

Assessment under the Habitats Regulations

Appropriate Assessment

Proposed Submission
Scarborough Borough Local Plan

Scarborough Borough Council

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1. Summary

- 1.1 This Appropriate Assessment has considered in more detail the potential for policies and allocations in the Local Plan to harm the integrity of Natura 2000 sites. This has revealed that increasing the amount of housing land and employment space in the Borough and providing uses for visitors may have negative effects on the sites in terms of disturbance and trampling and emissions from vehicles, but that any effects are likely to be negligible.
- 1.2 In light of the findings of this assessment, and following the incorporation of appropriate mitigation measures, Scarborough Borough Council are satisfied that the Scarborough Borough Local Plan will not lead to harm to the integrity of any Natura 2000 sites.

2. Introduction

Requirement to carry out an assessment under the Habitats Regulations

- 2.1 Articles 6(3) and 6(4) of the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive) (Directive 92/43/EEC) require an assessment to be undertaken for plans and projects that are likely to have a significant effect, alone or in combination with other plans and projects, on one or more European sites (Special Protection Areas and Special Areas of Conservation). Article 6(3) states:

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

- 2.2 This is translated into UK statute via The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 and via The Conservation of Habitats and Species Regulations 2010 which state:

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

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

3. Requirement for an Appropriate Assessment

- 3.1 The Habitats Directive states that ‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of that assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.’
- 3.2 This Appropriate Assessment therefore aims to ensure there will be no harm to the integrity of Natura 2000 sites.

4. Appropriate Assessment

4.1 The following guidance has been used in undertaking the Appropriate Assessment:

- Planning for the Protection of European Sites: Appropriate Assessment (Draft, DCLG, 2006)
- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites' (European Commission, 2001)
- Habitats Regulations Guidance Notes 1, 3 and 4 (English Nature 1997, 1999 and 2001)
- The Assessment of Regional Spatial Strategies and Sub-Regional Strategies under the Provisions of the Habitats Regulations (David Tyldesley and Associates for Natural England, 2006)
- ODPM Circular 06/2005 Biodiversity and Conservation
- The Appropriate Assessment of Spatial Plans in England – A Guide to How, When and Why to do it (RSPB, 2007)

Level of detail

4.2 Although the Local Plan is allocating land for development, it is not possible to be completely certain about any effects as this will depend upon the types of occupants of employment land and the behaviours of their customers and employees.

Information requirements

4.3 In order to assess the possible effects of each policy in sufficient detail it is necessary to first establish the level of information that is required.

The following information is required in relation to the SACs and SPAs:

- Location of the site;
- The site's qualifying features;
- Vulnerabilities;
- Conservation Objectives
- The conservation status of the sites

This information is contained, where available, in Section 5.

The questions below will help to identify the nature of any effects:

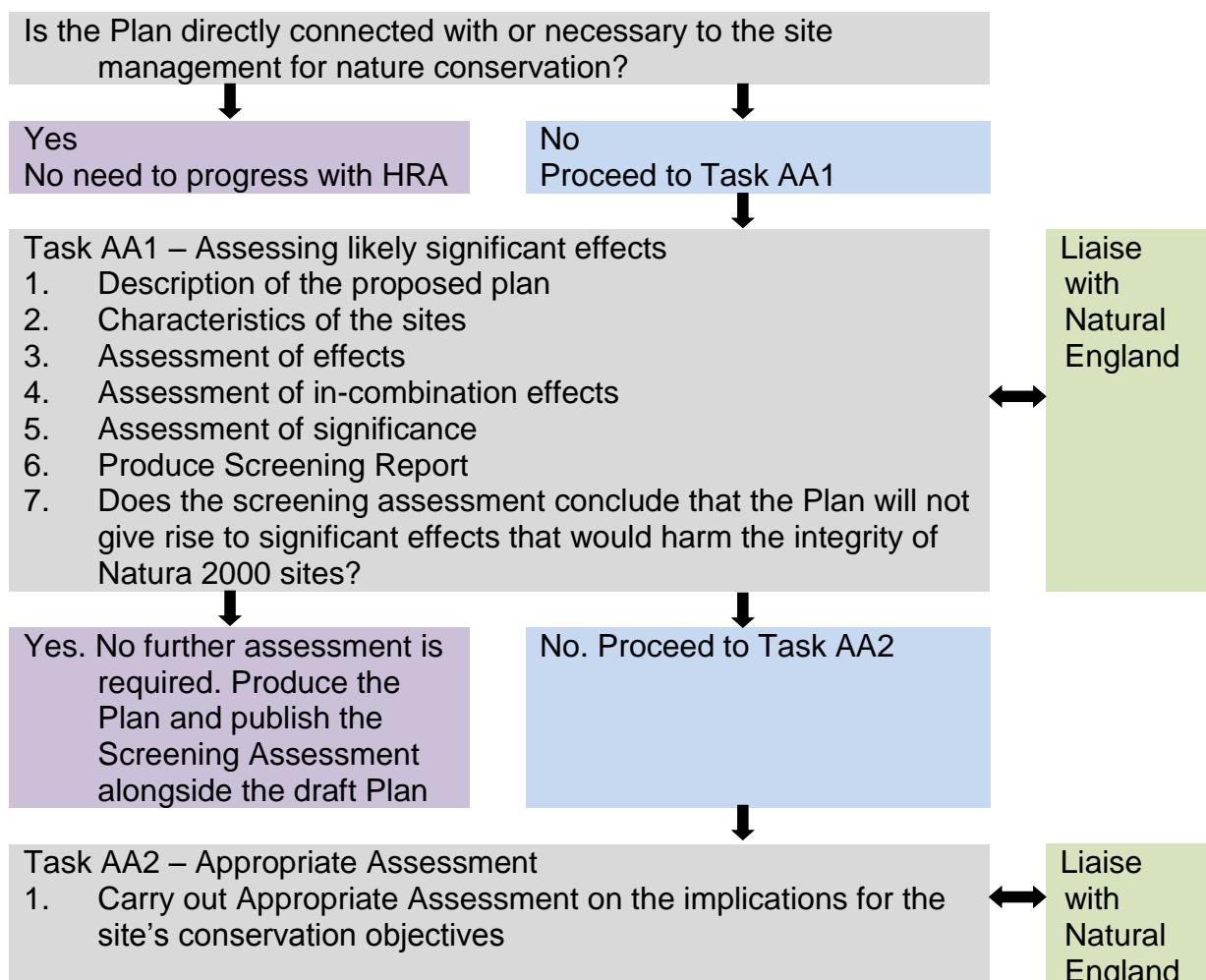
- Will it lead to a loss of habitat?
- Will it lead to fragmentation and isolation of habitats?
- Will it change any key habitat features?
- Will it lead to disturbance of species from noise, light or other visible features?
- Will it affect the quantity or quality of water in the sites?
- Will it affect air quality?

