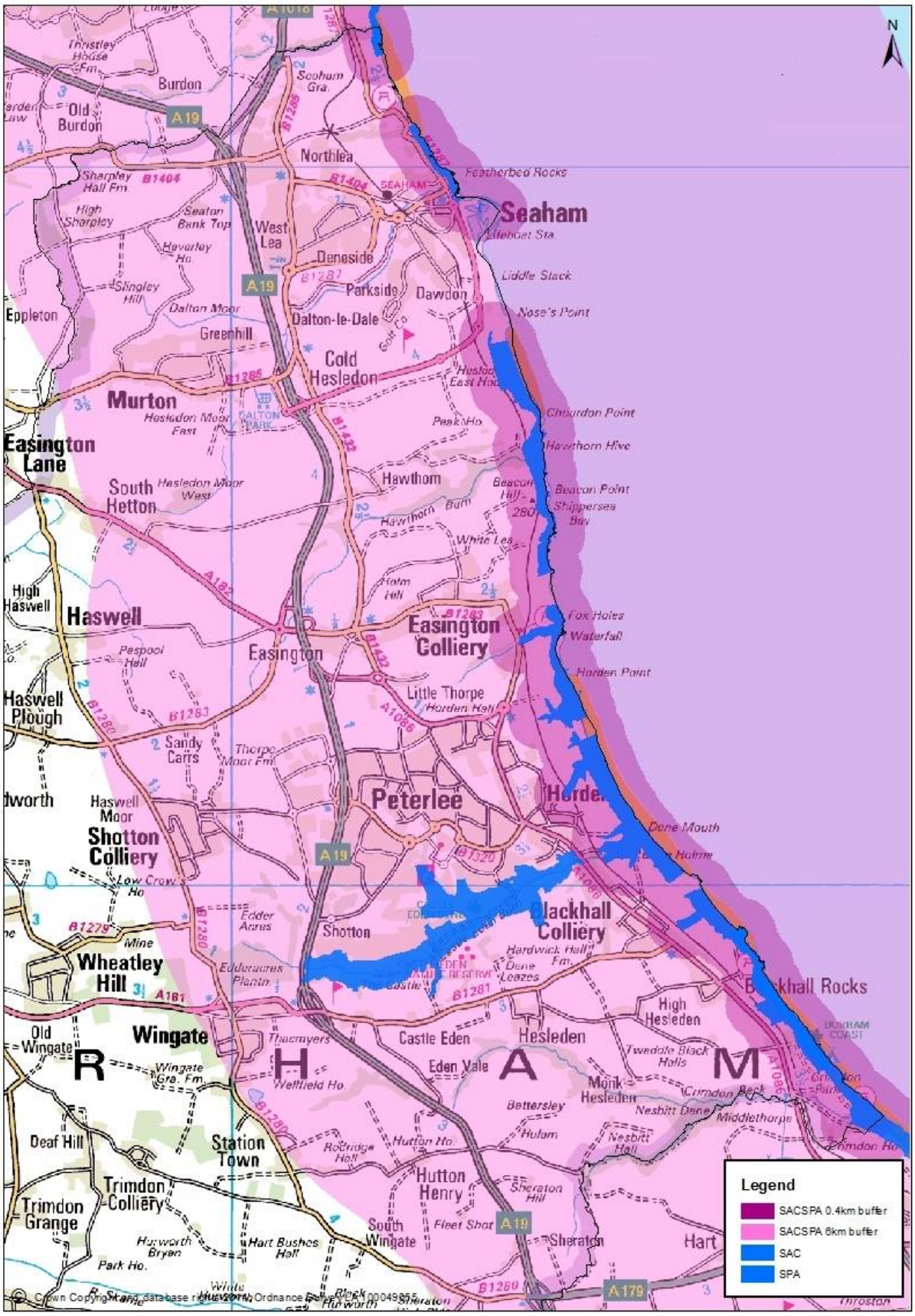
3.0.2 A three pronged approach to the strategy is required to avoid likely significant effects to the coastal European Protected Sites and includes:

1. **Presumption against any net increase in residential development within 0.4km of the coastal sites**
2. **Provision /enhancement of suitable natural greenspace** to reduce the frequency of visits to the coastal sites by residents and hence reduce pressure on them.
3. **Access management and monitoring measures** to reduce and monitor the effects of residents and those from a wider catchment who visit the coastal sites.

3.0.3 A 6km recreational catchment has been defined within which the strategy should be applied.[(iv)] Measures 2 and 3 should be applied from 0.4km from the perimeter of the coastal European Protected Sites to 6km from the perimeter of the coastal European Protected Sites as the crow flies. The following figure shows the extent of the catchment and associated buffer zones.

iv Please see Appendix E

Figure 3 Recreational Catchment and Buffer Zones



3.0.4 Where the application of the coastal mitigation strategy to proposals between 0.4 and 6km of the coastal European Protected Sites is considered sufficient, Appropriate Assessment can be avoided. This is because the measures will be taken into account at the initial Screening Stage. [v] As long as the mitigation follows that proposed in the strategy and is appropriate (i.e.commensurate with the nature and size of the development and degree of negative impact) it should be possible to effectively 'screen out' likely significant effects and no further assessment will be required.

3.0.5 Alternatively, it is the responsibility of the applicant to provide sufficient information in an appropriate format for Durham County Council to carry out the Appropriate Assessment. The information provided should build upon the evidence contained within this document with supporting information and surveys, including an assessment of in combination effects and discussion with neighbouring local authorities.

3.0.6 If either insufficient mitigation or information to support an Appropriate Assessment is supplied alongside proposals within the 0.4 - 6km buffer, the Council will not be able to conclude that there will be no likely significant effects to coastal European Protected sites. As a result, the Council will need to apply the precautionary approach and will seek further mitigation or information from the applicant in the first case which may delay determination of the proposal. The Council will be minded to recommend refusal of proposals in the event that either:

- the necessary mitigation cannot be secured;
- Evidence to inform the Appropriate Assessment is not provided which supports to the Council's satisfaction a conclusion of 'no likely significant effects; and
- The three sequential tests of absence of alternatives, IROPI and compensation cannot be demonstrated

3.0.7 Residential developments of over 50 houses and major tourism developments located between 6 and 7km from the perimeter of the coastal European Protected sites will be assessed on a case by case basis and subject to Appropriate Assessment where required.

3.1 Types of Development Included

3.1.1 This strategy largely concerns itself with the effects arising from net new development related to residential and visitor accommodation. The strategy will apply to applications for full or outline planning permission. Developers making outline planning applications will need to provide complete information on the number of dwellings / units, so that the required calculations for contributions may be made. Without this information, the Council cannot satisfy itself that the level of any proposed contribution is adequate and would be unable to grant planning permission as a result.

v The principle of taking mitigation measures into account during the screening stage was established through the High Court Judgement of Sullivan, J in Hart DC v SoS for Communities and Local Government (2008)

3.1.2 Reserved matters, discharge of conditions, or amendments to existing planning consents will be considered on a case by case basis by the Council. Please note that like for like replacement development is not considered to increase recreational pressure and is therefore not included in the strategy. The types of development that are included are described as follows against the relevant use classes: [vi]

C1 Hotels

3.1.3 The strategy will apply to purpose built hotels, staff accommodation, boarding and guest houses and the change of use to such where levels of guest/staff accommodation are considered by the Council to increase upon any previous levels of residential accommodation provided. The strategy will also apply to extensions to existing C1 uses which increase levels of accommodation.

C2 Residential Institutions

3.1.4 The strategy will be applied to developments within the C2 use class (i.e. Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres) on a case by case basis. In general, developments such as hospitals and residential care/nursing homes will not be considered to have a likely significant effect with regard to recreational impacts but will be considered on a case by case basis taking into account potential 'in combination' effects and any associated net change in residential occupancy for carers residing on the site.

3.1.5 Certain types of C2 residential accommodation may also be considered not to affect recreational impacts within the 0.4km buffer of coastal European Protected Sites including:

1. Purpose built schemes for the frail elderly where there is an element of close care provided on site 24 hours a day. This level of care is above that of provision of an on-site wardening service provided for sheltered accommodation. It would be expected that there would normally be an age restriction of 60+years for the occupants of the units and that the planning permission would be conditioned in such a way that the units could not become open market housing.
2. Purpose built schemes for the accommodation of disabled people, where by the nature of the residents' disabilities, they are unlikely to have any impact on the coastal protected sites.

3.1.6 The use of pet covenants or other suitable legally binding agreements by authorities is considered acceptable by Natural England in these specific situations as:

- The nature of the establishment is such that pressure from residents to own pets is likely to be very low creating an acceptable risk.
- In the context of a residential care home with 24 hour wardening, enforcement is seen as being achievable in terms of time taken to detect infringements and resources on site to achieve enforcement outcomes.

vi as established through the Town and Country Planning (Use Classes) Order 1987 (as amended)

3.1.7 Relevant conditions may need to be attached to any planning permission to ensure that no significant effects can arise for the lifetime of the development including for example:

- Preventing further changes of use within the C2 use class and ensuring that units will not become open market housing
- The applicant/management body will provide a biannual written confirmation to the Council detailing the compliance with the pet covenant, the number of residents and their age.
- The applicant/management body will prevent, through design and enforcement measures, the use of onsite car parking for public use for accessing the coast.

C3 Dwelling Houses

3.1.8 The strategy will apply to dwelling housings, including affordable houses, flats, annexes, retirement and age restricted properties and the change of use to such. The strategy will apply to the extension of existing C3 uses on a case by case basis.

C4 Houses in Multiple Occupation (HMO)

3.1.9 The strategy will apply to purpose built HMO's, including proposals for large HMO's (i.e. 6 or more people sharing) which are unclassified by the Use Classes Order and are 'sui generis'. The strategy will also apply to the extension of existing HMO's where they are considered by the Council to provide additional levels of occupancy. The strategy will apply to the change of use from C3 to C4 where levels of occupancy increase.

Other Types of Development (Sui Generis)

- **Camp and caravan sites**[vii] -The strategy will apply to proposals for temporary, seasonal and permanent camp and caravan sites and extensions to such where the number of pitches or guest accommodation increases. This includes applications to extend temporary planning consent. If subsequently made permanent, no additional contribution will be sought.
- **Mobile and temporary dwellings -** The strategy will apply to proposals for mobile or temporary dwellings. If subsequently made permanent no additional contribution will be sought.
- **Temporary and permanent gypsy and traveller pitches -** The strategy will apply to proposals for temporary and permanent gypsy and traveller pitches and the extension of sites for such. If subsequently made permanent no additional contribution will be sought.
- **Visitor attractions -** The strategy will apply to proposals which are considered likely to increase the visitor draw and appeal of the coast.

vii Camping and caravan sites can include basic ridge /dome tents, yurts, tipis/teepees, geodesic domes, safari-style tents/canvas lodges, bell tents, wooden shepherds huts, wooden wigwams/cocoons/snugs, cabins, chalets, eco-pods or similar structure and caravaning (both static and touring)

Permitted Development

3.1.10 The Government allows planning permission for certain classes of development without the requirement for a planning application, although prior approval may be required. This includes the change of use from business offices (B1a), light industrial (B1c), storage and distribution (B8), betting offices, pay day loan shop, launderette (Sui Generis) and agricultural buildings (other changes of use).[viii]

3.1.11 Regulation 3 of the Town and Country Planning (General Permitted Development) (England) Order sets out that development described as permitted development in Schedule 2 can be permitted subject to the provisions of the Order and the Conservation of Habitats and Species Regulations. Therefore, where it is considered that a 'significant effect' on the coastal European Protected Sites may arise, (or any other European Protected Site) the development must not commence until written approval has been received by the developer from the Council (or Natural England). In circumstances where significant effects to coastal European Protected Sites may arise, the proposed development will be subject to the avoidance and mitigation strategy.

3.1.12 The following sections describe the three avoidance and mitigation measures.

3.2 Measure 1: Development within 0.4km of the Coastal Sites

3.2.1 Within 0.4km of the coastal European Protected Sites[ix] the effects of a net new increase in residential development is likely to be such that even if measures 2 and / or 3 of this strategy are implemented it may not be possible to conclude no adverse effect on coastal European Protected sites. This is due to the likely higher frequency of visits originating within 0.4km and the potential for increased levels of predation as a result of pet ownership. (Please see Appendix E).

3.2.2 There should therefore be a presumption against any net increase in such development within this 0.4km buffer zone unless information and evidence to inform the Appropriate Assessment can be provided by the proposer or applicant which is able to satisfactorily demonstrate that it will not adversely affect the integrity of the coastal European Protected Site in question.[x] For proposals falling within 0.4km early stage advice should be sought from Development Management Officers.

3.3 Measure 2: Provision / enhancement of suitable natural greenspace

3.3.1 As local visitor surveys show that dog walking is the main activity undertaken at the coast with 'convenience' and 'space for dogs to run around' cited as top reasons for choosing the coast as a dog walking location it is considered essential to tailor mitigation towards this activity given that dog walking is:

- The main recreational activity undertaken at the coast;

viii Further information relating to permitted development including temporary permitted development can be found on the Planning Portal Website as: https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use

ix measured as the crow flies from the closest perimeter of the coastal European Protected site to the closest perimeter of the development site

x NPPF Paragraph 119: Please note that the presumption in favour of sustainable development (as defined in Paragraph 14 of the NPPF) does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined

- Considered to be a greater cause of disturbance to qualifying SPA species than visitors without dogs; and
- Can also adversely affect Durham Coast SAC

3.3.2 Whilst the provision or enhancement of green space is unlikely to fully dissuade dog walkers from using the coast due to the appeal of the coastal environment in itself, natural green space provision / enhancement is likely to contribute to reducing the frequency of visits and associated residential pressure within the local catchment by displacing users. **(xi)**

3.3.3 There are two ways for developers to provide or enhance suitable natural greenspace:

- Make a payment contribution towards suitable natural greenspace sites identified by the Council either through the planning process or in support of housing allocations in the emerging County Durham Plan **(xii)**; or
- Make onsite provision based upon the principles within this guidance document (this is more likely to apply to large residential proposals e.g. 100+ dwellings).

3.3.4 In order to provide effective mitigation, green space provision or enhancement of such needs to replicate, as far as possible the recreational qualities of the designated sites to make them attractive to potential users. Whilst it is not possible to replicate the coastal environment, green space can replicate aspects of coastal land that makes it attractive to dog walkers. In addition to the findings of local visitor surveys, studies from all over the UK repeatedly show that the three most important amenities dog owners seek are:

- Off lead access;
- Close to home; and
- Away from traffic.

3.3.5 Taking into consideration Natural England's SANG guidelines, together with the County Council's Open Space Needs Assessment (OSNA) and Hampshire County Council's Planning for Dog Ownership in New Developments design guidance (2013), the following criteria are recommended with respect to the provision / enhancement of natural green space:

- Sites should be semi-natural in appearance in order to provide a similar natural experience as the Durham Coast;
- They should be a minimum of 3ha per 1000 persons **(xiii)** and include sufficient sized areas to enable users to walk their dogs off the lead without any conflict/fear for their safety (smaller sites would also be considered if they were close to and had good links to other smaller sites, to form a larger total area/network);

xi visitor surveys undertaken show that just under two thirds of all dog walkers would utilise local green space as an alternative to walking their dog at the coast if it was available.

xii Please note that this guidance document will be updated with information on suitable natural greenspace sites that may be identified to support any housing allocations within the County Durham Plan once available.

xiii Please see Appendix B for 3ha per 1,000 persons justification

- Sites should ideally aim to allow a minimum dog walking penetration of 784 m from starting point and a circular dog walk of 2.7km
- The design of the site, if near to a designated site, should not inadvertently increase access to the designated site, but rather should be self-contained;
- Sites should be within 400-500m [(xiv)] of the target audience/new housing, unless a larger fit for purpose site is created which has a larger catchment area, with sufficient capacity for additional users;
- They should have adequate car parking if they are larger than 10 ha, and would therefore aim to have a larger catchment area;
- Existing green spaces should be assessed to ensure that the proposed use of the site is compatible with its existing use and that there is available carrying capacity.

