

**Appropriate Assessment of the Regional Spatial
Strategy for the North East: Addendum – Assessment of
Further Proposed Changes (February 2008) and Final
Conclusions**

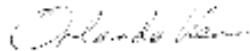
**Finalised following consultation on Further Proposed
Changes
June 2008**

Prepared for:
Government Office for the North East

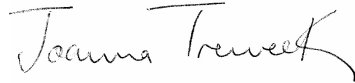
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Issue 2

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Date: 10.06.08

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1 Introduction

Environ and Treweek Environmental Consultants (TEC) were appointed by Government Office for the North East (GONE) in September 2006 to undertake an Appropriate Assessment (AA) of the Draft Submission RSS and the Secretary of State's proposed changes.

'Appropriate Assessment (AA)' is required under the EU Habitats Directive (92/43/EEC) for any proposed plan or project which may have a significant effect on one or more European sites and which is not necessary for the management of those sites. The purpose of AA was to determine whether or not significant effects were likely and to suggest ways in which they could be avoided.

1.1 Summary of process

Results of AA of the RSS First Revision (which included the Government's proposed changes) were published in a Draft AA report. This was issued for consultation along with the RSS First Revision in May 2007. The AA report has been updated to take into account the issues raised specifically on the Draft AA report during consultation and is available at: www.go-ne.gov.uk/gone/planning/regional_planning/rss_consultation/

This Addendum to the AA Report presents the final conclusions concerning possible impacts of the RSS, including those associated with the further proposed changes identified by the Secretary of State. It sets out the issues that remained following consultation on the RSS First Revision and examines whether these have been dealt with through the Further Proposed Changes. It also examines whether the Further Proposed Changes in themselves might have significant adverse effects.

Through the drafting of the Further Proposed Changes the ENVIRON and TEC team worked with GO-NE to ensure that opportunities were taken to make the plan more sustainable and to mitigate against any adverse effects on the integrity of European sites. This addendum therefore also reviews the effectiveness of the proposed mitigation in order to determine whether residual adverse effects could still occur.

The production of two documents has been necessary due to the limits on consultation imposed by issues of propriety. Rather than an evolving document that could incorporate Natural England's and other stakeholders' views throughout, consultation on impacts has been limited to the formal consultation periods. The Draft AA report was consulted on alongside the plan, and the final version incorporates the consultees' comments on that report, the information it contains and agreed conclusions on the RSS First Revision. Finalising the AA report should enable the Consultees to see how their comments on the Draft AA report were taken into account.

This Addendum shows how outstanding issues affecting European sites have been dealt with through the further proposed changes. It provides an opportunity to take each aspect of the plan through to a clear final conclusion on whether there are any residual adverse effects on the integrity of European sites in the region.

1.2 Contents of the report

Chapter 1, this chapter - summaries the AA work that has been undertaken to date and explains the decision to develop a AA Report Addendum to assess the further proposed changes and present final conclusions.

Chapter 2 – examines the approach taken at this stage, and information is provided on how some complex issues have been resolved. It summarises the recommendations made as a result of AA of the RSS First Revision and the implications of the Further Proposed Changes.

Chapter 3 - presents final conclusions concerning the implications of the RSS Second Revision for European Sites. It identifies any possible residual adverse effects on the integrity of sites and highlights monitoring etc.

For information on the AA process, European sites, an analysis of the RSS First Revision, issues affecting European sites and in-combination effects, please refer to the AA report, available at:

www.go-ne.gov.uk/gone/planning/regional_planning/rss_consultation/.

2 Review of Further Proposed Changes

2.1 Approach

The Further Proposed Changes presented two challenges in applying the Habitats Regulations to the development of the RSS. The first was to ensure that any outstanding issue identified in the AA report, or any that arose during subsequent consultation, was adequately addressed through the further proposed changes. The second was to ensure that the further proposed changes would not, in themselves, lead to additional likely significant effects on European sites. By tackling both of these, the aim has been to ensure that the Second Revision of the RSS is published for consultation with the conclusion that the plan does not have any adverse effects on a European site.