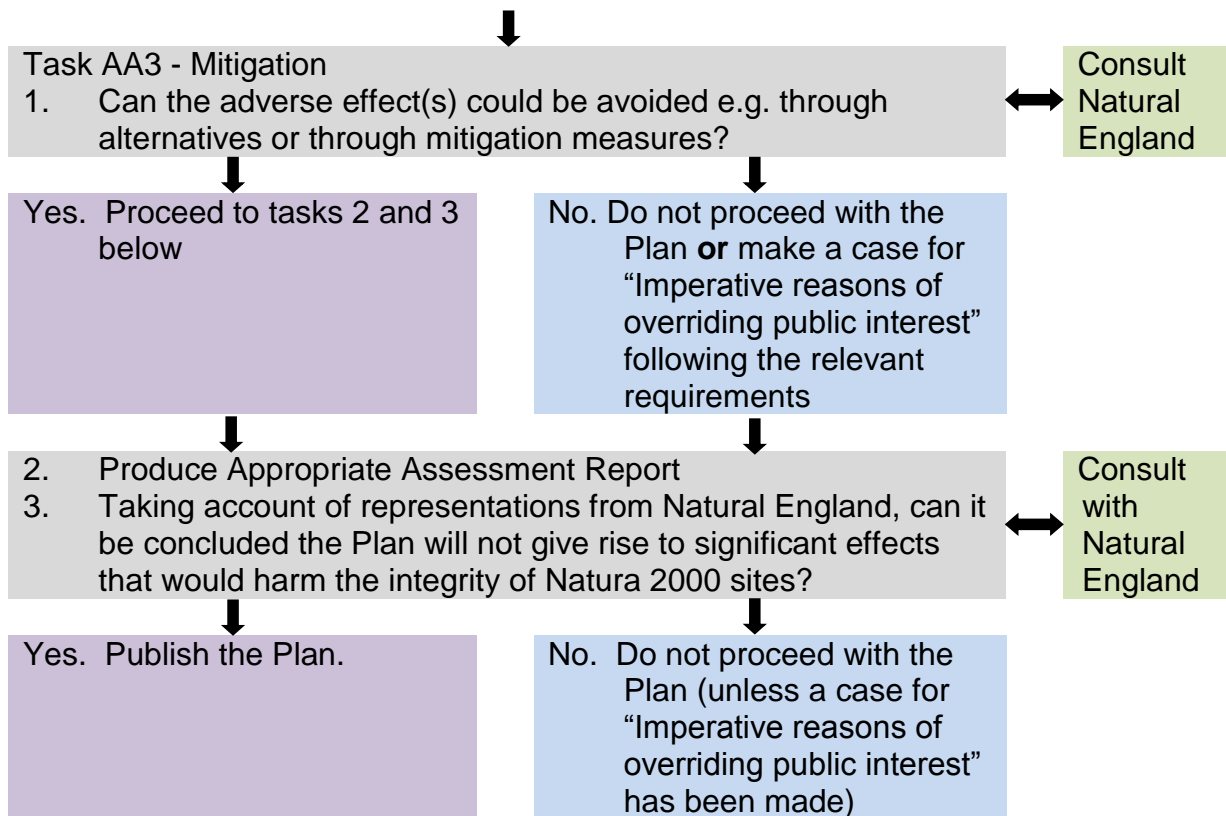
- 4.4 The assessment considers whether these effects are direct or indirect, and whether there are likely to be any cumulative effects. The significance of these effects is considered in relation to their magnitude and permanence. The assessment considers the effects in relation to the sites' qualifying features. In-combination effects were considered as part of the screening process.
- 4.5 The assessment concentrates upon the possible negative effects arising from the policies rather than any positive effects.

Methodology

- 4.6 The assessment has primarily been based upon consideration of the sites' vulnerabilities and reference to published data and reports where these are available, as well as the use of Ordnance Survey maps. Condition assessments are not available for the sites. The process of carrying out the Habitats Regulations Assessment is set out in Chart 1 below.
- 4.7 Section 6 identifies where policies in the Local Plan may lead to harm to the integrity of Natura 2000 sites. Mitigation measures are identified in the Table 3 and these are discussed in more detail in section 7 of this report.

Chart 1 - Procedure and Methodology for applying Assessment under the Habitats Regulations





Stage One - Screening

- 4.8 Stage one of the Habitats Regulations Assessment (HRA) process is the screening of the relevant plan or project for likely significant effects. Screening is fundamentally a risk assessment to determine whether the subsequent more detailed stage of assessment, which is known as Appropriate Assessment, is required. The essential question is:

Is the Local Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon Natura 2000 sites?

- 4.9 Screening is an iterative process and has taken place at each stage of development of the Local Plan. Screening of the Local Plan began in June 2009 to accompany the Core Strategy Issues and Options Paper, screening of the Draft Local Plan commenced in January 2014 and finally screening of the Local Plan Submission Policies was undertaken between July and September 2015.
- 4.10 Screening essentially involved assessing the significance of effects of policies and allocations within the Local Plan in relation to the designated interest features and conservation objectives of relevant Natura 2000 sites. Any effect that would compromise the functioning and viability of a site and prevent it from sustaining those features in a favourable condition was judged to adversely affect site integrity. Where no adverse effects were identified, then no further steps needed to be taken. Where adverse effects seem likely, a more detailed Appropriate Assessment of the Local Plan was necessary to inform the significance of such effects. If insufficient information was available to make a clear judgement, the precautionary principle was adopted.

4.11 On the rare occasions where significant adverse effects cannot be avoided or mitigated, compensatory measures are required, but only where the Plan has proved that it is necessary for imperative reasons of overriding public interest (IROPI), including those of a social or economic reason. The IROPI test is a difficult test which a plan or its relevant components are generally considered unlikely to pass.

4.12 The purpose of screening the Local Plan was to identify:

- Those Natura 2000 sites that are not affected (meaning that no further assessment is required);
- Where there is a possible effect but where modification or removal of options, policies and or allocations within the Local Plan would avoid the effect; and
- Where an effect on Natura 2000 sites is probable and where Appropriate Assessment (Task 2) is therefore required.

4.13 The Screening stage required the collection and analysis of information relating to:

- All Natura 2000 sites within Scarborough Borough Local Plan Area and those shown to be linked to development within the authority's boundary through a known 'pathway';
- Local Plan options, policies and allocations; and
- Information on other plans and projects which might contribute to in-combination effects.

4.14 The distinct steps followed when undertaking screening were as follows:

1. Make a decision as to whether there is any possible mechanism by which the plan can affect any Natura 2000 site by altering its environmental conditions, focusing on those sites within the administrative boundary or which may be linked to development within the boundary by a pathway (scoping).
2. Explore the reasons for the designation of the Natura 2000 sites.
3. Explore the environmental conditions required to maintain the integrity of the selected sites and become familiar with the current trends in these environmental processes.
4. Gain a full understanding of the Local Plan and consider each spatial option, policy and allocation within the context of the environmental process - could the policy lead to an impact on any identified process?
5. Decide if the identified impact is likely to lead to an adverse effect.
6. Identify other plans and projects that might affect these sites in combination with the Plan and decide whether there is likely to be a significant effect "in combination".
7. If likely significant effects have been identified, the HRA must progress to Task 2 (Appropriate Assessment), which will involve consideration of avoidance and mitigation measures.

4.15 Due to the scale of development in the Local Plan it was considered appropriate to carry out an assessment on all land allocations and policies which could potentially have an impact on any Natura 2000 sites within a 20 Kilometre radius of the Scarborough Borough Local Plan Area.

Impact Pathways

4.16 One of the first necessary steps for screening was to develop a long list of Natura 2000 sites potentially affected by the Local Plan and this required an understanding of the various ways in which land use plans can impact upon Natura 2000 sites. Current guidance suggests that the following Natura 2000 sites be included:

- Sites within Scarborough Borough boundary; and
- Sites potentially affected by development within Scarborough Borough through a known pathway.

4.17 Pathways are routes by which a change in activity within Scarborough Borough can lead to an effect upon a Natura 2000 site. Following consideration of the Local Plan and the development that it seeks to promote and direct, a number of broad potential impact types were identified that could affect Natura 2000 sites. These are discussed in detail below.

Air Quality

4.18 A change in the composition of air that disperses in the vicinity of a Natura 2000 site can change conditions, damage habitat, and harm species in designated areas. The main pollutants of concern for Natura 2000 sites are oxides of nitrogen (NO_x), sulphur dioxide (SO₂) and ammonia (NH₃)

4.19 Nitrogen is the second most important plant nutrient behind carbon, and the productivity of terrestrial ecosystems is generally limited by nitrogen supply. However, such communities exist in balance because their growth rates are contained by the level of available Nitrogen. Hence, the increase in nitrogen deposition will be expected to exert a large impact on ecosystem biodiversity. Nitrogen deposition may cause changes to species composition, often including a reduction in species richness and a loss of sensitive 'lower plants'; changes to soil microbial processes; changes to plant and soil biochemistry; increased susceptibility to abiotic stresses (such as winter injury) and biotic stresses (such as pests and pathogens); and it also contributes towards acidification.