3.3.6 Where existing areas of green space are not already at carrying capacity or have conflicting uses, suitable green space may be created from existing areas of green space where they:

- Meet the criteria outlined above with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public; or
- They are already accessible but could be changed in character so that it is more attractive to dog walkers who might otherwise visit the coast.

3.3.7 In certain circumstances it may be possible to satisfy both the the requirements of the coastal avoidance and mitigation strategy and planning requirements regarding green infrastructure provision alongside new development e.g. Meeting targets for semi natural greenspace provision.

3.4 Measure 3: Access Management and Monitoring

3.4.1 The third avoidance and mitigation measure is access management and monitoring. The principles of such measures include:

- Recognition of highly sensitive areas, particularly bird roosting sites
- Rationalisation of access points and footpaths to avoid highly sensitive areas
- New signage diverting people away from sensitive areas and towards alternative areas
- Community engagement and wardening
- Educational initiatives which raise awareness of the vulnerabilities of qualifying species and associated responsible visitor behaviour.
- Monitoring of changes in the qualifying species and habitats
- Monitoring changes in recreational use

xiv Hampshire County Council's *Planning for Dog Ownership in New Developments* (2013) noted that dog owners will on average walk no further than 400 – 500m to get to a greenspace that is in all ways suitable for exercising their pets

3.4.2 The measures are required in addition to the provision/enhancement of green space to mitigate the impact from all recreational users of the coast including those associated with visitor pressure from a wider catchment. Monitoring will be crucial in providing a method of fine-tuning of the avoidance and mitigation measures to increase their effectiveness and maximise benefits.

4 Implementation and Monitoring

4.0.1 In terms of deciding whether new development should contribute towards measure 2 or measure 3, please note that the two strands are not mutually exclusive and will be tailored to fit the nature of individual developments. However, it is anticipated that tourism type developments such as hotels and caravan sites will normally contribute towards measure 3 and residential developments will contribute towards either measure 2 or 3.

4.0.2 If appropriate, planning permission will be granted subject to conditions. Proposers / land owners of small scale residential developments (less than 10 dwellings) will be given the choice as to whether to enter into either a Section 106 agreement or a unilateral undertaking. [xv] Where Section 106 agreements are required, these are to be agreed and entered into, prior to the determination of a planning application. Any payments made to the Council by Section 106 agreements should be paid no later than the commencement of the development. If the development is likely to be built in major phases, payment by instalment will be considered.

4.0.3 Where specific measures and/or works (by the developer or, by others who are better placed to provide) are needed to avoid and mitigate the effect that occupiers of a development will have on a coastal European Protected Site(s), these should be undertaken and in place before or in conjunction with those occupiers moving in. Consequently, in some cases the Council will, by planning condition or obligations, restrict the occupation of a development until related avoidance and mitigation measures and/or works are complete.

4.0.4 Where contributions are secured and paid under a Section 106 Agreement with the Council, the receipt and use of contributions can be tracked and information on spending will, on request from a contributing developer, be made available subject to the Council's reasonable costs being met.

Measure 2: Greenspace

4.0.5 The provision or enhancement of suitable natural greenspace should be funded by developer contributions unless adequate onsite provision is being made. The calculation of costs will be undertaken on a case by case basis and will take account of acquisition costs if required, cost of enhancement measures and maintenance and management costs in perpetuity.

Measure 3: Access Management and Monitoring

4.0.6 Developer contributions will be sought towards the actions identified within the following tables:

xv A unilateral undertaking is a legal document made pursuant to Section 106 of the Town and Country Planning Act 1990. This document provides that if you receive planning permission and decide to implement the development, you must make certain payments to the Council in the form of planning contributions

Table 1 Access Management and Monitoring Measures (Revenue Costs)

No.	Action	Justification	Cost	20 year Present Value (PV @ 3.5%) cost
1	Monitor the nature conservation interest in SPAs	Action is directly linked to the future management of the SPA's. Monitoring provides confidence that should populations and their distribution decline, the measures within this action plan can be amended accordingly.	Bird surveys £2,500 every 3 years	£12,098
2	Monitor the SAC and the adjacent reversion areas every 6 years	Action is directly linked to the future management of the SAC. Monitoring provides confidence that should recreational trampling / nitrification of qualifying habitat increase the measures within this action plan can be amended accordingly.	£12,000 every 6 years	£34,581
3	Monitor recreational usage of the SAC and SPA (summer and winter) every 3 years	Action is directly linked to the future management of the SAC and SPA's. Monitoring provides confidence that should recreational disturbance increase the measures within this action plan can be amended accordingly.	£10,000 every 3 years	£50,147
4	Production of leaflets to diffuse visitor use inland and to key mitigation sites. Develop and deliver opportunities to diffuse visitor pressure inland from SAC and SPA. Path network exists, requires promotion of existing network.	Potential for positive effects in terms of raising awareness of SAC/SPA and responsible visitor behaviour.	Initial £32,000 for route creation and leaflet production and subsequent £1,5000 pa	£51,956
5	**Beachcare and wardening programme:** Funding of a warden (Scale 9) to include SAC and SPA wardening and to act as a Little tern warden. General awareness raising and engagement, rationalisation	Positive effects derived - raising awareness and influencing responsible visitor behaviour. • Scale 9 full time, inc oncosts • Vehicle and support costs • Operating budget	£54,054	£759,487

No.	Action	Justification	Cost	20 year Present Value (PV @ 3.5%) cost
	of ad hoc paths, path and fence maintenance and volunteer management.			
			Total	£908,269
			Current Forecast Yield (Dwellings)	2,804
			Revenue contribution per unit	**£323.92**

Table 2 Access Management and Monitoring Measures (Capital Costs)

No.	Action	Justification	Cost
1	**Durham Coast Grazing Project** Areas will be fenced off and water provided for grazing	Controls access, deters recreational use and enhances the SAC buffer	£267,000
2	**Castle Eden Denemouth** Access rationalisation and improved understanding between users in area. Includes improving the current footpath around the allotments. Delivers controlled access.	Removes illegal vehicle access to the SAC and promotion of circular allotment walk will help to deflect recreational pressure from the coast.	£232,500
3	**High tide roost areas** Fence off/advise against public access (particularly during the autumn/winter months) the high tide roosts as identified in the Coastal Bird study, i.e: • Seaham Hall Beach Picnic site (west of the car parking area); • Noses Point; • Blackhall Rocks; and • Blackhall Colliery	Positive effects derived - restricting access to sensitive areas and influencing responsible visitor behaviour	£120,000
4	**Introduce highly sensitive areas** where visitors are not encouraged through: • The provision of interpretation;	Positive effects derived - restricting and controlling access to sensitive areas	£140,000

No.	Action	Justification	Cost
	• The removal of the car park at Limekiln Gill Horden • The removal of the adhoc car parking at Hwathorn Dene and Ryhope Dene.		
5	**Crimdon** Provision of clear pedestrian routing and interpretation at a very heavily visited site, adjacent to SAC/SPA. Educational and information provision. Site management function. Provision of linking routes in land away from SAC/SPA	Controlling access and influencing responsible visitor behaviour	£180,000
		Total	£939,500
		Current Forecast Yield (Dwellings)	2,804
		Contribution per unit	**£335.06**

4.0.7 Per dwelling costs have been calculated by dividing the total costs of the measures by the number of dwellings anticipated to come forward based on historic completions data, within the 6km catchment over a 20 year period. Once further information is available on planned growth in the area through the County Durham Plan the dwelling figures utilised will be reviewed accordingly.

4.0.8 Please note that the Eastern area of County Durham, within which the 6km catchment and avoidance and mitigation strategy applies, suffers from the lowest average residential values within County Durham, with values being significantly below the County Durham average. **(xvi)** This area is therefore the most challenging for viability. In order to ensure that small scale residential developments (less than 10 dwellings) which have tighter profit margins are not discouraged altogether they will be required to contribute to revenue costs only at **£323.92** per dwelling.**(xvii)** However, where small scale proposals form part of larger developments they will be required to contribute to the same costs as medium to large scale residential developments. Medium to larger scale residential developments (10+ dwellings) will be required to contribute to both revenue and capital costs at **£658.98** per dwelling.

4.0.9 In respect of other types of development to which the mitigation strategy applies, financial contributions should be formulated in discussion with the relevant Durham County Council Development Management Team before a planning application is submitted. The amount of contribution will be commensurate with the nature and size of the development and degree of negative impact.

xvi District Valuer Services (May 2016) Issues and Options Viability Assessments in County Durham Durham County Council

xvii Please note that analysis of historic completions data shows that small scale housing developments only contributed 11% of the total housing growth within the 6km catchment over the last 5 years.

Monitoring

4.0.10 Whilst developer contributions will be sought towards the cost of monitoring as part of measure 3, the following table and explanatory note explains how the Council intends to monitor the effectiveness of all measures advocated:

Table 3 Monitoring Requirements

	Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
1	Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA	Application of 0-4-6km buffer	• Housing consents / completions within the buffer zone • Tourism type development consents / completions within the buffer zone	• Number and size of dwellings approved • Number of tourism type developments approved	Monthly through existing development management systems	No trigger - this monitoring element provides baseline information for the measures below	The necessary actions are detailed in the rows below
2		Green Space Provision / Enhancement and Coastal Access Management Measures	Average household size	Based on the results of the 2011 Census	Via Census 2021 data (the initial analysis of the census will provide this information and could be expected to be published before end of 2022 based on the analysis of the 2011 census)	Significant change (more than 0.1 per household)	Review the extent to which this changes either the need for open space provision or funding of coastal access management measures
3		Green Space Provision /	Funding received	Reported from Council finance	Kept as a live spreadsheet	Receipts are insufficient to deliver open space	Increase mitigation rate for future schemes

	Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
		Enhancement and Coastal Access Management Measures				provision / enhancements or access management measures in tandem with housing delivery / tourism development	
4		Green Space Provision / Enhancement and Coastal Access Management Measures	Funding spent	Reported from Council finance	Kept as a live spreadsheet	Payments to deliver open space provision / enhancements or access management measures are falling below actual housing delivery / tourism development	Either: • Bring other green space on stream • Introduce conditions regarding phasing of housing or refuse consents until sufficient open space capacity / access management measures are in place
5		Green Space Provision / Enhancement	Green Space Provision / Enhancement	• Area of open space provided / improved • Locations of open space provided/improved and proximity to new development • Headroom of open space provided / improved	Kept as a live spreadsheet	The provision of green space capacity falls below the rate at which residents are increasing in the locality	Either: • Bring other green space on stream • Introduce conditions regarding phasing of housing or refuse consents until sufficient open space capacity / access management measures are in place

	Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
6		Coastal Access Management Measures	Implementation of coastal access management measures	• Measure delivered	Kept as a live spreadsheet	Decrease in bird population and/or deterioration in habitat due to recreational pressure	Either: • Introduce other mitigation measures such as byelaws restricting dog walking • Introduce conditions regarding phasing of housing or refuse consents until sufficient access management measures are in place
7		Green Space Provision / Enhancement and Coastal Access Management Measures	Visitor data	• Use of coastal sites (numbers and location) • Use of green space provided / enhanced (numbers and location)	• Automated counters at green spaces provided / enhanced and key coastal sites • Face to face surveys every 2-3 years.	• Evidence that green spaces provided / enhanced are not being used • Decrease in bird population and/or deterioration in habitat due to recreational pressure	Either: • Bring other green space on stream • Introduce other mitigation measures such as byelaws restricting dog walking • Introduce conditions regarding phasing of housing or refuse consents until sufficient open space capacity / access management measures are in place

	Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
8		Green Space Provision / Enhancement and Coastal Access Management Measures	Bird data	• WeBS data if available • Bird surveys	• WeBS data annually • Bird surveys every 3 years	Subject to natural change, evidence that qualifying bird populations are either consistently decreasing or are being forced into smaller areas over a 8 year trend period.	Either: • Amend or implement further access management measures • Introduce other mitigation measures such as byelaws restricting dog walking
9		Green Space Provision / Enhancement and Coastal Access Management Measures	Habitat monitoring	Condition of habitat within the SAC and SPA	Every 6 years	Subject to natural change, deterioration or change in the habitat	Either: • Amend or implement further access management measures • Introduce other mitigation measures such as byelaws restricting dog walking, targeted enforcement activity in relation to dog fouling.

Explanatory Note

1. Housing consents / completions and tourism development within 0.4-6km - the aim of this row is to provide a clear understanding of where new housing and tourism development is being delivered.

2. Average household size - The mitigation needs to focus on the number of people who are being diverted from the coast and how to best manage local populations (in addition to visitors) when they do access the coast. This information, when combined with row 2, will give a clear understanding of where, and by how much the population within the coastal zone is increasing.

3. Funding received - This will enable the Council to track whether the payments are coming in as anticipated.

4. Funding spent - This will enable the Council to track whether funds are being spent in a timely manner.

5. Green space provision / enhancement - This will enable the Council to track the amount of open space that is being provided / enhanced and the capacity of each site.