4.20 Sulphur dioxide emissions are overwhelmingly influenced by the output of power stations and industrial processes that require the combustion of coal and oil as well (particularly on a local scale) as shipping. Ammonia emissions are dominated by agriculture, with some chemical processes also making notable contributions. Nitrogen emissions are much more widely dispersed than ammonia, with the latter often deposited in high quantities to semi-natural vegetation in intensive agricultural areas. Reduced N (NH_x) is

primarily emitted from intensive animal units and more recently vehicles with the introduction of catalytic converters.

- 4.21 The Local Plan was identified as harbouring the potential to contribute to atmospheric pollution through; increased traffic linked to increased housing and employment.
- 4.22 In relation to impacts of atmospheric pollution from traffic on Natura 2000 sites the Appropriate Assessment of the North East Regional Spatial Strategy states that 'English Nature's (now Natural England's) advice to Runnymede Borough Council on traffic-related air pollution, based on interim guidance from the Department for Transport (2005), was that NO₂ emissions only needed to be considered if there is a road carrying a significant proportion of new traffic related to the plan within 200 metres of a European site.' Beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant. This is therefore the distance that was used throughout the screening assessment for determining whether Natura 2000 sites are likely to be significantly affected by increased traffic to and within Scarborough Borough Local Plan Area.

Water Quality

- 4.23 The quality of water that feeds Natura 2000 sites is an important determinant of the nature of their habitats and the species they support. Poor water quality can have a range of environmental impacts:
- At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects including increased vulnerability to disease and change in wildlife behaviour. Loss of aquatic life can also have a direct knock on effect on other qualifying species such as birds and otters.
 - Eutrophication increases plant growth and consequently results in oxygen depletion. Algal blooms, which commonly result from eutrophication, increase turbidity and decrease light penetration.
 - Some pesticides, industrial chemicals, and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life.
- 4.24 In Scarborough, one of the main risks to water quality is as a result of an increase in housing and employment sites putting pressure on sewage treatment works that are close to capacity. Further development may increase the risk of effluent escape into aquatic environments. Coupled with this risk, an increase in hard standing and increased pressure on sewer systems could increase run off and sewer flooding heightening water pollution risk.

Hydrology

- 4.25 Changes in hydrology can result in drought or flooding of Natura 2000 sites that can damage habitat and harm species in designated areas. Increased housing and employment proposed by the Local Plan is likely to increase abstraction which could increase risk of lowering water levels within watercourses or groundwater sources that are required for the effective

functioning of qualifying species and habitats. As mentioned, in section 4.25 an increase in hard standing could also increase run off affecting flows.

Habitat and Species Destruction or Fragmentation

4.26 Alongside changes to air quality, water quality and hydrology there are a number of other 'pathways' that could contribute to habitat and species destruction or fragmentation as a potential result of the Local Plan. These include:

- Land take from Natura 2000 sites for development;
- Recreational pressure; and
- Urbanisation

4.27 The following sections discuss each of these factors in turn.

Land Take

4.28 The Plan does not propose any direct land take from Natura 2000 sites.

Recreational Pressure

4.29 All types of Natura 2000 sites including woodlands can be affected by trampling, which in turn causes soil compaction and erosion. Another factor, whereby recreation can contribute to habitat destruction and/ or fragmentation is by increased nitrification of sites associated with dog walking. Increased nitrification by dogs could also act in combination with increased dosage of nitrogen deposition through air pollution to impact upon sensitive sites.

4.30 The distances that people may travel to visit Natura 2000 sites was considered key to determining the potential impacts of the Scarborough Borough Local Plan. Initially, it was considered that identifying the distances that residents may travel to visit Natura 2000 sites would adequately support the screening stages of the Local Plan. Studies elsewhere suggest that 50% of people are willing to travel 20 minutes (approx. 1 Km) to reach wildlife areas, nature reserves, country parks, golf courses and specialist sports facilities.

Urbanisation

4.31 The impact of urbanisation is closely related to recreational pressure, in that they both result from increased populations within close proximity to sensitive sites. Urbanisation is considered separately as the impact is distinct from the trampling, disturbance and dog-fouling that results specifically from recreational activity. The main impacts of urbanisation are as follows:

- Invasive species - Invasive alien species can be spread either deliberately, through the inappropriate disposal of garden waste or may be bird-sown from local gardens. Plant pathogens may also be spread as a result of working of non-inert landfill sites.
- Increased predation - A large proportion of domestic cats are found in urban situations, and increasing urbanisation is likely to lead to increased cat predation. Increased populations within Scarborough may also

increase urban populations of rats and other predatory species such as foxes.

4.32 Urbanisation effects are likely to derive from housing development in the main. Concerns were raised with Natural England about the ability to screen in or out urbanisation effects, given the unquantified distance that invasive species could travel and the unquantified impacts of predatory species on Natura 2000 sites. It was agreed with Natural England in August 2011 that a pragmatic approach to this issue was necessary. However, no Natura 2000 sites were cited as vulnerable to invasive and/or predatory species.

Climate Change

4.33 Climate change is one of many threats to biodiversity and by reducing other sources of harm, natural systems will be better able to maintain their biodiversity in response to climate change. The Local Plan will need to ensure that it does not restrict the movement and migration of species and habitat in terms of their ability to adapt to climate change.

5. Relevant Natura 2000 sites

5.1 The Natura 2000 sites within the Local Plan area are:

- (a) Flamborough Head Special Area of Conservation (partly in East Riding District Council);
- (b) Flamborough Head and Bempton Cliffs Special Protection area (partly in East Riding District Council);
- (c) Flamborough Head proposed Special Area of Conservation; and
- (d) Flamborough and Filey Coast proposed Special Protection Area.

5.2 In addition, parts of the following areas fall within the Borough as a whole, although the planning authority is the North York Moors National Park Authority:

- (e) North York Moors Special Area of Conservation;
- (f) North York Moors Special Protection Area;
- (g) Beast Cliff Special Area of Conservation, Whitby;
- (h) Arnecliff and Park Hole Special Area of Conservation;
- (i) Eller's Wood and Sand Dale Special Area of Conservation;
- (j) Fen Bog Special Area of Conservation; and
- (k) River Derwent Special Area of Conservation

5.3 The following section provides a brief overview of the sites, and identifies particular vulnerabilities:

(a) Flamborough Head (part) – Special Area of Conservation

5.4 Flamborough Head is an important marine environment with a range of habitat features, including hard chalk cliffs that are, unusually for east coast cliff sites, influenced by high levels of salt deposition. This allows the area to support predominately limestone vegetation, thereby making it important for the

conservation of calcareous cliff vegetation. The area also has a wide range of sea cave habitats that support rare chalk boring algae and lichen communities. In addition, Flamborough Head has a great diversity of sublittoral and littoral chalk reef habitats, which in turn supports a variety of seaweed and invertebrate species, many of which are at their northern or southern geographical limit. The site also includes bedrock and boulder reefs that give Flamborough one of the most extensive areas of sublittoral chalk in Europe.

Vulnerabilities

- 5.5 The vegetated sea cliffs at this site are vulnerable to any changes that influence their exposure to the sea. This may result from physical damage or erosion to the site, or hydrological changes such as increasing turbidity. This could result from coastal defence work or increasing recreational activity close to the site. Toxic contamination of the seawater or changes to the thermal regime could also be detrimental to the wide assemblage of seaweed and invertebrates, and could be initiated by industrial discharge and changes in agricultural management.

Conservation Objectives:

- 5.6 These are to maintain, in favourable condition, the:

- Vegetated sea cliffs of the Atlantic and Baltic coasts
- Submerged or partially submerged sea caves
- reefs

(b) Flamborough Head & Bempton Cliffs (part) Special Protection Area

- 5.7 The area is designated as an SPA under the Birds Directive to be an SPA as it is amongst the most important cliff nesting colonies in Europe, regularly supporting at least 20,000 seabirds of international importance. This includes about 2000 pairs of puffins, as well as large numbers of razorbills, herring gull and guillemot. The cliff also supports the only mainland-breeding colony of Gannet, with over 2500 nesting on the cliffs.