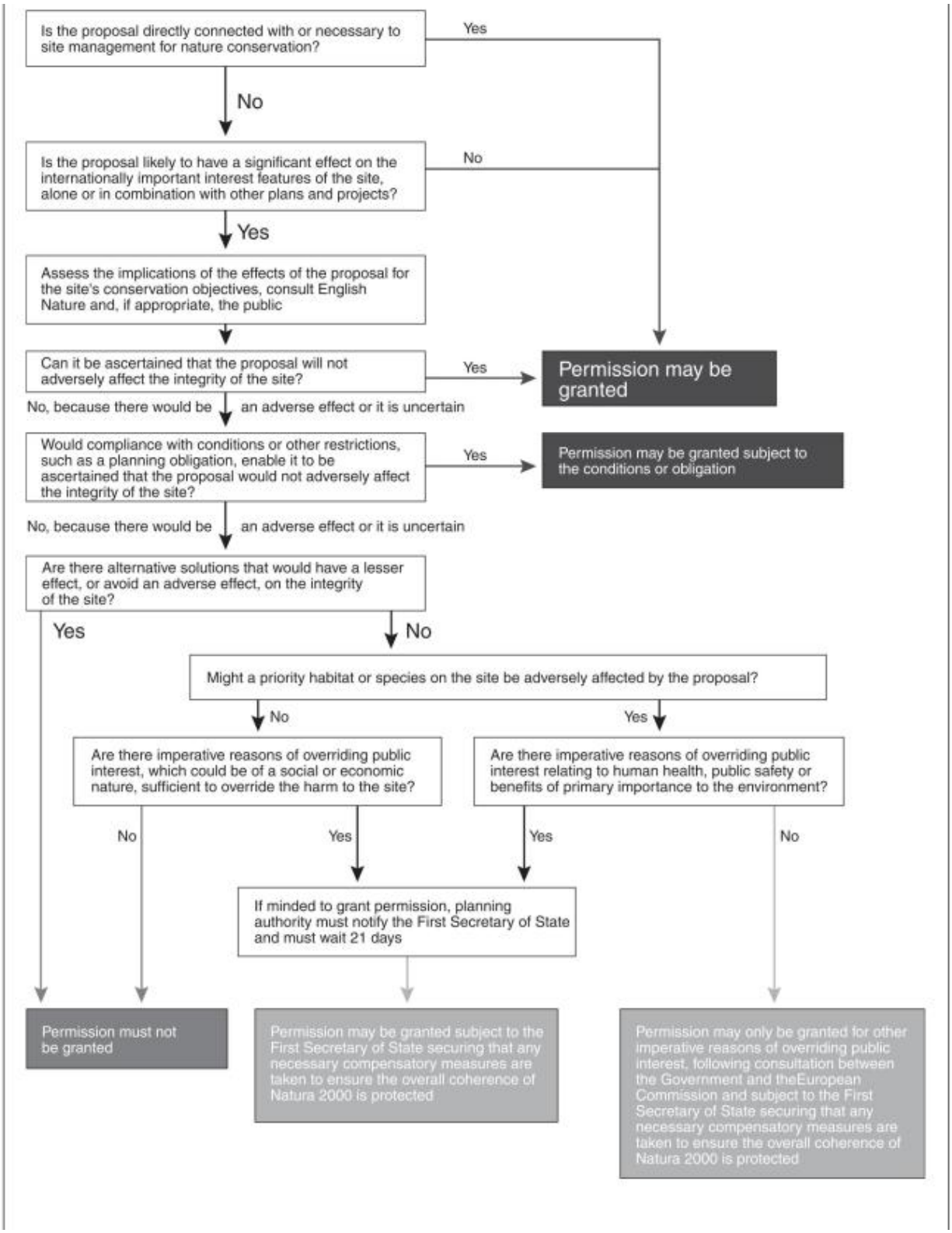
6. Coastal access management measures - This will enable the Council to track whether measures are being implemented that correspond with associated access points to the coast from new housing / tourism development.

7. Visitor data - Information collated will be used to determine how the coast and alternate green spaces are being used. This will help to continue to justify / modify the recreational catchment and mitigation measures as necessary.

8. Bird data - Information collated will be used to determine health of populations and areas that are being used. Mitigation measures can be modified as necessary in response to trends identified.

9. Habitat monitoring - Information collated will be used to determine the health of associated SAC /SPA habitat. Mitigation measures can be modified as necessary in response to trends identified.

Appendix A: Process for Considering Development Proposals Affecting European Protected Sites



Appendix B: Suitable Natural Greenspace: 3ha per 1,000 Persons Methodology

This Appendix aims to outline the methodology for arriving at the 3ha per 1,000 persons of suitable natural greenspace requirement.

In relation to the quantity of greenspace proposed, to be workable, the quantity standards for mitigation greenspace need to be based on existing open space provision. Simply selecting a quantity standard developed elsewhere is unlikely to be successful.[xviii] The starting point for developing the quantity standard, therefore, was to extract data utilising the County Council's land terrier Geographic Information Systems (GIS) layer, together with aerial photos and ground truthing, to identify how much publicly usable open space is currently available in and around each settlement, within the 6km recreational catchment. The total area of existing accessible greenspace within that area, was then assessed against the current residential population figures (2011 census data) for each settlement, to get an average figure of hectares per person. An average across the settlement area was calculated as being 2ha per 1,000 persons.

A second calculation of the existing coastal recreation area versus the existing residential population within 6km was also calculated to assess existing provision per 1,000 persons, and this was calculated at being 3ha per 1,000 persons (based on a 660.5ha coastal recreation area, and a population of 236,318). Please note that the existing coastal recreation area includes all relevant sections of the Natura 2000 sites, all intervening and extending coastal strips down to low tide viable for recreation and all apparent rough grassland inland of the cliff-tops which is or could be used by dog walkers up to the first change of land use or break in accessibility, such as a road (please see the following figure). Adopting the precautionary principle, the larger of the two greenspace quantity figures (3ha per 1000 persons) has been selected as the target for future mitigation provision.

xviii Developing Open Space Standards, Guidance and Framework (2013) Scotland and Scottish Natural Heritage.

Figure 4 Coastal Recreation Resource Area

Appendix C: Description of Coastal European Protected Sites

This section aims to provide an introduction to and overview of the coastal European Protected Sites comprising:

- Durham Coast SAC
- Northumbria Coast SPA and Ramsar
- Teesmouth and Cleveland Coast SPA and Ramsar

C1: Durham Coast SAC

Durham Coast SAC was designated in April 2005 and covers an area of approximately 394 hectares. Durham Coast SAC 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 photogeographic 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.

Figure 5 Durham Coast SAC

Qualifying Features

- Vegetated sea cliffs of the Atlantic and Baltic coasts

Conservation Objectives

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed above), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring the;

- Extent and distribution of qualifying natural habitats
- Structure and function (including typical species) of qualifying natural habitats, and
- Supporting processes on which the qualifying natural habitats rely

Reported Threats / Pressures

The Natura 2000 Standard Data form for the site outlines the following threats and pressures which are ranked as high:

- Human induced changes in hydraulic conditions;
- Invasive non-native species;
- Other human intrusions and disturbances;
- Abiotic (slow) natural processes; and
- Fertilisation

Natural England's Site Improvement Plan for the Durham Coast expands upon the issues identified as currently impacting or threatening the condition of the features as follows:[xix] :

Table 4 Description of Threats / Pressures

Threat / Pressure	Description
Natural changes to site conditions	Development and arable land use already come very close to the existing cliff top in many place, constraining the the ability of the cliff top habitats to roll back as the cliffs naturally erode. It is uncertain whether there is enough space for natural migration of the SAC habitat.
Inappropriate coastal management	Decades of deposition of colliery spoil at the base of the cliffs has formed an artificial raised beach along much of the Durham coastline which prevents waves reaching the cliff foot. This has slowed the erosion of the cliffs and changed their profile, reducing the slumping which exposes fresh substrate and creates niches for the development of different successional stages of vegetation. It has also reduced the influence of salt spray on the cliff vegetation. The constraint of these natural processes has degraded the diversity of the vegetation, its uniqueness and its scientific interest, and upset the ecological balance allowing scrub and ruderal

xix Plan available at: Site Improvement Plan Durham Coast

Threat / Pressure	Description
	species to encroach into more sensitive habitats. Deposition of colliery spoil ceased in the 1980s and there have been significant efforts to clean up the beaches since. The remaining spoil is being naturally eroded back by the sea but at current rates in some place it could take decades for the sea to act directly on the cliff base again. New coastal defences that interfere with erosional process could have a similar negative impact on the vegetated sea cliffs.
Invasive species	Where scrub is encroaching too far into grassland areas this is detrimental to the interest feature. This is due to lack of management e.g. Grazing, and/or because the natural coastal processes which keep the scrub in check such as erosion and exposure to the elements are constrained. Bracken is spreading into the good grassland in some areas, especially at the mouths of the denes, and sycamore and invasive species like Himalayan Balsam are also most problematic where the denes meet the coast as the watercourses bring in the seed. Cultivated species from caravan parks and gardens have also colonised parts of the coast and need to be kept in check. Unauthorised burning of scrub makes it more difficult to treat.
Fertiliser use	Many of the wet fen/flush areas have become degraded by nutrient enrichment from fertiliser run-off from arable land. Where the hinterland to the SAC has been reverted to low input grassland the issue should resolve over time, though there may be a long lag. In specific areas there is still arable land immediately adjacent to the SAC where run-off is occurring and reversion to grassland would benefit the SAC feature.
Vehicles: illicit	Illegal use of motorbikes, quadbikes and 4x4s occurs in specific areas along the coast, especially around soft cliffs and dunes, causing erosion and damage to vegetation and soils.
Change to site conditions	There are at least two or three sites on the coast where contaminated/toxic waste has been landfilled into old quarries and as the cliffs erode this is now being exposed. This could lead to pollution of the cliff habitats and changes in vegetation. Also, schemes to address the problem, e.g. by slowing coastal erosion, could be damaging to the SAC in themselves by interfering with natural processes. Rock armouring has already been used in some locations.
Public access	In public access hot spots e.g. close to housing and car parks, dog fouling leads to increased nutrients which can change the vegetation, favouring ranker grasses and weeds.

Key Environmental Conditions

The key environmental conditions required to support site integrity comprise the following:

- Overall length and/or area of cliff habitat to be maintained taking into account natural variation
- There should be no increase in area constrained by introduced structures or landforms
- The range of physical conditions supporting the habitats, and the range of maritime grasslands and other communities should be maintained
- There should be no increase in species untypical of the communities that define the feature
- Reduced risk of trampling / nutrient input

C2: Northumbria Coast SPA and Ramsar

Northumbria Coast SPA and Ramsar was designated in February 2000 and covers an area of approximately 1,108 hectares. The site comprises several discrete stretches of the coastline in North East England between Spittal in the north of Northumberland to Crimdon Dene in County Durham. The site consists of rocky shore with associated bolder and cobble beaches. These support a rich algal flora and associated fauna and form an important feeding area for wading birds. The areas of sandy beach within the site support a flora which includes *Ammophila arenaria;* marram and *Honkenya peploides*; sea sandwort . A diverse range of recreational activities takes place along the coast including walking, camping, sea angling, bird watching, water sports (water-skiing, sailing, windsurfing and canoeing) and general use of amenity beaches. As well as attracting a large number of day trippers, a sizable population of summer visitors stay in caravan sites and other accommodation along the coast. The site also includes parts of three artificial pier structures and a small section of sandy beach

The designated stretches in Durham consist of approximately 55 hectares and broadly pertain to Seaham's coastal area and harbour in the north east of the County and the area of coastline between Blackhall Rocks and Crimdon Dene in the south east of the County. The habitat of the SPA is predominantly classified as Shingle, Sea Cliffs and Islets.

Figure 6 Northumbria Coast SPA and Ramsar

Qualifying Features (Natura 2000 and Ramsar)

- *Calidris maritima* Purple sandpiper (wintering)
- *Arenaria interpres* Ruddy turnstone (wintering)
- *Sterna albifrons* Little tern (re-producing)

Conservation Objectives

With regard to the SPA (and Ramsar) and the individual species and/or assemblage of species for which the site has been classified and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the;

- Extent and distribution of the habitats of the qualifying features
- Structure and function of the habitats of the qualifying features
- Supporting processes on which the habitats of the qualifying features rely
- Population of each of the qualifying features, and,
- Distribution of the qualifying features within the site.

Reported Threats / Pressures

The Natura 2000 Standard Data form for the site outlines the following threats and pressures which are ranked as high:

- Outdoor sport and leisure activities, recreational activities;
- Change in biotic conditions;
- Pollution to marine waters;
- Human induced changes to hydraulic conditions; and
- Other human intrusions and disturbances

Natural England's Site Improvement Plan for the Northumberland Coastal area which includes the SPA/Ramsar expands upon the issues identified as currently impacting or threatening the condition of the features as follows: [xx]

Table 5 Description of Threats / Pressures

Threat / Pressure	Description
Public access / disturbance	Little terns are a particularly high priority in relation to disturbance affecting condition. Wintering waders and other species are also at risk. Wildlife tourism is identified as a moderate threat in Northumbria Coast SPA, due to loss of foraging habitat for birds, and there is also disturbance/displacement of birds by dog walkers, light aircraft and watersports.
Changes in species distributions	Populations of the qualifying bird species in Northumbria Coast SPA have declined or changed but it is unclear if this is site specific or driven by wider trends in distribution.
Predation	Predation on terns by raptors and other predators
Coastal Squeeze	There is loss of irreplaceable habitat caused by the cumulative effect of small scale impacts resulting from existing and new developments adjacent to Northumbria Coast SPA.

xx Available at: Site Improvement Plan Northumberland Coastal

Threat / Pressure	Description
Direct impact from third party	Wildlife crime occurs in Northumberland Coast SPA e.g. Egg theft
Fisheries	Dredges (inc. hydraulic), benthic trawls and seines and shore-based activities are categorised as 'Red' for these interest features as part of Defra's revised approach to commercial fisheries management in EMS's, and requisite mechanisms are being or will be implemented by Northumberland Inshore Fisheries and Conservation Authority (NIFCA). Commercial fishing activities such as potting categorised as 'amber or green' under Defra's revised approach to commercial fisheries in EMSs require assessment and (where appropriate) management. This assessment will be undertaken by NIFCA. For activities categorised as 'green', these assessments should take account of any in combination effects of amber activities, and/or appropriate plans or projects, in the site.

Key Environmental Conditions

The key environmental conditions required to support site integrity comprise the following:

- Freedom from disturbance
- Extent and availability of habitat (no decrease) - breeding areas, feeding areas, roost sites
- Food availability (marine fish, crustaceans, worms and molluscs; epibenthic invertebrates amongst rolling seaweed; surface and sub surface invertebrates)
- Open landscape
- Protection from predation and human interference

C3: Teesmouth and Cleveland Coast SPA and Ramsar

Teesmouth and Cleveland Coast SPA and Ramsar was designated in August 1995 and covers an area of approximately 1,247 hectares. Teesmouth and Cleveland Coast comprises intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh and sand dunes. The Tees Estuary has been much-modified by such activities as land-claim, construction of breakwaters and training walls, and deep dredging. The remaining intertidal areas within the estuary are composed of mud and sand, with some Enteromorpha beds in sheltered areas. Outside the estuary mouth, sandflats predominate, but with significant rocky foreshores and reefs at both Redcar and Hartlepool and anthropogenic boulder beds at South Gare. Moderately extensive sand dune systems flank the estuary mouth, while a smaller dune system lies north of Hartlepool. Surviving saltmarsh is very limited in extent. Behind the dunes and sea-defences a number of significant areas of grazing marsh are found. The site is also referred to as a European Marine Site (EMS) as it consists of areas continuously or intermittently covered by tidal waters or any part of the sea in or adjacent to Great Britain up to the limit of territorial waters.

The designated stretch within County Durham's administrative boundary is approximately 1km in length and covers an area of approximately 22 hectares. The are is located between Crimdon Dene and Hartlepool Borough Council's administrative boundary and predominantly consists of coastal sand dunes and sand beaches.

Figure 7 Teesmouth and Cleveland Coast SPA and Ramsar

Qualifying Features

Table 6 Qualifying Features Teesmouth and Cleveland Coast SPA and Ramsar

Scientific Name	Common Name	Type	Qualifying species (Natura 2000 and/or Ramsar)
Calidris canutus	Red knot	wintering	Natura 2000 and Ramsar
Tringa totanus	Common redshank	concentration	Natura 2000 and Ramsar
Sterna sandvicensis	Sandwich tern	concentration	Natura 2000
Sterna albifrons	Little tern	Re-producing	Natura 2000
N/A	Waterbird assemblage	wintering	Natura 2000 and Ramsar

Conservation Objectives

With regard to the SPA (and Ramsar) and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed above), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the;

- Extent and distribution of the habitats of the qualifying features
- Structure and function of the habitats of the qualifying features
- Supporting processes on which the habitats of the qualifying features rely
- Population of each of the qualifying features, and,
- Distribution of the qualifying features within the site.

Reported Threats / Pressures

The Natura 2000 Standard Data form for the site outlines the following threats and pressures which are ranked as high:

- Outdoor sport and leisure activities, recreational activities;
- Pollution to marine waters;
- Human induced changes to hydraulic conditions;
- Industrial or commercial areas; and
- Fishing and harvesting aquatic resources

Natural England's Site Improvement Plan for Teesmouth and Cleveland Coast expands upon the issues identified as currently impacting or threatening the condition of the features.[xxi] The issues that are considered relevant to Durham's coastal stretch of the SPA/Ramsar are identified in the following table:

xxi Available at: Site Improvement Plan: Teesmouth and Cleveland Coast

Table 7 Description of Threats / Pressures

Threat / Pressure	Description
Public access / disturbance	Both breeding Little tern and non-breeding waterbirds are disturbed by recreational beach users. These include walkers, dog walkers and kite surfers.
Direct land take from development	Undesignated land that supports SPA birds ('functional habitat') has been negatively affected by development in the recent past.
Water quality	Improvements to wastewater treatment and catchment management and the closure and re-location of wastewater discharges have significantly reduced the inputs of nutrients and organic matter to the Tees. These improvements in water quality have reduced the biomass of the benthic fauna that the estuary supports, and hence the food supply of a number of bird species.
Fisheries	Commercial fishing activities categorised as 'amber or green' under Defra's revised approach to commercial fisheries in EMSs require assessment and (where appropriate) management. This assessment will be undertaken by Northumberland Inshore Fisheries and Conservation Authority (NEIFCA).
Undergrazing	Some of the undesignated land that is used by non-breeding waterbirds is being encroached by scrub and coarse vegetation. Consequently these areas are becoming unsuitable for foraging or roosting
Predation	The Little tern colony has suffered from predation in recent years, including from sparrowhawk, kestrel, hedgehog and fox. A large number of eggs were stolen from the site in 2013.
Coastal squeeze	Coastal squeeze will reduce the area of intertidal and upper shore habitats, which are used for foraging and roosting by non-breeding waterbirds and for nesting by Little tern.
Changes to site conditions / air pollution	Sand dunes are accreting along sections of the coast. This may result in some former Little tern breeding sites becoming unsuitable. Nutrient enrichment through nitrogen deposition is likely to encourage vigorous growth of vegetation in embryo

Key Environmental Conditions

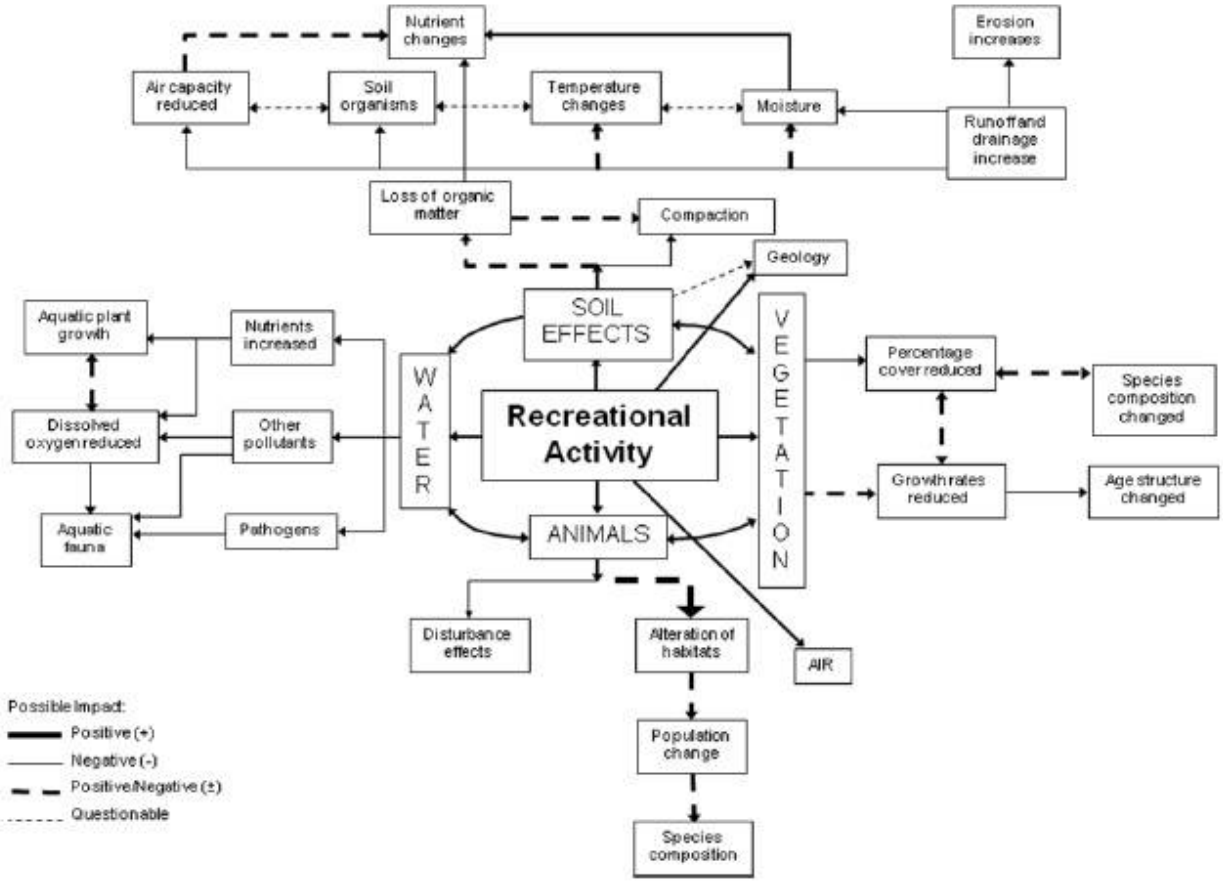
The key environmental conditions required to support site integrity comprise the following:

- Food availability (small fish, crustaceans, worms and molluscs, seed bearing plants, surface and sub-surface invertebrates
- Vegetation structure
- Limited disturbance

Appendix D: Impact of Recreational Pressure

European protected sites are subject to different types of recreational pressure and have differing vulnerabilities. Studies across a range of species have shown that recreational effects can be complex with a range on interrelating impacts as demonstrated by the following diagram.

Figure 8 Interrelationships between recreational impacts (adapted from Wall and Wright, 1977)



This section aims to outline the potential pathways by which increased recreational pressure could adversely affect the coastal European Protected Sites and associated qualifying species.

Durham Coast SAC

Durham Coast SAC supports the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. Increased recreational activity by foot or by vehicle can lead to trampling of qualifying vegetation, erosion and soil compaction. This in turn can lead to the reduction in vegetation cover and the overall health of species in addition to changes to species composition. Walkers with dogs also contribute to pressure on sites through nutrient enrichment via dog fouling.

Durham Coast SAC's vegetated sea cliffs are of very limited extent and in some cases only a few meters in width and are highly vulnerable to the impacts from the passage of walkers, horse riders and cyclists. These plant communities are fragile and already under

high environmental stress, from among other factors, drought, thin soils and natural sub-aerial erosion. Though highly susceptible to such wear the habitats location on generally steep slopes or dangerous cliff edges, are by their position relatively safe. However, there are some localities where the sea cliff plant community is adjacent to or even on the inland side of the coast path, such as Blackhills Gill, Horden, Beacon Point and Noses Point, but here there is a surfaced footpath that directs and in most parts, confines walkers to the route. There are however many other desire lines, and footpaths, some linking back to the main towns along the coast, especially evident at Crimdon, Blackhall Colliery, and Castle Eden Dene in addition to heavy and sustained walking pressure, especially along the coast path.

Many studies on the effects of trampling, by feet, horses, cycles and vehicles and on the impacts of soil enrichment including dog fouling are cited in the literature. A useful compendium of this varied research is given in the Natural England (formerly English Nature) commissioned reports relating to the implementation of the Countryside and Rights of Way Act (Lowen et al, 2008, Penny Anderson Associates, 2001). For example, the commissioned report into the effects of access on foot identified that; impacts are greater on wet ground or steep slopes; sensitive species disappear on and beside paths with impacts extending up to 50 metres on either side of the path and about 400 passages per year can result in 50% loss of cover and species. **(xxii)**

Findings from a variety of experiments and research, and in various localities also support the view that low productivity turf (eg. Magnesian limestone/calcareous grassland) is more prone to trampling and enrichment damage than more productive grassland and that recovery from such damage is slower. Even with quite modest pressure it can result in changes in plant composition, reduction in biodiversity, reduction in soil invertebrates, and in soil compaction. Even where diversity appears to be maintained, there can be a shift to more resilient and generalised species rather than the characteristic species of calcareous grassland.

In addition to trampling effects, low nutrient sites, typical of many semi-natural habitats including limestone grassland, are especially susceptible to the addition of fertiliser. Sources include atmospheric deposition (mainly nitrogen and ammonia), agricultural run off and dog faeces and urine (phosphorus and nitrogen). Studies show that the eutrophication effects of faeces and urine can impact upon overall species composition and diversity. **(xxiii)** The total volume of dog faeces and urine deposited on sites can also be surprisingly large. For example, at Burnham Beeches National Nature Reserve over one year the total amount of urine was estimated at 30,000 litres and faeces at 60 tonnes. **(xxiv)**

Northumbria Coast and Teesmouth and Cleveland Coast SPA / Ramsar

In respect of the Coastal SPA sites an increase in recreational activity through both local visitors and tourism by foot or by vehicle is considered likely to increase levels of disturbance to qualifying features and may increase trampling of eggs. Human activity

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xxii Penny Anderson Associates, 2001 Scientific research into the effects of access on nature conservation: Part 1: access on foot Natural England Commissioned Report NECR012

xxiii Asken Ltd and Penny Anderson Associated Ltd (2005) Dogs, access and nature conservation Natural England (formerly English Nature) Reports Number 649

xxiv Barnard, A. (2003) Getting the Facts - Dog Walking and Visitor Number Surveys at Burnham Beeches and their implications for the Management Process Countryside Recreation, 11:16-19

can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas *etc.*) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death.

Recreational activity will often result in a flight response (either flying, diving, swimming or running) from the animal that is being disturbed. This carries an energetic cost that requires a greater food intake. Concern regarding the effects of disturbance on wintering birds, stems from the fact that they are expending energy unnecessarily and the time they spend responding to disturbance is time that is not spent feeding[(xxv)] Disturbance of winter birds therefore risks increasing energetic output while reducing energetic input, which can adversely affect the 'condition' and ultimately survival of the birds at a time when food is scarce. In addition, displacement of birds from one feeding site to others can increase the pressure on the resources available within the remaining sites, as they have to sustain a greater number of birds.

Disturbance can also affect roosting birds over high tide periods when the birds' feeding grounds are submerged, again putting a demand on energy reserves. These impacts can affect winter survival, particularly during periods of cold weather. In addition, displacement of birds from one feeding/roosting site to another can increase the pressure on the resources available within the remaining sites, as they have to sustain a greater number of birds. Increased nest predation by natural predators can also occur as a result of adults being flushed from the nest and deterred from returning to it by the presence of people and dogs, leading to an overall reduction in breeding success.

A number of studies have also shown that birds are affected more by dogs and people with dogs than by people alone, with birds flushing more readily, more frequently, at greater distances and for longer.[(xxvi)] This is because fast-moving and loud disturbances such as the running and barking of unleashed dogs is generally thought to be more disturbing.[(xxvii)]

xxv Riddington, R et al. 1996 The impact of disturbance on the behaviour and energy budgets of Brent geese Bird Study 43:269-279
xxvi Gill, J.A. et al. The consequences of human disturbance for estuarine birds RSPB Conservation Review 12:67-72.
xxvii Burger, J. (1981) The effects of human activity on birds at a coastal bay Biological Conservation 21: 231-241

Appendix E: Refining likely Effects

In order to refine likely effects arising from recreational pressure further it was necessary to collate and analyse local evidence sources, primarily in the form of overwintering bird studies [xxviii] and winter and summer visitor surveys[xxix] to gain a localised understanding of:

- Whether qualifying species associated with the coastal European protected sites are being adversely impacted as a result of recreational pressure;
- Which areas of the coast qualifying species are utilising and how;
- The recreational catchment of the coast and associated European protected sites; and
- Motivations for visiting the coast.

This section presents the findings of the evidence collated.

What impact is recreational pressure having on Durham's coastal European protected sites and species?

Whilst studies and reports point to the type of impacts that recreational pressure can have on wildlife, additional localised evidence was collated to determine whether the coastal European protected sites and species are being adversely affected by recreational pressure and if so how.

The two bird studies revealed that there was not a great diversity of bird species or indeed high numbers using the Durham Coast. It was evident that very few birds were found on the degraded and polluted soft shore or blast beaches in the north of the survey area. Eurasian oystercatcher (waterbird assemblage) and Common redshank were generally restricted to rocky promontories. Wading birds were generally not found on any soft shore until south of Crimdon Dene. Apart from Seaham Harbour, generally used as a High tide roost by Northern lapwing, Eurasian oystercatcher, Common redshank and Ruddy turnstone, most of the wading birds were found at sites south of Blackhall Rocks.

Cadwallender T & M consider that the factors contributing to the findings include:

- Poor quality habitat present, as a result of historical degradation and pollution from mining and general industrial outputs, although this is improving;
- High and increasing levels of human disturbance through an increase in recreational usage; and
- Changes in populations of species and their distribution due to climate change

xxviii Cadwallender, T, M, 2012 A Study of Over-wintering Waterbirds of the Durham Coast - December 2011-March 2012 Cadwallender Consultancy *and* Cadwallender, T & M, 2013 A Second Year Review of Overwintering Waterbirds of the Durham Coast - December 2012 - March 2013 Cadwallender Consultancy

xxix collated in 2013 and 2015/16 by Bluegrass Research

The findings of the coastal bird surveys accord with the outcomes of a study commissioned by the Teesmouth and Cleveland Coast European Marine Site (EMS) Management Group to identify the disturbances and associated risks of unregulated recreational activities at the Teesmouth and Cleveland Coast EMS [(xxx)]. This study found that only 31% of the EMS and SPA's component Sites of Special Scientific Interest (SSSI's) were classed as being in favourable condition in 2011. The report states that the unfavourable condition statements are a result of the decline in water bird numbers (knot and sanderling have declined by 64% and 51% respectively over the past 25 years). The Natural England Research Report Number 038 (European Marine Site Review, 2010) acknowledges that increasing recreational activities may be one of the reasons for this. This review report also stated that recreational activities were identified as presenting a risk to SPA birds and SAC habitats, and that these risks were generic across a number of sites including Durham's and Teesmouth and Cleveland Coast. It stated that recreational activities could pose a high risk of disturbance to SPA bird features affecting a number of sites throughout England.