Vulnerabilities

- 5.8 The main vulnerabilities to these qualifying bird species is from changes that adversely affect food availability, particularly during the breeding season. In particular, changes in fish stocks from fishing or toxic contamination from agriculture or industry would be detrimental. Population decline may also be exacerbated by any physical damage to the cliff faces or inter tidal chalk platforms, for example by recreational diving, fishing activity or increased erosion as a result of coastal defence structures. An increase in recreational disturbance of the site, especially during the breeding season, could also be damaging.

Conservation Objectives

5.9 These are to maintain, in favourable condition, the habitats for the populations of seabirds that contribute to the breeding seabird assemblage of European importance, with particular reference to:

- Coastal cliffs and caves
- Kittiwake

5.10 In addition, it is sought to maintain, in favourable condition, the habitats for the populations of seabirds that contribute to the breeding seabird assemblage of European importance, with particular reference to:

- Coastal cliffs and caves.

(c) Flamborough Head – proposed Special Area of Conservation

5.11 This proposed SPA is effectively an extension of (a) above and therefore the vulnerabilities and conservation objectives are the same.

(d) Flamborough and Filey Coast proposed Special Protection Area

5.12 This proposed SPA is effectively an extension of (b) above and therefore the vulnerabilities and conservation objectives are the same.

(e) North York Moors Special Area of Conservation

5.13 This upland landscape is regarded as one of the best areas in the UK for heathland, containing the largest continuous tract of upland heather moorland in England.

5.14 The North Atlantic wet heaths in the northern and eastern moors account for a high proportion of the European distribution of this habitat, and are a primary reason for the selection of this site as an SAC.

5.15 On the western, southern and central moors the principal type of heathland is European dry heaths, reflecting the underlying sandstone and limestone geology of the area.

5.16 Blanket bog is also a significant presence in the North York moors, and is an important priority habitat within the UK due to the abundance of bogs found in the UK compared to their comparative scarcity in the rest of Europe.

Vulnerabilities

5.17 This habitat is very sensitive to any changes to the existing moorland management regime, which is currently carried out by mainly for sheep and grouse shooting purposes. Changes to grazing levels will impact upon the diversity of the heather found, with overgrazing leading to direct heather loss and undergrazing allowing scrub to encroach. The wetter habitats are vulnerable to changes in drainage that can lead to a loss in structural diversity as well as the loss of mosses and lichens. Overburning or accidental fires, the

risk of which can be exacerbated by increasing visitor numbers, may also detrimentally impact upon these habitats. Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.

Conservation Objectives:

5.18 The conservation objectives for the site are, subject to natural change, to maintain or restore:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- The populations of qualifying species;
- The distribution of qualifying species within the site;

With particular reference to:

- Northern Atlantic wet heath
- European dry heath
- Blanket bog.

(f) North York Moors Special Protection Area

5.19 The mosaic of dry and wet heath habitats described above supports an important assemblage of moorland breeding birds, including Merlin (which favour the tall heather) and European golden plover (who generally favour the shorter vegetation).

Vulnerabilities

5.20 The value of the North York Moors as a habitat for merlin, golden plover and other breeding birds is dependent upon maintaining the existing levels of moorland management currently carried out by farmers and landowners. Overgrazing or too frequent heather burning (deliberate or accidental) could lead to a loss of structural diversity and bracken invasion.

5.21 Given the scope of the Local Plan in providing Local Plan-wide policies to steer the long-term development of the area, it is considered necessary to fully assess any potential implications for sites of European importance.

Conservation Objectives

5.22 These are to maintain or restore:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The populations of the qualifying features;
- The distribution of the qualifying features within the site.

With particular reference to:

- Merlin; and
- European golden plover.

(g) Beast Cliff – Special Area of Conservation

5.23 Beast Cliff, Whitby is an east coast complex of hard and soft cliffs. The combination of geology, topography and plant communities found on the site are unique and it is one of the best examples of vegetated sea cliffs on the north-east coast of England. The underlying geology varies from base-rich to base-poor, and this variation is reflected in a characteristic and diverse flora across the site. Vertical hard cliffs support maritime crevice and ledge vegetation, and the more gently sloping parts of Beast Cliff itself are covered by scrub and woodland. Sandstone boulders support a luxuriant growth of mosses and ferns and pools on the cliff shelf support wetland plants and scrub. Due to the frequent land slippage occurring on the site, the woodland is constantly changing and being rejuvenated with mainly young trees forming secondary woodland. North of Beast Cliff to Ravenscar the vegetation is more open and reflects alternating strata of rich and poor base-status. Areas of calcareous clays support typical calcareous grassland and wet flush plant communities, whereas heathland species occur on more acidic sandstone outcrops. From Ravenscar north to Robin Hood's Bay the cliffs are composed either partly or entirely of soft boulder clay. This clay is continually being eroded by wave action and slippage, and supports pioneer plant communities typical of this changing habitat.

Vulnerabilities

- 5.24 These cliffs are subject to active erosion processes in parts, particularly those areas of soft clay where coastal erosion maintains a cycle of erosion, landslip and colonisation. Any management of these cliffs is difficult due to their unstable nature, but they are sometimes grazed in conjunction with adjacent cliff-top pastures. More southerly sections of cliff are relatively stable, but due to their steep and inaccessible nature are virtually unmanaged. Any intensification in management may influence the vegetation communities present.
- 5.25 The location of this site is rural, but occasional settlements may give rise in the future to coast protection proposals which may interfere with natural coastal erosion processes. There is a current Shoreline Management Plan for this section of the coast; the preferred coastal defence option as outlined in the plan is 'do nothing', which should contribute to maintaining active coastal processes.

Conservation Objectives:

5.26 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
- The structure and function (including typical species) of qualifying natural habitats, and
- The supporting processes on which qualifying natural habitats rely

(h) Arnecliff and Park Hole – Special Area of Conservation

5.27 This habitat type comprises a range of woodland types dominated by Annex 1 old sessile oak woods with holly *Ilex* and hard ferns *Blechnum* which are believed to be virtually confined to the UK and Ireland. This habitat type is not, however, a primary reason for site selection. The habitat also supports the Annex II species Killarney fern *Trichomanes speciosum*, which is now very rare in the UK. This site has been selected as an SAC to protect this species, as the site contains a greater number of *sporophytes* than found elsewhere in the UK. However the plants are small, and in many cases not fully developed, with mature spore-producing plants extremely rare. The great significance of this site lies in the fact that the *sporophytes* appear to be recently developed from gametophytes, a phenomenon that has only been rarely recorded elsewhere in the United Kingdom.

Vulnerabilities

5.28 Formerly extensive upland oak woodlands on acidic soils with holly, hard fern and a species-rich fern community. There has been extensive disturbance in the past to these woodlands for both iron workings and woodland management. There are abundant rocks and small cliffs and a generally uneven topography which has allowed important ferns to survive in an undisturbed state. Extensive collecting of one of these ferns in the past has led to its near-extinction at a number of sites in Britain. This site contains a greater number of sporophytes than found elsewhere in the UK. However the plants are small, and in many cases not fully developed, with mature spore-producing plants extremely rare. The great significance of this site lies in that the sporophytes appear to be recently developed from gametophytes, a phenomenon that has only been rarely recorded elsewhere in the United Kingdom. The site also contains Old sessile oak woods with *Ilex* and *Blechnum*.

Conservation Objectives:

5.29 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 and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

(i) Eller's Wood – Special Area of Conservation

5.30 Petrifying springs with tufa formation (*Cratoneurion*) which is considered to be rare as its total extent in the United Kingdom is estimated to be less than 100 hectares for which the area is considered to support a significant presence. *Vertigo geyeri* for which this is one of only four known outstanding localities in the United Kingdom.

Vulnerabilities

5.31 The site is very wet and vulnerable to both human and livestock pressure. However, the present management agreement with English Nature is preventing excessive livestock pressure whilst promoting light cattle poaching. The site is fairly isolated and human pressure at present is negligible. The number of visitors to the site is minimal but if this increased it would be very damaging. Scrub invasion in parts of the site is also a lesser threat but is being successfully managed through an EN Management Agreement.