The Durham coastal bird studies concluded that the observed high levels of human recreational disturbance by fishermen, dog walkers, walkers, vehicles and rock - poolers (not an exhaustive list), is bound to have a significant impact on feeding and roosting opportunities for wading birds and is a contributing factor for the reduced populations of wading birds. Specifically, the study identified the following causes of recreational disturbance in areas used by Annex I birds:

Table 8 Causes of Recreational Disturbance to Qualifying Annex I birds of Northumbria Coast and Teesmouth and Cleveland Coast SPA and Ramsar

Site Name	Geographically Associated Natura 2000 site	Type	Species	Qualifying Species of...	Cause of Recreational Pressure
Shore nth & sth of Pincushion	Northumbria Coast SPA	Low Tide Feeding Area	Common Redshank	Teesmouth and Cleveland Coast SPA	Well used by walkers, with and without dogs, and anglers from Pincushion south
Featherbed Rocks	Northumbria Coast SPA	Low Tide Feeding Area	Common Redshank	Teesmouth and Cleveland Coast SPA	Heavily disturbed, 60+ people, with and without dogs, cyclists and anglers over whole stretch, also surfers to the south

xxx K. Simpson (2012) A Study into Recreational disturbance at the Teesmouth and Cleveland Coast European Marine Site The University of York

Site Name	Geographically Associated Natura 2000 site	Type	Species	Qualifying Species of...	Cause of Recreational Pressure
Red Acre	Northumbria Coast SPA	Low Tide Feeding Area	Common Redshank	Teesmouth and Cleveland Coast SPA	This whole area is used extensively by dog walkers and other walkers
Seaham Harbour North	Northumbria Coast SPA	High Tide Roost	Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	30-40 anglers on piers, a few dog walkers around Seaham Harbour
Seaham Harbour Middle	Northumbria Coast SPA	High Tide Roost	Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	As above
Seaham Harbour South	Northumbria Coast SPA	High Tide Roost	Ruddy Turnstone	Northumbria Coast SPA	As above
Noses Point	Not applicable	Low Tide Feeding Area	Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	Some disturbance from walkers and fishermen
Noses Point	Not applicable	High Tide Roost	Common Redshank	Teesmouth and Cleveland Coast SPA	As above
Fox Holes - Whiteside	Not applicable	Low Tide Feeding Area	Common Redshank	Teesmouth and Cleveland Coast SPA	A few dog walkers and anglers, 4x4 vehicle south of Whitesides Gill in March
Blackhall Rocks North	Northumbria Coast SPA	Low Tide Feeding Area	Red Knot, Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	Area heavily used by dog walkers, fishermen and other users
Blackhall Rocks Middle	Northumbria Coast SPA	Low Tide Feeding Area	Red Knot, Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	As above

Site Name	Geographically Associated Natura 2000 site	Type	Species	Qualifying Species of...	Cause of Recreational Pressure
Blackhall Rocks and Grassland	Northumbria Coast SPA	High Tide Roost	Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	As above
Blackhall Rocks	Northumbria Coast SPA	Low Tide Feeding Area	Red Knot, Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	As above
Blackhall Rocks	Northumbria Coast SPA	High Tide Roost	Red Knot, Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	As above
Crimdon Beach	Teesmouth and Cleveland Coast SPA	Low Tide Feeding Area	Red Knot, Common Redshank, Ruddy Turnstone	Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA	Up to 20 people, some with dogs and anglers over whole stretch

The table above highlights extensive use of the coast by dog walkers in particular. Dog walking is a daily discipline and in many cases may mean one or more walks with the dog every day, in every season, and every weather. Thus the disturbance impact of dog walkers is comparatively much more frequent than for other walking activity.

Additionally, and as mentioned in the previous section, Durham Coast SAC is especially susceptible to the addition of fertiliser such as dog faeces and urine (phosphorus and nitrogen). Over a third of the component SSSI's are in an 'unfavourable recovering' condition and the presence of rank grassland, indicating a decline in species diversity is recorded in several SSSI units. The units identified as hosting rank grassland and being in an unfavourable recovering condition that correspond with the SAC designation boundaries include 020 Seaham-Easington, 029 Whitesides Gill (Horden) and 030 Horden Point. Collectively, these units comprise approximately 39.4ha of SAC area.[xxxi]

Which areas of the coast are qualifying species utilising and how?

Having determined that Durham's coastal European protected species are being adversely affected by recreational pressure it was necessary to determine the areas utilised by bird species in particular, given that they are not confined by their designation boundaries.

xxxi Natural England - Durham Coast SSSI Units

This information in combination with evidence regarding the type and location of recreational activity helped to inform the mitigation measures within this strategy, particularly in relation to coastal access measures.

In respect of areas of the coast that qualifying species are using a Little Tern colony is in residence at Crimdon within the Teesmouth and Cleveland Coast SPA designation and breeds on the beach over the summer. This is the only colony along Durham's coastline and coincides with the principal access to the strand .The Little Tern, further feeds inshore at Blackhall and south to Redcar in late April to August.

In regards to other qualifying species, the bird studies aimed to identify areas or locations which are used by waterbirds for low and high tide feeding and high tide roosting as well as important offshore feeding and roosting areas. Particular attention was paid to finding the high tide roosts of wading birds (often not well documented) which may being used by qualifying species i.e. functional land.To assist with the preparation of the initial survey a review of historical Wetland Bird Survey (WeBS) data held by the British Trust for Ornithology (BTO) was attempted. BTO Wetland Bird Unit staff revealed that, away from Hartlepool Headland, very little of the Durham coast had been regularly surveyed as part of WeBS and no Non-Estuarine Waterbird Survey (NEWS) had taken place at any time. Discussion with members of Durham Bird Club confirmed that no regular or coordinated bird survey of the Durham coast had been undertaken. It was therefore reasonable to conclude that, as there had been no regular and coordinated counts, the first study results could act as a baseline.

The studies recorded the presence of qualifying species along various points of Durham's coastline, of which the location of Annex I birds (and regularly occurring migratory birds not listed on Annex I) are documented for ease of reference in the following tables and maps. Please note that Purple sandpiper were observed but only in locations north and south of Durham County Council's administrative boundary over both survey periods. This does not mean that they are not present along Durham's coastline, only that they were not observed at the times of the survey. The Durham Biodviersity Action Plan - Species Plan indicates their presence on rocky outcrops at Blackhall and at Seaham Docks. **(xxxii)**

Table 9 Location and Numbers of Annex I Birds

Site Name	Type	Species	Count 2011/12	Count 2012/13
Shore nth & sth of Pincushion	Low Tide Feeding Area	Common Redshank	-	2
Featherbed Rocks	Low Tide Feeding Area	Common Redshank	-	1
Red Acre	Low Tide Feeding Area	Common Redshank	-	1
Seaham Harbour North	High Tide Roost	Common Redshank	-	39
		Ruddy Turnstone	3	-
Seaham Harbour Middle	High Tide Roost	Common Redshank	35	-

xxxii Purple Sandpiper - Species Action Plan

Site Name	Type	Species	Count 2011/12	Count 2012/13
		Ruddy Turnstone	13	1
Seaham Harbour South	High Tide Roost	Ruddy Turnstone	10	5
Noses Point	Low Tide Feeding Area	Common Redshank	1	2
		Ruddy Turnstone	-	1
Noses Point	High Tide Roost	Common Redshank	1	-
Fox Holes - Whiteside	Low Tide Feeding Area	Common Redshank	-	5
Blackhall Rocks North	Low Tide Feeding Area	Red Knot	-	2
		Common Redshank	15	-
		Ruddy Turnstone	10	-
Blackhall Rocks Middle	Low Tide Feeding Area	Red Knot	1	5
		Common Redshank	1	-
		Ruddy Turnstone	4	2
Blackhall Rocks and Grassland	High Tide Roost	Common Redshank	-	5
		Ruddy Turnstone		2
Blackhall Rocks	Low Tide Feeding Area	Red Knot	3	3
		Ruddy Turnstone	3	-
		Common Redshank	7	-
Blackhall Rocks	High Tide Roost	Red Knot	10	-
		Common Redshank	5	-
		Ruddy Turnstone	10	-
Crimdon Beach	Low Tide Feeding Area	Red Knot	-	14
		Common Redshank	-	5
		Ruddy Turnstone	-	1

The following maps show the location of roosting and feeding areas in relation to both SPA designations:

Figure 9 Map Showing the Location of Annex I Birds - Pincushion, Featherbed Rocks, Seaham Harbour and Noses Point

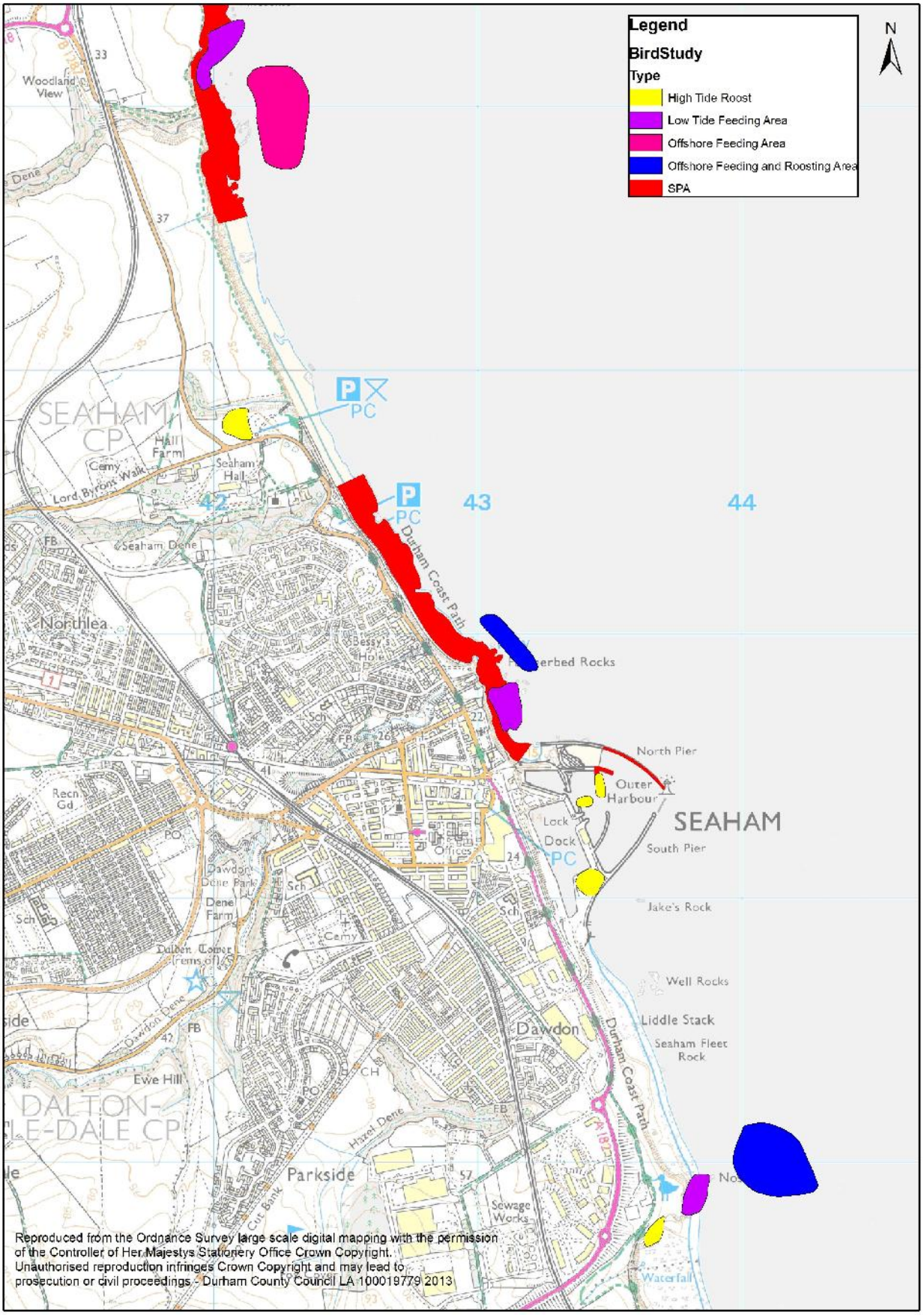


Figure 10 Map Showing the Location of Annex I Birds - Fox Holes

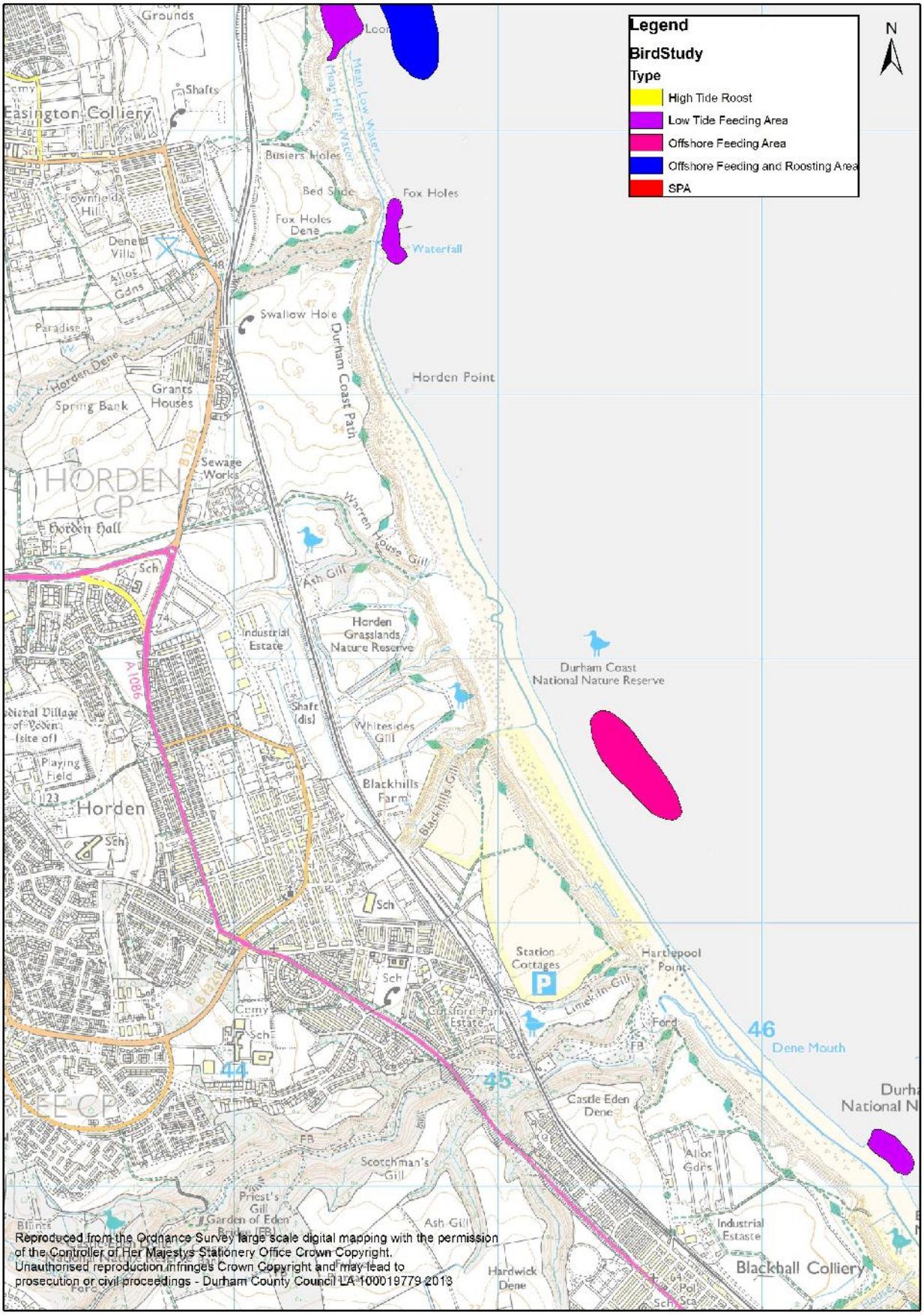
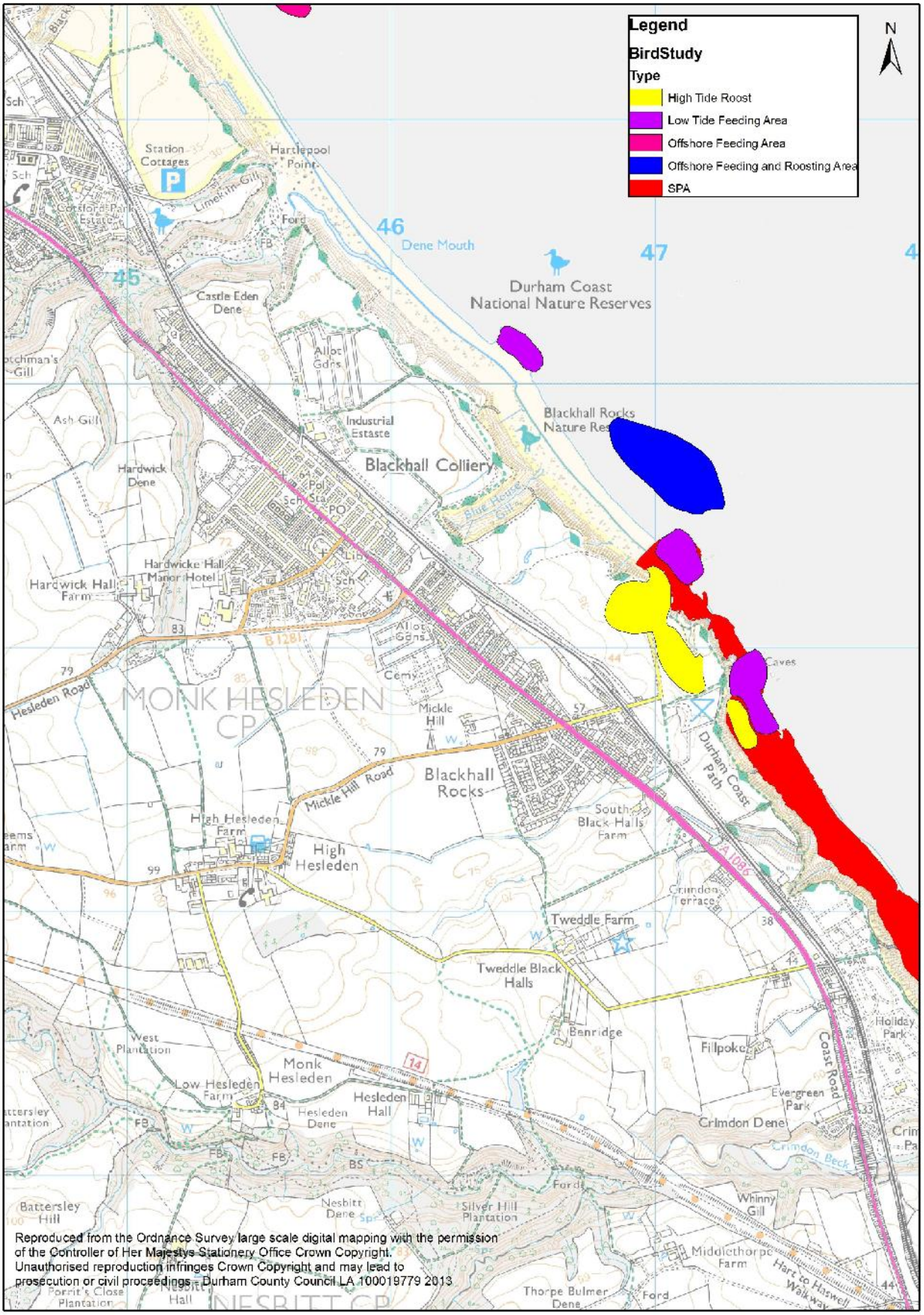


Figure 11 Location of Annex I Birds - Blackhall Rocks and Crimdon Beach



What is the recreational catchment of the coast?

In addition to understanding which areas of the coast qualifying species are utilising and what types of recreational activity are taking place where, it was also necessary to define the recreational catchment of the coast. There is an increasingly strong body of evidence showing how increasing levels of development, even when well outside the boundary of protected sites, can have a negative impact. The issues are often particularly acute in coastal areas as the coast will always have a strong draw for visitors. The recreational catchment of the coast identifies where people visiting the coast travel from. Additional housing located within the catchment will therefore lead to increased populations and levels of access / recreational pressure.

In order to establish the recreational catchment of the coast, visitor surveys were conducted by an independent research company (Bluegrass Research) in 2013 to determine in part where people travel from and how often they visit. Face to face interviews were conducted in six locations along Durham's coastline stretching from Seaham Hall beach in the north to Crimdon beach in the south. Interview dates and times were staggered to cover mornings, afternoons and evenings, weekdays and weekends. Each interviewed visitor was asked for the full postcode from which they had travelled and the frequency of their visits both in summer and winter months.

The analysis of the data showed that on removal of the few visitors to the coast who had not travelled from within the North East region, visitors were willing to travel as far as 15 miles to visit Durham's coast with an increase in the reported frequency of visits the shorter the distances travelled. In order to determine at which distances within the wider catchment the majority of people travel from and therefore where the majority of recreational pressure arises the data was subject to significance testing.

On advice from Natural England, the Council referred to the data analysis techniques utilised by The Solent Mitigation and Disturbance Project and the 75% approach in particular to aid the refinement of the catchment. **(xxxiii)**

Accordingly, the number of visits from each postcode location (grouped into distance bands) were annualised based on the reported frequency of visits over the winter and summer months. The total annualised visits (19,656) were then divided by 100 and multiplied by 75 to derive the 75% significance figure (14,742). Following which, it was possible to identify that the catchment within which 75% of the cumulative visits per distance band is reached is between 0-6km as demonstrated by figure 11. Please note that the distance bands were defined as follows:

Table 10 Distance Bands

Distance (km)	Band
0-0.4	1
0.4 - 0.99	2

xxxiii R,Clarke; H, Fearnley; D, Liley; R, Stillman; A, West (2012) The Solent Mitigation and Disturbance Project Footprint Ecology & Bournemouth University

Distance (km)	Band
1 - 1.9	3
2 - 2.9	4
3 - 3.9	5
4 - 4.9	6
5 - 5.9	7
6 - 6.9	8
7 - 7.9	9
8 - 8.9	10
9 - 9.9	11
10 - 11.9	12
12 - 13.9	13
14 - 15.9	14
16 - 17.9	15
18 - 19.9	16
20 - 21.9	17
22 - 23.9	18
24+	19

Figure 12 Chart showing the cumulative percentage of visits per distance band

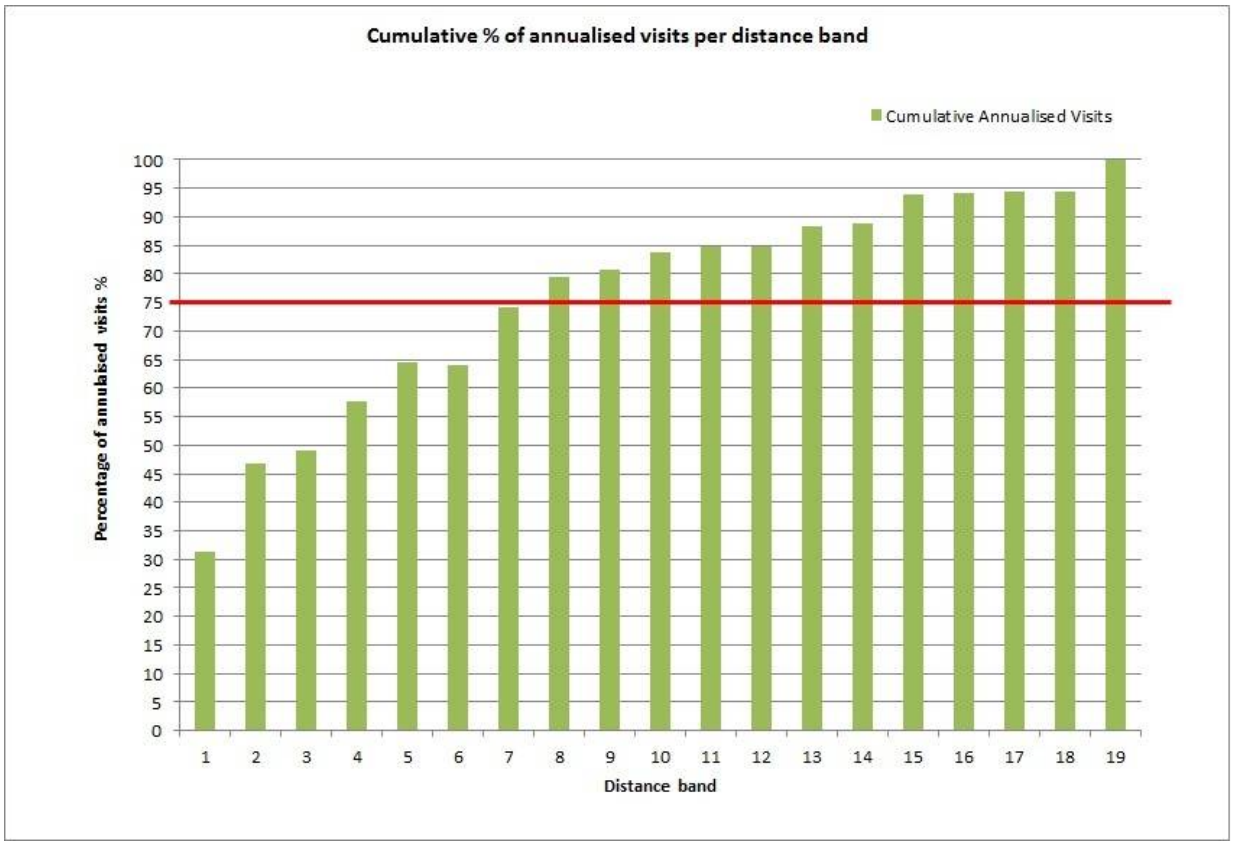


Figure 11 shows that 75% significance is achieved at band 8 (6-6.9km). As a cumulative total of 15,626 annual visits are likely to be achieved between 6 and 6.9km (844 visits over the 75% target of 14742) the lower end of the band (6km) was established as the catchment. Please note that figure 11 shows an increasing cumulative total of visits per band (e.g. The annualised visits occurring in band 1 are added to those in band 2 and so on) and does not represent the total number of visits attributed to each band. This is shown by figure 13 which shows higher visitor levels at lower distance bands. Figure 12 shows the extent of the recreational catchment.

Figure 13 Map to show the Extent of the Recreational Catchment

Figure 14 Chart showing the number of annualised visits to the coast per distance band

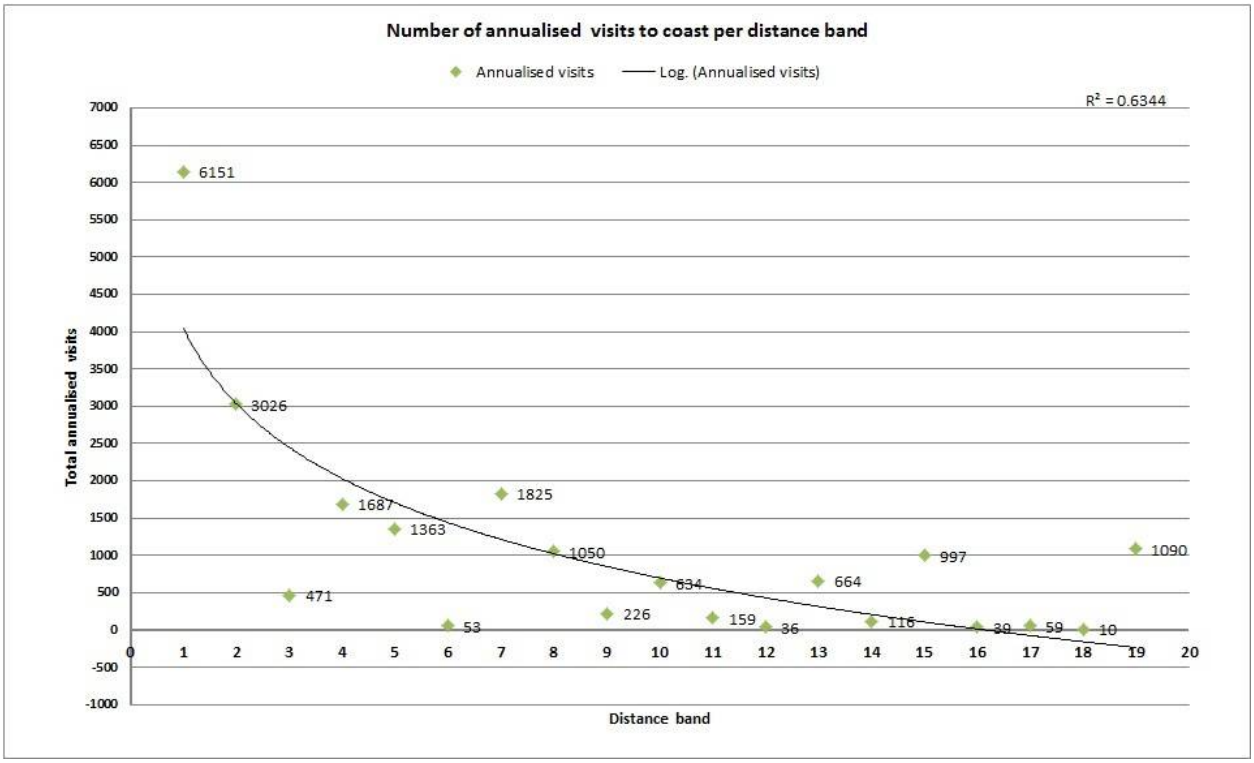


Figure 13 shows the decreasing trend in annualised visitor numbers as the distance band and associated distance from the coast increases. The trendline completely falls away between bands 15 and 16 (16-19.9km).