Conservation Objectives:

5.32 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 and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

(j) Fen Bog – Special Area of Conservation

- 5.33 This valley mire lies in Newtondale, a deep glacial spillway in the North Yorkshire Moors. The peat deposit is up to 18 metres deep, and is now mostly covered with acidophilous mire vegetation. The following plants are abundant: the bog-mosses *Sphagnum papillosum* and *S. capillifolium*, common cottongrass *Eriophorum angustifolium*, deergrass *Trichophorum cespitosum*, purple moor-grass *Molinia caerulea*, cross-leaved heath *Erica tetralix*, bog-myrtle *Myrica gale*, round-leaved sundew *Drosera rotundifolia*, tormentil *Potentilla erecta* and heath milkwort *Polygala serpyllifolia*. White beak-sedge *Rhynchospora alba* is locally abundant.
- 5.34 One of the important features of this site is the development of lateral water tracks containing a plant association more usually characteristic of mires in oceanic regions. A number of species occurring in these communities at Fen Bog do not occur elsewhere in north-east England and are very locally distributed outside western districts. These soligenous mire associations, some of which show the influence of base-rich water, include the bog-mosses *Sphagnum [auriculatum]* and *S. recurvum*, the sedges *Carex rostrata*, *C. limosa*, *C. echinata* and *C. dioica*, bog pondweed *Potamogeton polygonifolius*, many-stalked spike-rush *Eleocharis multicaulis* and bogbean *Menyanthes trifoliata*.

Vulnerabilities

- 5.35 The site has few significant pressures. The main vulnerability would be a lowering of the existing water table resulting from potential drainage to protect the railway running through the middle of the site. The site is lightly grazed at present; should grazing be removed, there is also long-term potential for a lowered water table due to succession at fringes to climax community growth such as woodland. There is public access to the northern section of the site. The site is subject to occasional fires due to its proximity to a steam engine railway. Surrounding the site is moorland which is occasionally subject to bracken-spraying. This has the potential to damage mire communities and species sensitive to active ingredients in chemicals used to control bracken.

Conservation Objectives:

- 5.36 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 the qualifying natural habitats
 - The structure and function (including typical species) of the qualifying natural habitats, and,
 - The supporting processes on which the qualifying natural habitats rely

(k) River Derwent – Special Area of Conservation

- 5.37 The Derwent is one example of river lamprey *Lampetra fluviatilis* populations which inhabit the many rivers flowing into the Humber estuary in eastern

England. Only the lower reaches of the Derwent are designated, reflecting the spawning distribution of the species in the Derwent system. Other qualifying features include water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot also sea lamprey, bullhead and otter.

Vulnerabilities

5.38 Water levels and flooding are an issue with the River Derwent. Concern has been expressed about both the level of flooding of adjacent agricultural land and also recent flooding of urban areas. This has resulted in public pressure both for new flood defences and different water-level control regimes. Issues relating to water control levels are being addressed through a collaborative project between English Nature, Environment Agency and the water company, Yorkshire Water. English Nature is also fully consulted over any new proposals relating to new or improved flood defences. Water quality is also a potential issue on the river. Improvements are currently proposed under the AMP3 programme.

Conservation Objectives:

5.39 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 and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

6. Detailed Assessment

- 6.1 It is not anticipated that any policies within the Plan would have a negative effect on any of the Natura 2000 sites within the Local Plan area or adjacent. The housing allocations under 100 units were assessed in the detailed assessments of the individual sites which can be accessed under the Supporting Documents tab of the Draft Scarborough Borough Local Plan found at <http://scarborough.objective.co.uk/portal> . Housing allocations of over 100 dwellings and employment allocations over 5 hectares where they fall within 20 kilometres of a Natura 2000 site undergone a more detailed assessment which can be found in the table overleaf.

Cumulative Impact of other Plans and Projects

- 6.2 In addition to considering those allocations within the Local Plan area, it is necessary to assess the relevant Plans of adjoining authorities to determine any potential cumulative impact arising from allocations and emerging strategies. To the north of the Borough, Redcar & Cleveland Borough Council have not yet progressed a Local Plan to a stage that allows analysis of allocations. North York Moors National Park Authority adopted their 'Core Strategy and Development Policies' in November 2008, however, this does not include site specific allocations. Ryedale District Council adopted its 'Local Plan Strategy' in September 2013. This makes provision for approximately 750 dwellings within Pickering over the Plan period (2012 – 2027). The proximity of Pickering to the River Derwent SAC would mean that the impact of additional allocations within the Borough area should consider the addition of these 750 dwellings to fully establish the cumulative impact.
- 6.3 To the south of the Borough, East Riding of Yorkshire County Council have recently progressed their Strategy Document and Allocations Document through examination and are due to adopt both later in 2015. Due to the progress with this, the emerging allocations will give a clear indication as to the anticipated location of development over the Plan period. Bridlington is the largest settlement at the northern end of the East Riding of Yorkshire, with the entire town being within 5 km of the Flamborough Head and Bempton Cliffs SPA, and Flamborough Head SAC. Within the Bridlington area, approximately 100 hectares of land is proposed to be allocated for housing and almost 20 hectares allocated for employment in the emerging Plan. As part of the submission for examination, East Riding of Yorkshire County Council completed a Habitat Regulations Assessment that considered the cumulative impact of all allocations on both the Flamborough Head and Bempton Cliffs SPA and Flamborough Head SAC. As that examination is ahead of this Local Plan, its Habitat Regulations Assessment will not have taken into account the cumulative impact when considered alongside emerging allocations within Scarborough Borough. This Habitat Regulations Assessment should therefore consider the impact of proposed allocations in addition to those within the Bridlington area when assessing the cumulative impact on Flamborough Head and Bempton Cliffs SPA and Flamborough Head SAC.

Table 1 Assessment of Allocations

Site	Natura 2000 sites affected	Direct Impact	Indirect or Cumulative Impacts
Land opposite Whitby Business Park and south of Eskdale Park, Whitby (320 dwellings)	1) Arnecliff & Park Hole SAC (13km); 2) Beast Cliff SAC (6.6km); 3) Fen Bog SAC (13km); 4) North York Moors SPA & North York Moors SAC (3.1km)	No direct impact	<p>Increased number of people in the SPA and SAC. The increase is likely to be relatively small when compared to current visitor numbers.</p> <p>Trampling of vegetation and habitat in any of the sites. Individual incidences of trampling are unlikely to harm the integrity of the sites but cumulative effects may do.</p> <p>Disturbance to merlin and golden plover, qualifying features of the North York Moors SPA. Individual incidences of disturbance are unlikely to harm the integrity of the sites but cumulative effects may do.</p> <p>Additional traffic movements along the A169 and A171 may lead to increased nitrogen deposition in the SAC. This leads to effects on the vegetation, these effects may be permanent depending upon the degree of harm. Any increases as a result of development are likely to be negligible when compared to the total numbers of vehicles using the roads.</p> <p>The site does lie within 4Km of the North York Moors SPA and whilst the site is outside the area the land may be used by breeding birds from within the SPA. There is enough land elsewhere for any development not to impact on the habitats or feeding grounds of breeding birds.</p>
Land to north of Middle Deepdale (East of Deep Dale Valley) Eastfield (600 dwellings)	1) Beast Cliff SAC (15km); 2) Ellers Wood & Sand Dale SAC (19km); 3) Flamborough & Filey Coast pSPA (3km); 4) Flamborough Head SAC & Flamborough Head & Bempton Cliff SPA (14.5km); 5) North York	No direct impact	<p>The coastal SPA and SAC are the closest to this proposal and an increased number of people potentially using the coast for recreation could result in trampling of vegetation and disturbance to nesting birds. Individual incidences of disturbance are unlikely to harm the integrity of the sites but cumulative effects may do.</p> <p>Notwithstanding this there are other more accessible locations on the coast within closer proximity to this site that offer a similar experience not within protected locations. The distance to these sites and the other options available suggest that any such impact on protected areas will be most likely be negligible.</p> <p>Other sites are a significant distance from this proposal and impacts due to visitation will therefore be dispersed over a wider area leading to negligible impacts on individual protected sited.</p> <p>Any increase in traffic as a result of this development would not lead to significant additional trips</p>