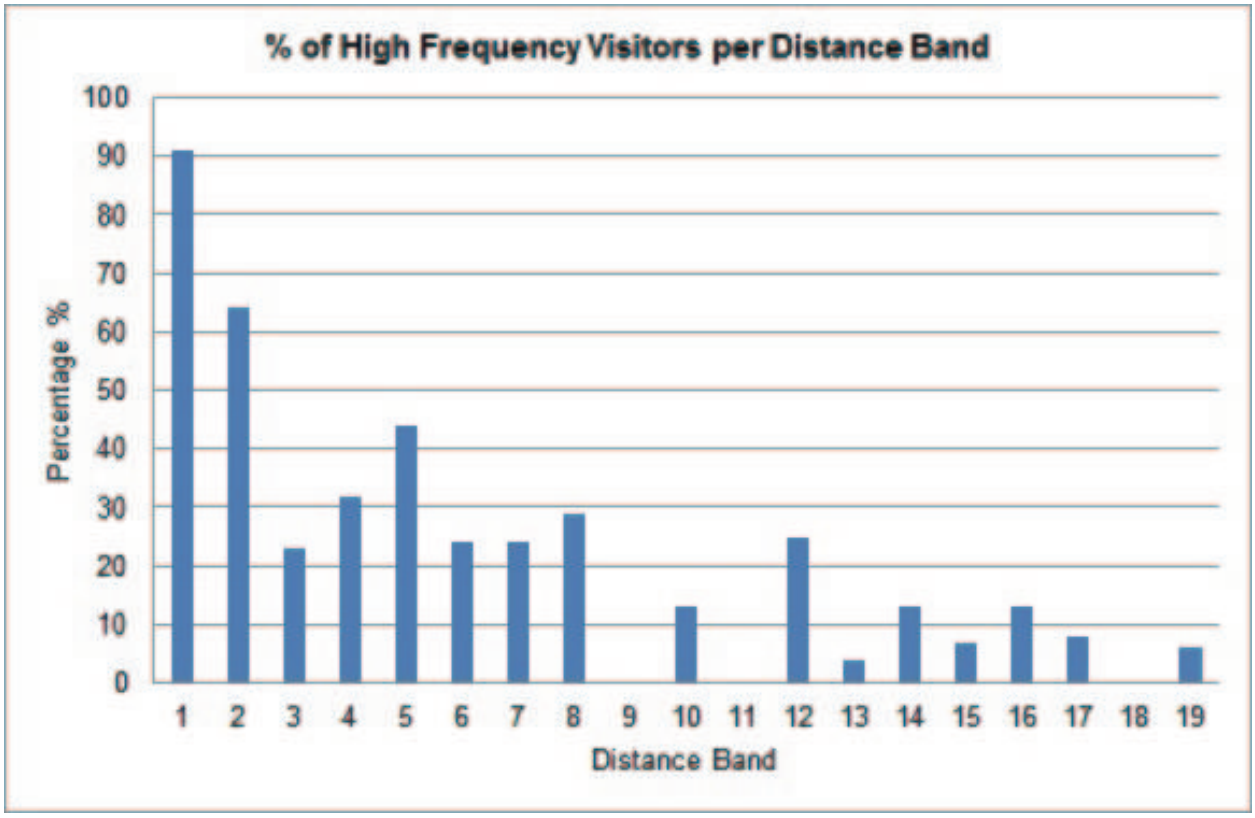
As part of agreed monitoring arrangements further coastal visitor surveys were undertaken by Bluegrass Research over summer and winter 2015 / 2016, following the same methodology to review whether the recreational catchment established should be retained or modified. The only difference to the methodology was that the winter survey was also undertaken simultaneously within Sunderland and South Tyneside local authority areas and a few additional questions regarding dog walking activity were added.

The findings of the summer 2015 survey showed that the 75% significance figure is achieved at band 8 (6-6.9km) in line with previous outcomes. As a cumulative total of 27,427 annual visits (an increase of 11,801 visits from previous surveys) are achieved between 6 and 6.9km (541 visits over the 75% target of 26,886) the lower end of the band (6km) was reconfirmed as the recreational catchment. The 75% significance figure is also achieved at band 8 (6-6.9km) when the summer 2015 data is combined with the results of the 2013 surveys.

The winter 2015/16 coastal visitor survey showed that the 75% significance figure is achieved at the upper end of band 4 (2-2.9km). On combining the results from the summer and winter 2015/16 surveys, it is evident that the 75% significance figure is achieved at the upper end of band 6 (4 - 4.9km). However, as three out of the four coastal visitor surveys undertaken to date establish the recreational catchment as 6km, this larger catchment will be retained. This is considered to accord with the use of the 'precautionary principle' required by the Habitats Directive. The catchment will be reviewed on receipt of five years worth of survey data.

In relation to the reported frequency of visits per band the following chart shows that a significantly higher percentage of high frequency visits originate from distance band 1 (0-0.4km). High frequency visits are those that reported that they visit the coast either two or three times a day.

Figure 15 Chart showing the percentage of high frequency visitors per distance band

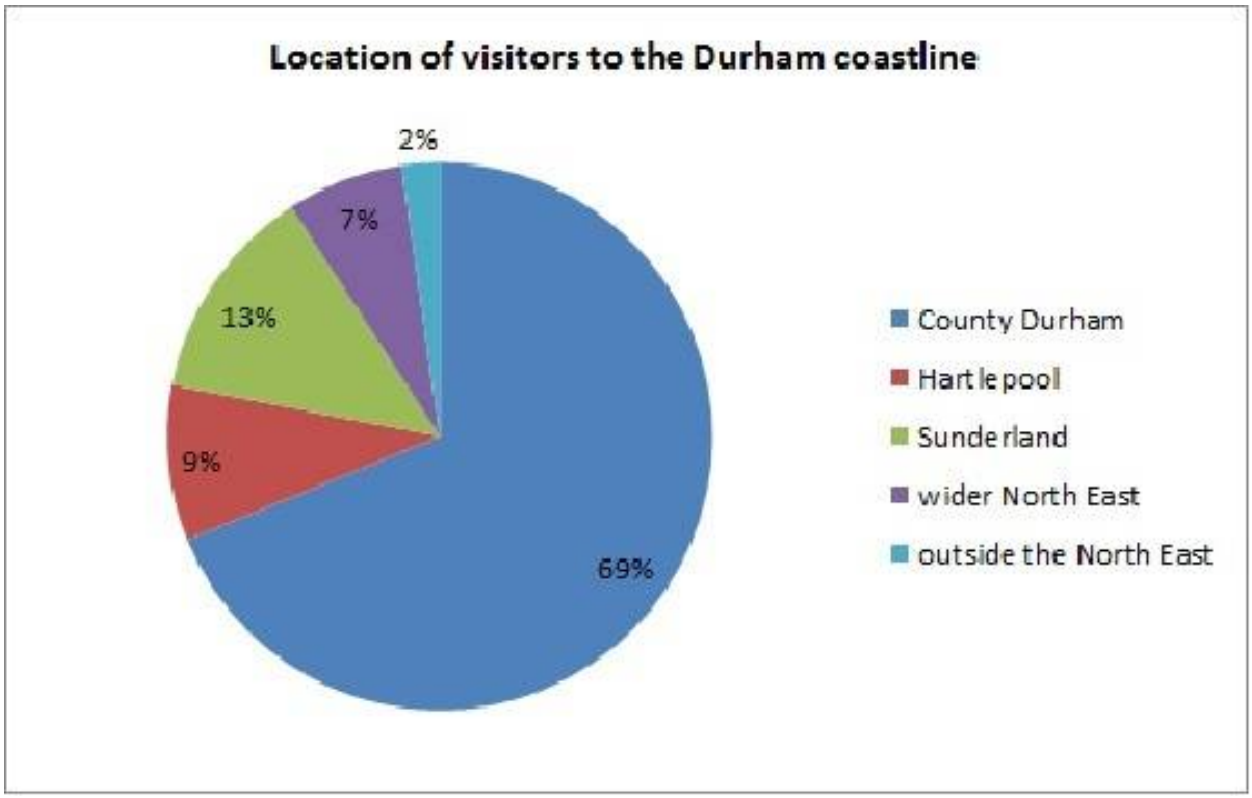


In addition to the issue of higher frequency visitors originating within 0-0.04km of the coast, the qualifying species of Northumbria Coast SPA and Ramsar and Teesmouth and Cleveland Coast SPA and Ramsar are vulnerable to increased predation by cats and other predatory species. Breeding pairs of Little tern may be particularly vulnerable to increased predation. Increasing levels of urbanisation is likely to lead to higher levels of cat predation and studies have shown that the approximate roaming distance of cats is 0.4km. [xxxiv] Natural England have previously informed the Council that they do not consider the use of pet covenants to be an effective from of mitigation in relation to domestic housing as they are difficult to enforce.

In relation to the travelling locations of visitors to Durham's coastline the results from the 2013 and 2015/16 coastal visitor surveys show that just under a third of visitors are from outside of County Durham. Of these visitors, the greater proportion were from Sunderland as shown by figure 15. Additional development in neighbouring authorities is therefore considered to contribute to adverse in-combination effects.

xxxiv Turner and Meister (1988) found the mean range of cats to be 37a metres

Figure 16 Chart showing the location of visitors to Durham's coastline

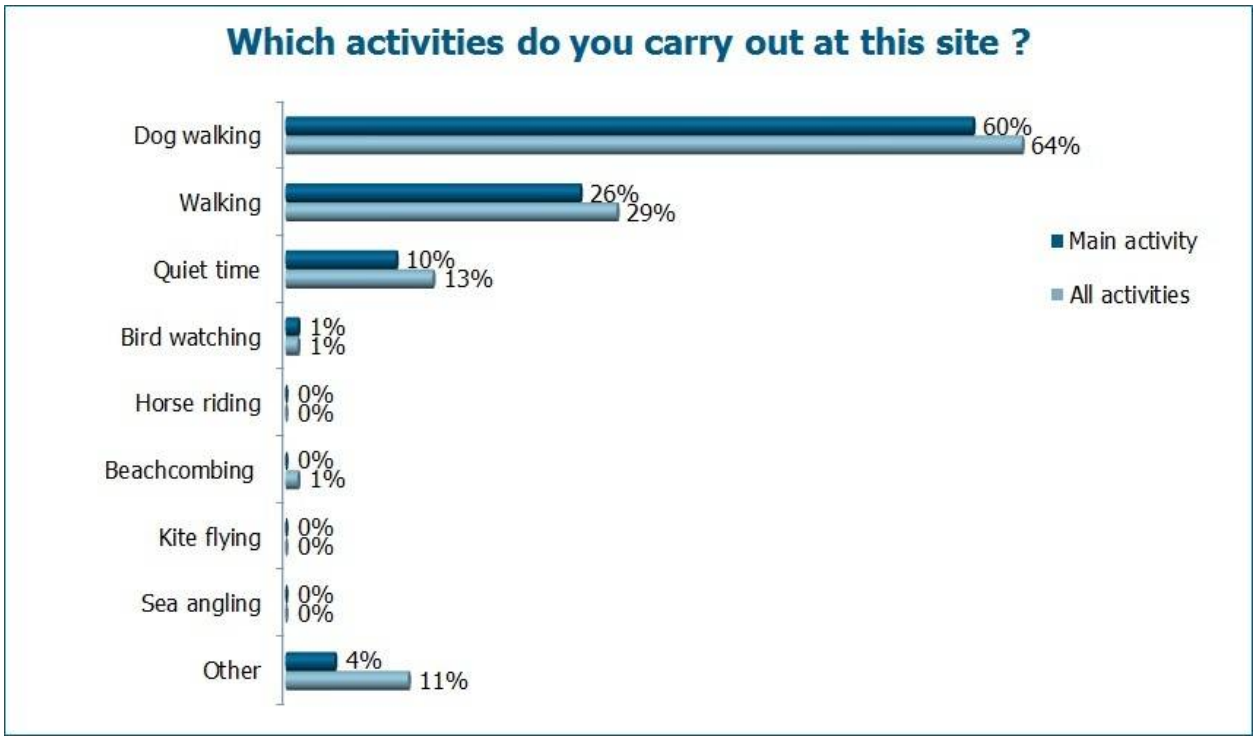


Motivations for visiting Durham's coast

In addition to understanding visitor patterns and defining the recreational catchment, the collation and analysis of visitor data was necessary to understand the motivation of individuals visiting Durham's coast. The full set of questions asked can be viewed in Appendix F.

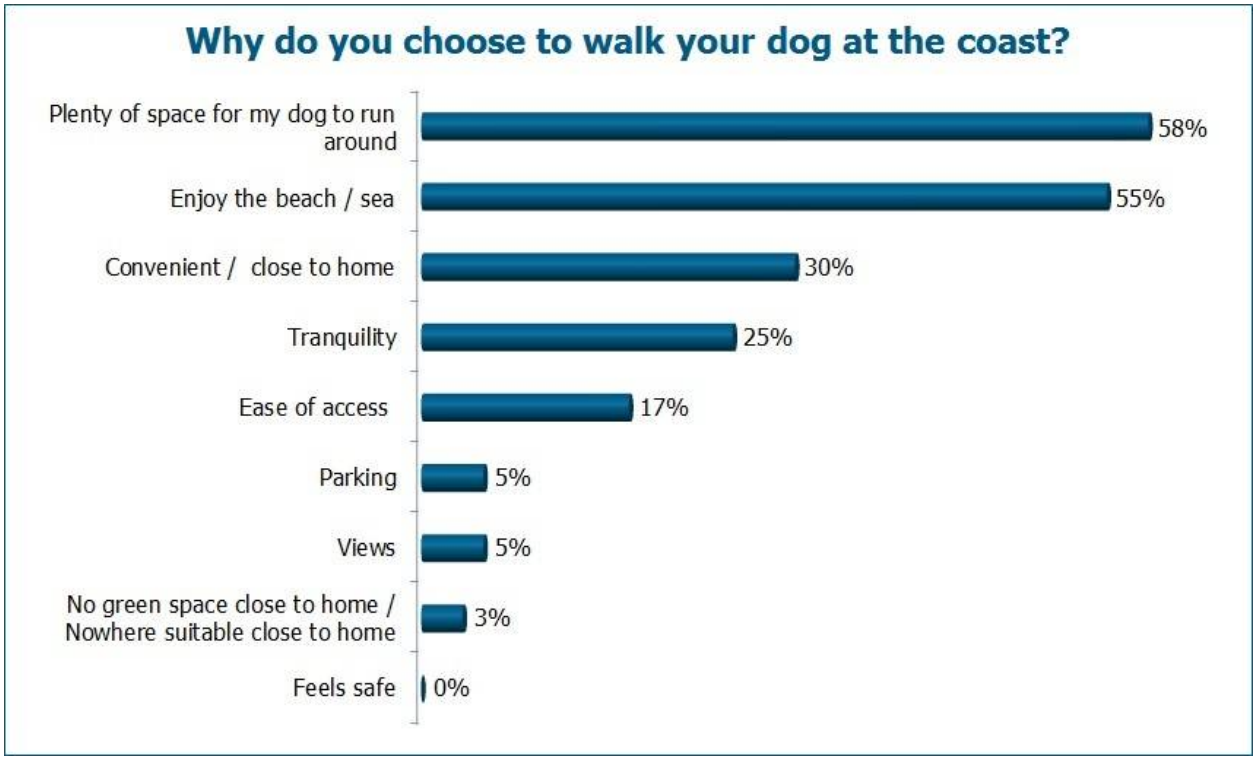
The coastal visitor surveys undertaken in 2013 indicated that dog walking is the main activity undertaken at the coast (60% of respondents).

Figure 17 Reported activities undertaken at Durham's coast 2013



When asked why people choose to walk their dog(s) at the coast 58% of respondents cited that it was due to the availability of space for the dog to run around followed by 55% of respondents whom indicated that it was due to the general enjoyment of the coastal environment.