	Moors SPA & North York Moors SAC (17km)		through the sites.
Land to west of Middle Deepdale, Eastfield (100 dwellings)	1) Beast Cliff SAC (15km); 2) Ellers Wood & Sand Dale SAC (18km); 3) Flamborough & Filey Coast pSPA (4.5km); 4) Flamborough Head SAC & Flamborough Head & Bempton Cliff SPA (15.5km); 5) North York Moors SPA & North York Moors SAC (17km)	No direct impact	<p>The coastal SPA and SAC are the closest to this proposal and an increased number of people potentially using the coast for recreation could result in trampling of vegetation and disturbance to nesting birds. Individual incidences of disturbance are unlikely to harm the integrity of the sites but cumulative effects may do.</p> <p>Notwithstanding this there are other more accessible locations on the coast within closer proximity to this site that offer a similar experience not within protected locations. The distance to these sites and the other options available suggest that any such impact on protected areas will be most likely be negligible.</p> <p>Other sites are a significant distance from this proposal and impacts due to visitation will therefore be dispersed over a wider area leading to negligible impacts on individual protected sited.</p> <p>Any increase in traffic as a result of this development would not lead to significant additional trips through the sites.</p>
Land to north of Middle Deepdale (West of Deep Dale Valley) Eastfield (500 dwellings)	1) Beast Cliff SAC (14.5km); 2) Ellers Wood & Sand Dale SAC (18km); 3) Flamborough & Filey Coast pSPA (4km); 4) Flamborough Head SAC & Flamborough Head & Bempton Cliff SPA (15km); 5) North York Moors SPA & North York Moors SAC (16.5km)	No direct impact	<p>The coastal SPA and SAC are the closest to this proposal and an increased number of people potentially using the coast for recreation could result in trampling of vegetation and disturbance to nesting birds. Individual incidences of disturbance are unlikely to harm the integrity of the sites but cumulative effects may do.</p> <p>Notwithstanding this there are other more accessible locations on the coast within closer proximity to this site that offer a similar experience not within protected locations. The distance to these sites and the other options available suggest that any such impact on protected areas will be most likely be negligible.</p> <p>Other sites are a significant distance from this proposal and impacts due to visitation will therefore be dispersed over a wider area leading to negligible impacts on individual protected sited.</p> <p>Any increase in traffic as a result of this development would not lead to significant additional trips through the sites.</p>

<p>Land to the east of Lancaster Park, Scalby (900 dwellings)</p>	<p>1) Beast Cliff SAC (8km); 2) Ellers Wood & Sand Dale SAC (17km); 3) Fen Bog SAC (17.5km) 4) Flamborough & Filey Coast pSPA (9.5km); 5) Flamborough Head SAC & Flamborough Head & Bempton Cliff SPA (13km); 6) North York Moors SPA & North York Moors SAC (10km)</p>	<p>No direct impact</p>	<p>This site is almost equidistant from the coastal areas of Beast Cliff and Filey. There is a potential for increased use of these areas for recreational purposes which could include more instances of trampling of ground flora if people divert from the paths which could lead to damage or direct loss of important plant species, albeit probably very localised. Notwithstanding this there are other more accessible locations within very close proximity to this site that offer a similar experience not within protected locations (eg Scalby Mills). The distance to these sites and the other options available suggest that any such impact on protected areas will be most likely be negligible.</p> <p>Other protected areas are a considerable distance from this site and are unlikely to have significant visitation from this site.</p> <p>Lying at the north of Scarborough this development has more propensity to lead to an increase in traffic travelling northwards to Whitby and beyond, through the NYM SPA and SAC. Notwithstanding this any increase in traffic as a result of this development is likely to be negligible when compared to the total numbers of vehicles using the roads.</p>
<p>Land south of Cayton (2,500 dwellings)</p>	<p>1) Beast Cliff SAC (17km); 2) Ellers Wood & Sand Dale SAC (19km); 3) Flamborough & Filey Coast pSPA (3.5km); 4) Flamborough Head SAC & Flamborough Head & Bempton Cliff SPA (13km); 5) North York Moors SPA and North York Moors SAC (18.5km);</p>	<p>No direct impact</p>	<p>Increased number of people potentially using the coast for recreation which could include trampling of vegetation and disturbance to nesting birds. Individual incidences of disturbance are unlikely to harm the integrity of the sites but cumulative effects may do.</p> <p>Again there are other more accessible locations on the coast within close proximity to this site that offer a similar experience not within protected locations. The distance to these sites and the other options available suggest that any such impact on protected areas will be most likely be negligible.</p> <p>It is recognised that this site lies on a Source Protection Zone, however, the Local Plan contains a bespoke policy on this matter and was agreed by EA and Yorkshire Water. This should ensure that water levels and pollutants do not adversely affect the SPZ and associated boreholes. Whilst the site is more than 20km from the River Derwent SAC it is noted that the River Hertford to the south of this site drains into the aforementioned river. Run-off rates will be an important consideration in the determination of future applications to ensure that agricultural run-off rates are retained; a standard request from the local drainage board. Subject to adhering to these requirements and meeting appropriate policy in the Plan there should be no effects on the River Derwent SAC.</p>

			Lying at the south of Scarborough this development, although large, has less propensity to lead to a significant increase in traffic travelling northwards to Whitby and beyond, through the NYM SPA and SAC. There is a greater likelihood that travel from this site will be westwards along the A64 or to the adjoining Business Park and Scarborough Town Centre. As such any increase in traffic through the protected areas as a result of this development is likely to be negligible when compared to the total numbers of vehicles using the roads.
Land to south of Racecourse Road, East Ayton (100 dwellings)	1) Beast Cliff SAC (14km); 2) Ellers Wood & Sand Dale SAC (14km); 3) Fen Bog SAC (19.5km); 4) Flamborough & Filey Coast pSPA (8.5km); 5) Flamborough Head SAC & Flamborough Head & Bempton Cliff SPA (19km); 6) North York Moors SPA and North York Moors SAC (16km); 7) River Derwent SAC (20km);	No direct impact	<p>This is a small development that is unlikely to have any impact on identified sites as a consequence of traffic movements or recreation.</p> <p>Although the River Derwent SAC is approximately 20km away, there will be an anticipated increase in the number of people using the river as a recreational resource in close proximity to this site. The section of the River Derwent in close proximity to this site (approximately 800 metres away) flows towards the SAC section of the river. When compared to current recreational usage, there would only be a minor increase resulting from this development, however, any disturbance in terms of trampling of ground flora would be limited to this area and unlikely to impact on the SAC itself.</p> <p>Run-off rates will be an important consideration in the determination of future applications to ensure that agricultural run-off rates are retained; a standard request from the local drainage board. Subject to adhering to these requirements and meeting appropriate policy in the Plan there should be no effects on the River Derwent SAC.</p>
Land at Yorkshire Coast College, Lady Edith's Drive, Scarborough (100 dwellings)	1) Beast Cliff SAC (10.5km); 2) Ellers Wood & Sand Dale SAC (16.5km); 3) Fen Bog SAC (19.5km);	No direct impact	<p>This is a small development that is unlikely to have any impact on identified sites as a consequence of traffic movements.</p> <p>There is limited potential for increased use of these areas for recreational purposes due to the size of the proposal which could include more instances of trampling of ground flora if people divert from the paths which could lead to damage or direct loss of important plant species, albeit probably very localised.</p>