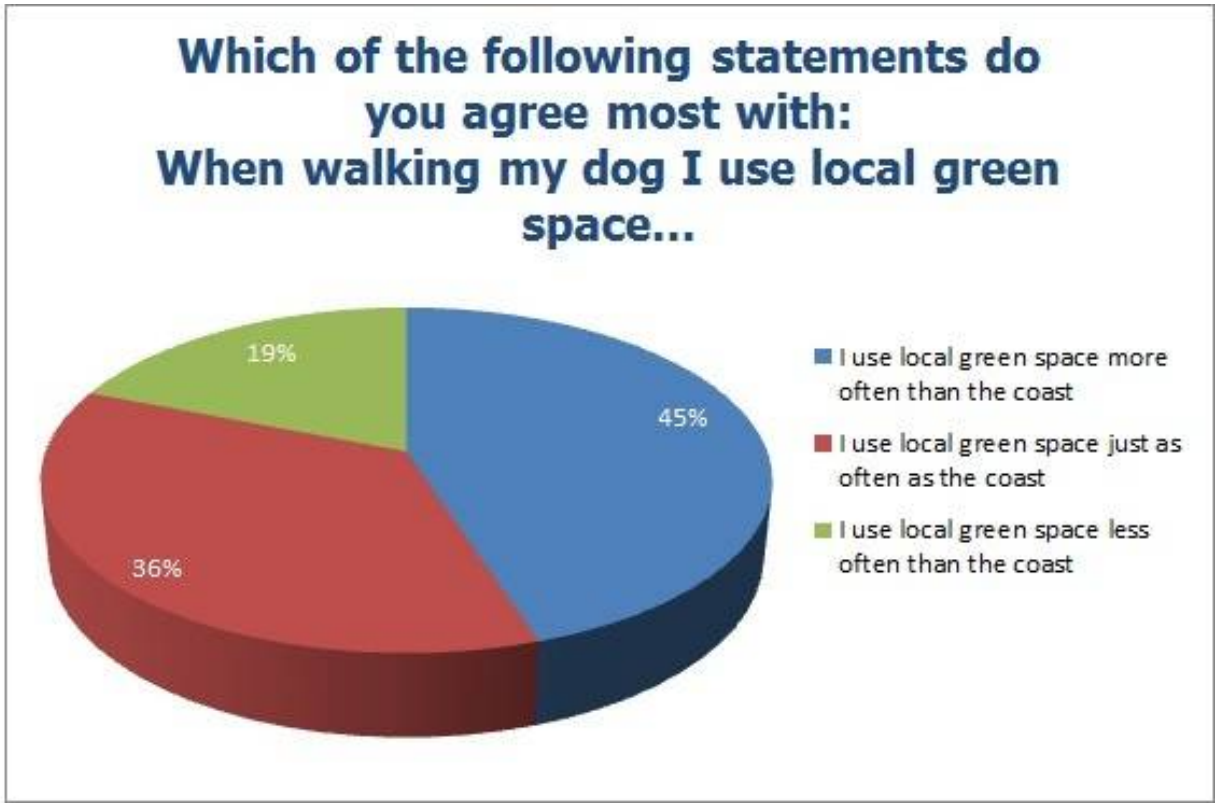
Figure 18 Reported reasons for walking dogs at the coast



The individual and combined results of the summer and winter 2015/16 survey also indicated that dog walking is the main activity undertaken at the coast (61% of respondents combined, followed by walking at 35% as the next most cited activity). When asked why people choose to walk their dog(s) at the coast the combined results from the summer and winter 2015/16 surveys show that convenience and space for the dog to run around are the most cited reasons at 38% and 28% respectively.

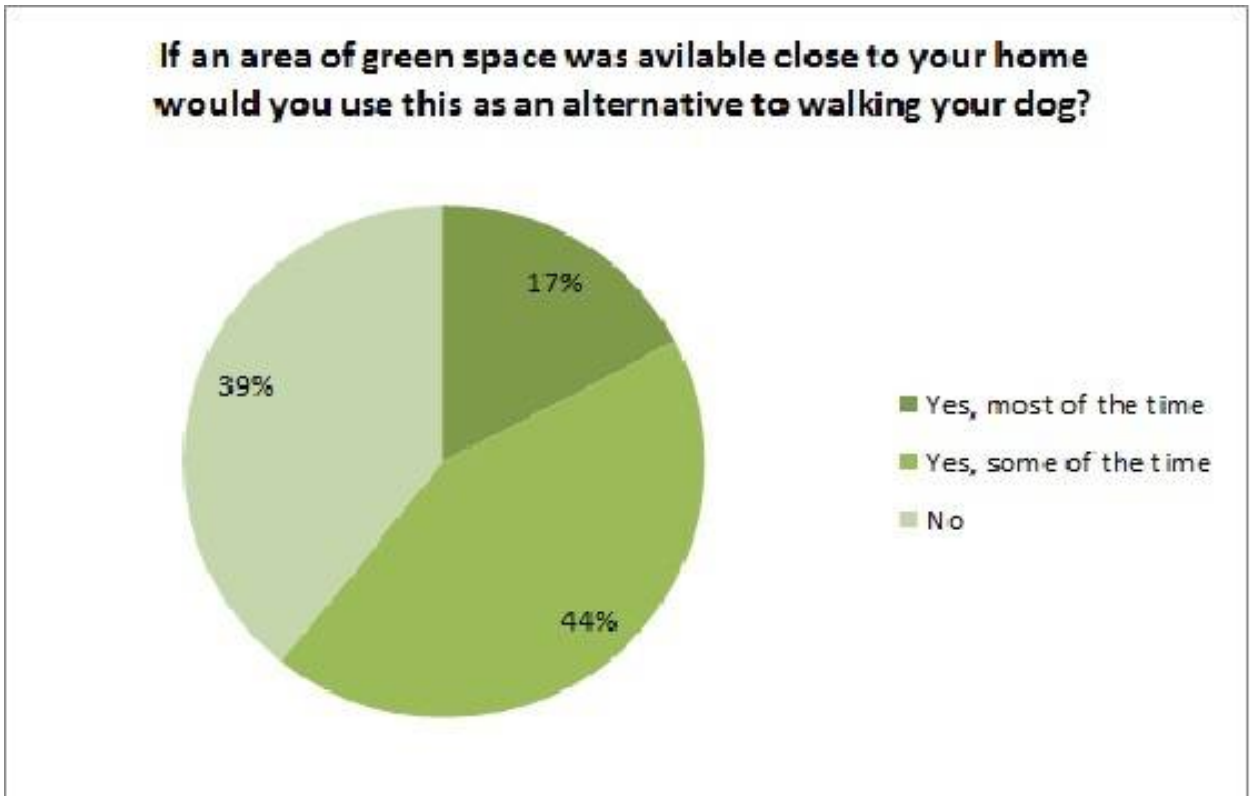
When the dog walking respondents were asked how often local green space is used for dog walking compared to the coast, respondents to the 2013 coastal visitor survey indicated that 45% use green space more often for dog walking purposes than the coast, 36% use green space just as often as the coast and 19% use green space less often than the coast.

Figure 19 Use of local green space versus the coast



The 2015/16 visitor surveys asked the following question to respondents who cited that there was no suitable local green space close to home with the following results:

Figure 20 Chart showing how alternative green space would be used if available



Findings therefore indicate that just under two thirds of all dog walkers would use green space as an alternative to walking their dog at the coast if it was available. The winter 2015/16 survey also indicated that feeling safe/safety for dog followed by enough space to let the dog off the leash are the top considerations that would attract dog walkers to going somewhere else rather than the coast.

In relation to the additional questions asked in the winter 2015/16 survey regarding dog walking activity at Durham's coast, it is also evident that:

- Dog walkers visit more frequently than non dog walkers;
- Dog walkers are travelling from closer by;
- A higher proportion of dog walkers (43%) walk their dog at the coast every day, followed by 2-3 times a week. This is a consistent picture with the results from Sunderland and South Tyneside;
- A higher proportion of dog walkers had three or more dogs with them compared to Sunderland and South Tyneside; and
- A higher proportion of dog walkers let their dog off the lead on the beach in Durham compared to Sunderland. Off lead activity equals that of South Tyneside.

Summary

This section has presented the findings of evidence collected to refine local recreational patterns and effects to Durham's coastal European protected sites. In conclusion, the evidence establishes the following:

- Recreational pressure is having an adverse effect upon Durham's coastal European Protected sites;
- The specific areas of coast the qualifying species are utilising;
- The recreational catchment of the coast is 6km;
- Dog walking is the main activity undertaken at the coast with convenience and 'space for dogs to run around' being the top reasons for choosing the coast as a dog walking location;
- The availability and use of local green space is important for minimising visitation levels to the coast for dog walking purposes; and
- The safety of the green space for dog walking and space for allowing off lead activity are key considerations.

Additional Studies and Surveys

Further coastal bird studies and visitor surveys will be undertaken in winter 2017/18. The findings will be used to build upon the information already collated in respect of the location and health of bird populations, visitor behaviour and to amend or implement additional mitigation measures if necessary.

Appendix F: Coastal Visitor Survey

Coastal Visitor Survey

Q1 Interview location:

Seaham Hall Beach	1	
Nose's Point	2	
Easington Colliery	3	
Cotsford Lane, Horden	4	
Blackhall Rocks car park	5	
Crimdon Beach	6	

Good morning / afternoon, my name is_____ from Bluegrass Research a marketing research company.
We are conducting a survey on behalf of the Durham Heritage Coast Partnership about visitors to the coast and recreation. Would you be willing to answer a few questions, it should only take up to 5 minutes. All of your answers will be kept strictly confidential.

SHOWCARD Q2

Q2a Using the following list, please state all activities you carry out at this site.
MULTI CODE

Q2b And which the activity do you carry out **the most** at this site.
SINGLE CODE

If only one answer is given at Q2a please code this in Q2b and skip Q2b

	Q2a	Q2b
Bird watching	1	1
Dog walking *(Go to Q3a)*	2	2
Horse riding	3	3
Beachcombing	4	4
Kite flying	5	5
Sea angling	6	6
Walking	7	7
Quiet time	8	8
Other, please specify_____	9	9

ASK ALL WHO SAY DOG WALKING AT Q2

Q3a Why do you choose to walk your dog at the coast?
Any other reasons?
MULTI CODE
UNPROMPTED

No green space close to home / nowhere suitable close to home	1	*Go to Q3c*
Ease of access	2	
Tranquillity	3	
Convenient / close to home	4	
Parking	5	*Go to Q3b*
Views	6	
Feels safe	7	
Plenty of space for my dog to run around	8	
Enjoy the beach / sea	9	
Other, please specify_____	10	

ASK ALL WHO DID NOT SAY 'NO GREEN SPACE' AT Q3a

Q3b	To what extent, if at all, would you say you walk your dog at the coast because there is nowhere suitable to do so close to your home?	Yes, to a large extent Yes, to some extent --- No, to some extent No, to a large extent	1 2 --- 3 4	Go to Q3c --- Go to Q4

ASK ALL WHO SAY 'NO GREEN SPACE' AT Q3a OR 'YES' AT Q3b
SHOWCARD Q3c

Q3c	If a suitable area of green space was available close to your home would you use this as an alternative to walking your dog at the coast?	Yes, most of the time Yes, some of the time No	1 2 3	

ASK ALL WHO SAY 'NO GREEN SPACE' AT Q3a OR 'YES' AT Q3b

Q3d	Which of the following statements do you agree most with: When walking my dog I use local green space...	**more often** than the coast **just as often** as the coast **less often** than the coast	1 2 3	

ASK ALL

Q4	How would you describe the group that you are here with today?	On my own As a couple / with partner Group of friends Family group with children under 16 years Family group without children under 16 years Friends and family group Walking group Other, please specify_____	1 2 3 4 5 6 7 8	

SHOWCARD Q5

		Q5a	Q5b
Q5a	What is it about this particular site that makes you visit it? Please list all features. **MULTI CODE**		
Q5b	What is it about this particular site that makes you visit it? Please list **the main** feature. **SINGLE CODE**		
	Interest	1	1
	Ease of access	2	2
	Tranquility	3	3
	Convenient / close to home	4	4
	Parking	5	5
	Views	6	6
	The natural environment	7	7
	Feels safe	8	8
	Good for children	9	9
	Enjoy the beach / sea	10	10
	Other, please specify_____	11	11

SHOWCARD Q6

Q6a	How often do you typically visit this site during the **winter months** (Oct-Apr)?
Q6b	How often do you typically visit this site during the **summer months** (May-Sep)?

	Q6a	Q6b
Three or more times a day	1	1
Twice a day	2	2
Once a day	3	3
Once a week	4	4
Couple of times a week	5	5
Monthly	6	6
Less than monthly	7	7

SHOWCARD Q7

Q7	During the **summer months**, at what time(s) do you generally visit / use this site? Any other times? **MULTI CODE**	After midnight and before 6am	1	
		6 – 7:59am	2	
		8 – 9:59am	3	
		10 – 11:59am	4	
		12 – 1:59pm	5	
		2 – 3:59pm	6	
		4 – 5:59pm	7	
		6 – 7:59pm	8	
		8 – 9:59pm	9	
		10 – 12am	10	

SHOWCARD Q8

Q8	How do you usually get to this site? **MULTI CODE**	Walk	1	
		Cycle	2	
		Drive	3	
		Public Transport	4	
		Other, please specify_____	5	

SHOWCARD Q9

Q9	How far have you travelled to get here today?	½ mile or less	1	
		½ - 1 mile	2	*Go to Q11*
		2 - 5 miles	3	
		6 - 10 miles	4	
		---	---	---
		11 - 15 miles	5	
		16 - 20 miles	6	*Go to Q10*
		21 - 25 miles	7	
		26 - 30 miles	8	
		31+ miles	9	

ASK ALL WHO HAVE TRAVELLED MORE THAN 10 MILES AT Q9

Q10	Where have you travelled from?	*Write in location* _____

ASK ALL

Q11	To help understand where visitors come from it is very useful to know postcodes. Are you willing to provide your postcode? Please note it will not be used to contact you, each postcode applies to about 20 houses and does not identify you individually.	*Write in postcode* ☐☐☐☐ – ☐☐☐

Q12	The Durham Coast is home to a unique range and mix of plants and wildlife. Did you know that Durham's coast is protected by European wildlife designations because of the importance of its habitats and the species they host?	Yes No	1 2	

SHOWCARD Q13

Q13 As the number of people who use the coast increases the pressures on the unique environment will increase.
With this in mind, to what extent would you support or object to plans which require...

INTERVIEWER: ROTATE AND TICK START POINT

		Completely support	Support to some extent	Neither support nor object	Object to some extent	Completely object
▪	A. Visitors only walking on designated paths along the coast	5	4	3	2	1
▪	B. Dog owners to keep dogs on a lead during nesting season	5	4	3	2	1
▪	C. Dog owners to keeps dogs on a lead when walking through specific areas	5	4	3	2	1

Q14	At what point during the day do you think this site receives the most visits / is the busiest?	Morning Afternoon Evening	1 2 3	

Q15	Is there any particular location along this coast line that you think is the most popular?
	Write in

Q16	Do you think this site could be improved in any way?	Yes --- No	1 --- 2	*Write in* ---
	If yes, please give details...			

Q17 Age	18 - 29	1	
	30 - 49	2	
	50 - 65	3	
	65+	4	

Q18 Gender	Male	1	
	Female	2	

INTERVIEWER – THANK RESPONDENT AND COMPLETE RESPONDENT SUMMARY PAGE

I certify that I have conducted this interview in accordance with the MRS Code of Conduct

Interviewer name (print)..... ID No.....

Interviewer signature..... Date.....

FOR BACK CHECK PURPOSES ONLY			
Respondent's Name:			
Address & Postcode:			
Tel. No:			
PLEASE ENSURE YOU RECORD THESE DETAILS. FAILURE TO DO SO MAY LEAD TO A DEDUCTION FROM YOUR PAY.			

F1: Additional questions Winter 2015/16 survey

- How many dogs do you have with you today?
    - 1 dog
    - 2 dogs
    - 3 or more dogs
- Do you let your dog(s) off the lead on the beach?
    - Yes
    - No
- How often would you say you walk your dog here?
    - Every day / almost every day
    - 2-3 times a week
    - About once a week
    - Once or twice a month
    - Less than once a month
- What, if anything, might attract you to going somewhere else rather than the coast?
    - Feel safe / safe for my dog
    - Enough space to let my dog off the leash
    - Easier parking
    - Somewhere close to home / takes less time to get there
    - Other facilities
    - Other
    - Nothing
- Roughly what % of time, if any, do you (or your dogs (for dogwalkers)) generally spend on the rocky shore
    - Less than 10%
    - 10% to 50%
    - More than 50%
- Aside from this location, do you visit any other places for similar purposes as you visited here today?
    - List location