	<p>4) Flamborough & Filey Coast pSPA (7.5km);</p> <p>5) Flamborough Head SAC & Flamborough Head & Bempton Cliff SPA (19.5km);</p> <p>6) North York Moors SPA and North York Moors SAC (11.5km)</p>		<p>Notwithstanding this there are other more accessible locations within very close proximity to this site that offer a similar experience not within protected locations (eg Scalby Mills). The distance to these sites and the other options available suggest that any such impact on protected areas will be most likely be negligible.</p>
<p>Employment land north and south of Cayton Approach, Scarborough (24.2ha)</p>	<p>1) Beast Cliff SAC (16.5km);</p> <p>2) Ellers Wood & Sand Dale SAC (18km);</p> <p>3) Flamborough & Filey Coast pSPA (4.5km);</p> <p>4) Flamborough Head SAC (14.5km);</p> <p>Flamborough Head & Bempton Cliff SPA (14.5km);</p> <p>5) North York Moors SPA and North York Moors SAC (18.5km)</p>	<p>No direct impact</p>	<p>It is recognised that this site lies on a Source Protection Zone, however, the Local Plan contains a bespoke policy on this matter and was agreed by EA and Yorkshire Water. This should ensure that water levels and pollutants do not adversely affect the SPZ and associated boreholes. Whilst the site is more than 20km from the River Derwent SAC it is noted that the River Hertford to the south of this site drains into the aforementioned river. Run-off rates will be an important consideration in the determination of future applications to ensure that agricultural run-off rates are retained; a standard request from the local drainage board. Subject to adhering to these requirements and meeting appropriate policy in the Plan there should be no effects on the River Derwent SAC.</p> <p>As this is an employment site it does not raise the propensity for visitors to the protected sites but may increase travel through those with roads traversing them to and from this site. This would only potentially affect the NYM SPA and SAC, however, as this site lies to the south of the town it is likely that most employees or visitors to the Business Park will be from the urban area of Scarborough or from the main connection westwards; the A64. Whilst a small number may travel from Whitby and further north this is likely to be a small number compared to current traffic on this road. As such impact on the NYM SAC and SPA is considered to be negligible.</p>

Table 2 Assessment of Policies

Site	Direct Impact	Indirect or Cumulative Impacts
Policy SD 1 Settlement Hierarchy	No direct impact	The settlement hierarchy identifies a broad distribution of development with the majority of development been centred around Scarborough, with Whitby as the 'second' town having the next highest concentration of development and then Filey to a lesser extent. Whilst no land allocations directly effect a Natura 2000 site development in Filey will be close to the Filey Coast proposed Special Protection Area. Ultimately an increase in population could result in more people visiting the coastal areas for recreational purposes including dog walking although it is difficult to even estimate any increases. Mitigation by way of information boards requesting people stick to marked routes will hopefully limit any negative impacts through trampling of vegetation and disturbance to nesting birds.
Policy HC 12 Whitby Health and Community Hub	No direct impact	This is a redevelopment of an existing site which will largely involve re-use of existing buildings. The retention of a hospital on the site would reduce the need for the local population to travel further afield for treatment particularly by use of the A171 to Middlesbrough through the North York Moors SPA and SAC.
Policy EG 1 Supporting Industry and Business	No direct impact	<p>The majority of the land allocated is adjacent to the existing Business Park south of Scarborough and whilst it is recognised that this site lies on a Source Protection Zone, however, the Local Plan contains a bespoke policy on this matter and was agreed by EA and Yorkshire Water. This should ensure that water levels and pollutants do not adversely affect the SPZ and associated boreholes. Whilst the site is more than 20km from the River Derwent SAC it is noted that the River Hertford to the south of this site drains into the aforementioned river. Run-off rates will be an important consideration in the determination of future applications to ensure that agricultural run-off rates are retained; a standard request from the local drainage board. Subject to adhering to these requirements and meeting appropriate policy in the Plan there should be no effects on the River Derwent SAC.</p> <p>As this is an employment site it does not raise the propensity for visitors to the protected sites but may increase travel through those with roads traversing them to and from this site. This would only potentially affect the NYM SPA and SAC, however, as this site lies to the south of the town it is likely that most employees or visitors to the Business Park will be from the urban area od Scarborough or from the main connection westwards; the A64. Whilst a small number may travel from Whitby and further north this is likely to be a small number compared to current traffic on this road. As such impact on the NYM SAC and SPA is considered to be negligible.</p>
Policy EG 3 Employment Land Delivery	No direct impact	<p>It is recognised that the main area of delivery is on a site that lies on a Source Protection Zone, however, the Local Plan contains a bespoke policy on this matter and was agreed by EA and Yorkshire Water. This should ensure that water levels and pollutants do not adversely affect the SPZ and associated boreholes. Whilst the site is more than 20km from the River Derwent SAC it is noted that the River Hertford to the south of this site drains into the aforementioned river. Run-off rates will be an important consideration in the determination of future applications to ensure that agricultural run-off rates are retained; a standard request from the local drainage board. Subject to adhering to these requirements and meeting appropriate policy in the Plan there should be no effects on the River Derwent SAC.</p> <p>As this is an employment site it does not raise the propensity for visitors to the protected sites but may increase travel</p>

		through those with roads traversing them to and from this site. This would only potentially affect the NYM SPA and SAC, however, as this site lies to the south of the town it is likely that most employees or visitors to the Business Park will be from the urban area of Scarborough or from the main connection westwards; the A64. Whilst a small number may travel from Whitby and further north this is likely to be a small number compared to current traffic on this road. As such impact on the NYM SAC and SPA is considered to be negligible.
Policy EG 4 Safeguarding the Strategic Role of Scarborough Business	No direct impact	<p>It is recognised that this site lies on a Source Protection Zone, however, the Local Plan contains a bespoke policy on this matter and was agreed by EA and Yorkshire Water. This should ensure that water levels and pollutants do not adversely affect the SPZ and associated boreholes. Whilst the site is more than 20km from the River Derwent SAC it is noted that the River Hertford to the south of this site drains into the aforementioned river. Run-off rates will be an important consideration in the determination of future applications to ensure that agricultural run-off rates are retained; a standard request from the local drainage board. Subject to adhering to these requirements and meeting appropriate policy in the Plan there should be no effects on the River Derwent SAC.</p> <p>As this is an employment site it does not raise the propensity for visitors to the protected sites but may increase travel through those with roads traversing them to and from this site. This would only potentially affect the NYM SPA and SAC, however, as this site lies to the south of the town it is likely that most employees or visitors to the Business Park will be from the urban area of Scarborough or from the main connection westwards; the A64. Whilst a small number may travel from Whitby and further north this is likely to be a small number compared to current traffic on this road. As such impact on the NYM SAC and SPA is considered to be negligible.</p>
Policy TC 3 Regeneration of Scarborough Town Centre	No direct impact	This policy allocates 2 sites within Scarborough town centre for redevelopment for town centre uses, this has no direct impact on Natura 2000 sites and indirectly it is intended to prevent the need to use greenfield sites elsewhere or reduce the need to travel for facilities and thereby reduce traffic pollution, which would have the potential to effect any Natura 2000 sites through which major transport routes pass.
Policy TC 4 Additional Site for Town Centre Uses	No direct impact	This policy allocates a site adjacent to Scarborough town centre for redevelopment for town centre uses should the town centre sites not be available. This has no direct impact on Natura 2000 sites and indirectly it is intended to prevent the need to use greenfield sites elsewhere or reduce the need to travel for facilities and thereby reduce traffic pollution, which would have the potential to effect any Natura 2000 sites through which major transport routes pass.
Policy TOU 1 New Tourism Facilities	No direct impact	New tourist facilities have the potential to impact on Natura 2000 sites by increased recreational use in their vicinity. As the coast is an attraction for visitors it is more likely that any pressure for tourist facilities will be attracted to the coast. Policy ENV 5 seeks to ensure that development does not result in an unacceptable impact on any locally nationally or internationally designated sites.
Policy TOU 2 North Bay Leisure Parks	No direct impact	This policy is intended to attract tourists to a particular site not located near any protected sites, it may have the effect of creating a honeypot which may protect coastal protected sites by reducing visitor numbers to these other sites.
Policy TOU 4 Visitor Accommodation and Facilities in the	No direct impact	Natura 2000 sites will be protected from any direct impact by Policy ENV 5 of the plan. It is harder to control any indirect impacts but depending on the location of any proposed development these would be assessed at application stage.

Countryside		
Policy ENV 2 Wind Energy	No direct impact	The policy does not seek to allocate areas for potential wind generation but to assess small scale proposals which are not site specific. Therefore there is no direct impact on protected sites and any indirect impacts would be assessed as part of any proposal.

7. Mitigation

- 7.1 Mitigation can be defined as ‘measures’ that avoid or reduce overall potential adverse effects on the integrity of a Natura 2000 sites and should be taken into account during the Appropriate Assessment of the impacts of a plan or allocation.’
- 7.2 Where effects have been identified that would, or could, harm the integrity of Natura 2000 sites within or outside of the Local Plan area it is necessary to identify mitigation measures.
- 7.3 Although the Local Plan will allocate land for employment and housing, prior to development taking place planning permission will still need to be secured. This will enable the specific nature of the uses proposed, including such issues as traffic and transport and emissions, to be assessed in more detail. The Local Plan contains policies to protect Natura 2000 sites. The text of these is contained in Table 2.
- 7.4 In terms of mitigating any effects from increased use of the SACs and SPA for recreation, it is not considered that there is currently any widespread harm to the Natura 2000 sites from disturbance or trampling – any current negative effects are very limited and very localised.

Table 3 Mitigation Measures

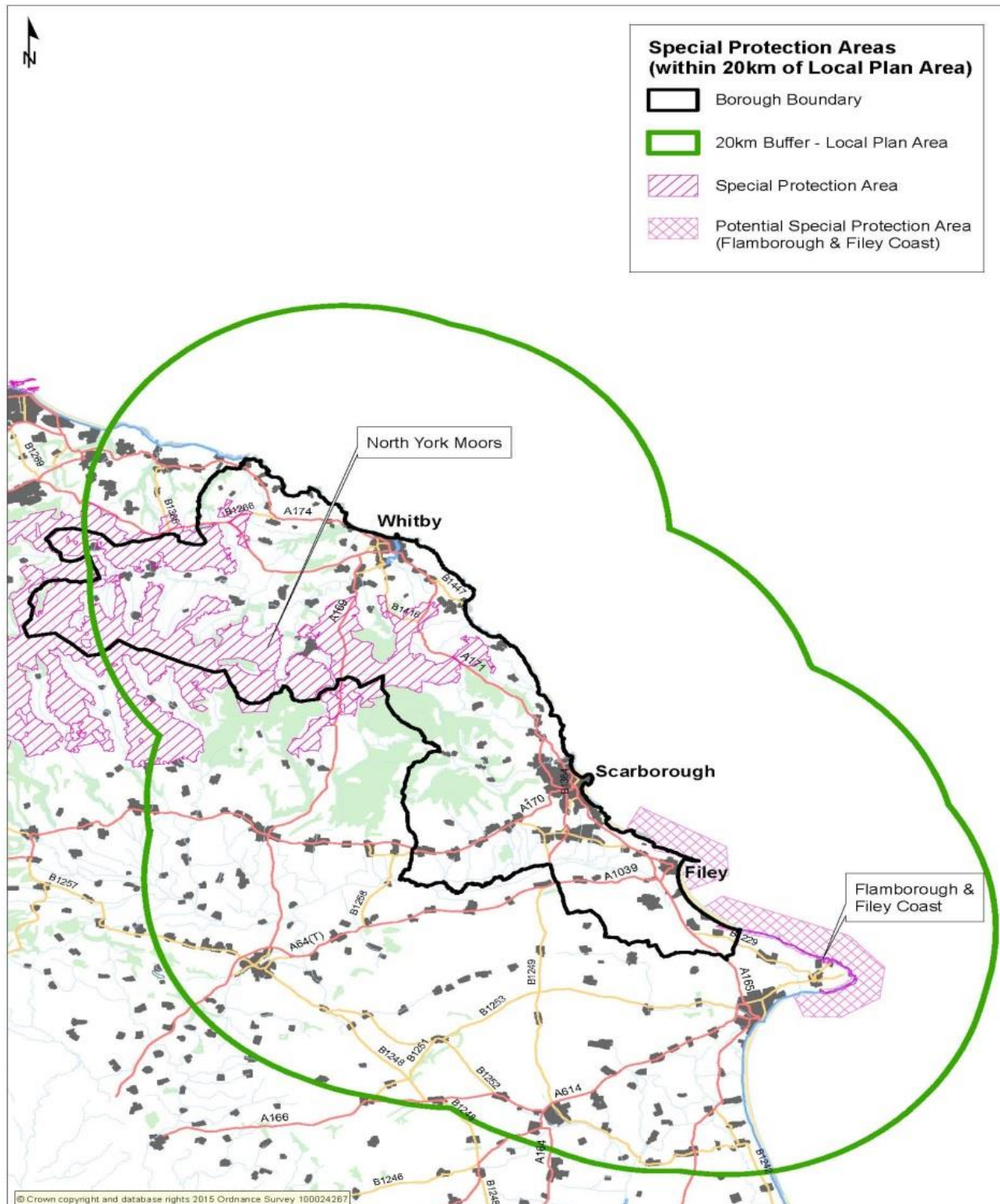
Consequence	Mitigation Measures
Increase in vehicular movements	<p>New developments on the allocated sites would require planning permission. This would provide an opportunity to look more precisely at predicted vehicle movements and seek to mitigate these through the Travel Plan. The need for any site specific Appropriate Assessment would be triggered via the planning application process. Planning permission would not be granted for any development which would harm the integrity of the Natura 2000 sites, in accordance with the Habitats Directive.</p> <p>Police ENV 5 of the Local Plan states: 'Proposals should respond positively and seek opportunities for the enhancement of species, habitats or other assets thereby resulting in a net gain in biodiversity by</p> <ol style="list-style-type: none"> a. ensuring that development does not result in an unacceptable impact on any locally, nationally or internationally designated sites unless the impact can be outweighed by a greater benefit as commensurate to the designation; b. considering how any potential adverse impacts on species and habitats can be successfully mitigated and supporting the recovery of priority species and habitat

	<p>creation as identified in the Scarborough Borough Biodiversity Action Plan (2005) or any subsequent update;</p> <p>c. increasing trees and woodland through ensuring new developments include appropriate tree planting whilst retaining and integrating healthy, mature trees and hedgerows and maintaining those which make an important contribution to the setting and character of an area; and</p> <p>d. ensuring that development does not result in deterioration in the ecological status of surface, ground or coastal waterbodies.'</p>
<p>Increased number of people in the SAC and SPA.</p>	<p>Below are a number of examples of how visitor trips can be managed</p> <ul style="list-style-type: none"> • Interpretation boards and interpretation provided at the visitor centres encourage people to act in a way which will not harm the habitats and wildlife. • The Moors Message is widely promoted and, amongst other messages, states 'Tread Gently - • despite surviving all sorts of weather, the moors, their plants and animals are fragile and sensitive.' • The Moors Message is publicised on the Authority's website, in visitor centres, on signs and in mobile units. • The County Council and National Park Authority have powers to impose Traffic Regulation Orders in instances where vehicular use is damaging the National Park's special qualities. • The National Park Authority and Natural England have established an events protocol whereby event organisers must avoid sensitive locations and times. <p>Knowledge suggests that any damage and disturbance in the past has been very limited and very localised, and generally visitors are not harming the integrity of the Natura 2000 sites.</p>

8. Conclusion

8.1 Following application of the mitigation measures the Authority is satisfied that the Scarborough Borough Local Plan will not give rise to any effects that would harm the integrity of the Natura 2000 sites. The Authority will refer back to the mitigation measures identified in this report in delivering the policies of the Local Plan.

Appendix 1: Maps
SPA's Located Within 20Km of Scarborough Borough Local Plan Area



SACs Located Within 20Km of Scarborough Borough Local Plan Area