Unfortunately the issues of propriety that were in place for the proposed changes still remain and this has meant that open dialogue has not been possible with Natural England or other environmental groups. The additional consultation period that has been provided for by the Government will allow Natural England and other stakeholders to review the conclusions presented in this Addendum and provide comments where necessary.

A table-based approach has been used to provide an overview of any outstanding issues and the effects of the further proposed changes. While this addresses each policy individually, there are several cases where potential effects of one policy are more appropriately addressed through others as part of the overall RSS. For example, policies dealing with housing numbers should not necessarily include criteria to deal with all possible impacts related to additional housing, such as increased surface water runoff, diffuse and local air pollution. These might be best addressed through focused individual policies especially if the sources of impact are associated with more than one policy or proposal.

To address some of the issues raised by consultees during consultation on the draft AA report, it was necessary to provide some further information on issues affecting sites. An example is the further information on “Disturbance and damage caused by recreation” presented in the AA report and on residual issues related to air pollution and renewable energy presented in section 0 of this Addendum.

2.2 Description of the Further Proposed Changes

The comments received during the first stage of public consultation on the RSS Proposed Changes (between May and August 2007) were taken into account in preparing the "Further Proposed Changes" which include modifications throughout the RSS to both policies and supporting text. Table 1 examines the implication of these changes for European sites.

The Further Proposed Changes do not alter the broad spatial development strategy for the North East region for the period 2004-2021. Nor do they alter priorities for economic development, retail growth, transport investment, the environment, minerals, or waste treatment and disposal. They do, however, increase the region's scale of housing provision to 2021.

Importantly, the Further Proposed Changes include a range of amendments to policies and supporting text to mitigate against adverse effects on European sites and enhance their protection. Section 2.3 assesses the implications of the further proposed changes and section 0 provides further information on decisions related to two complex issues.

2.3 Results of assessment

Table 1 sets out the conclusions reached in the AA report and assesses whether changes to the policies adequately deal with outstanding issues or raise additional issues. The final column concludes the AA for each policy.

Table 1. AA conclusions and assessment of further proposed changes

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
|---|---|--|--|
| Policy 1 – North East Renaissance | | | |
| Sets the framework for the plan. A visionary type policy which is, in itself, unlikely to lead to significant adverse effects, though this depends very much on implementation through other policies (e.g. how improving connectivity and accessibility is implemented). | No need to alter Policy 1. | No change. | No adverse effect on site integrity. |
| Policy 2 – Sustainable Development | | | |
| Overarching policy to deliver environmental, social and economic objectives. Although there may be conflicts in the achievement of these objectives an additional cause has been added (following suggestions from the Panel Report) that seeks to mitigate any environmental or social costs of development. The inclusion of the additional mitigation clause helps to set the framework in the RSS for environmental protection and efficient resource use. No significant adverse effects considered likely. | No need to further alter Policy 2. | Criterion B2 has changes with respect to raising educational achievement across the Region and improving the skills of the workforce and of adults who are currently economically inactive. Small changes to supporting text suggest that the regional checklist should be incorporated into developments at the earliest opportunity. No effects on European Sites. | No effect on site integrity. |
| Policy 2A – Climate Change | | | |
| Includes measures to mitigate and adapt to climate change. A necessary and positive policy as climate change poses a great risk to sites. Some additional benefits for | Text added to be added to Policy 40 and Policy 41 to avoid effects from biofuels and wind turbines. | Supporting text has been rewritten but no additional LSEs have been identified. | No effect on site integrity. AA required at other stages of planning to ensure site-specific risks |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
|--|---|---|-------------------------------------|
| <p>European sites include measures to reduce air pollution, CO2 emissions, land-take and traffic disturbance near rural sites by consolidating development.</p> <p>However increasing renewable energy capacity has the potential to adversely affect sites, depending on mode and location. Concerns about types of renewable energy generation production promoted in the plan were highlighted in the AA report. Suggestions for policies to avoid and mitigate these affects were made.</p> | <p>Amendments to Policy 42 include removing the Tees Estuary as an area of least constraint.</p> <p>With these amendments to the plan risks from renewable energy development should be avoided.</p> | | <p>are avoided.</p> |
| <p>Policy 3 – the sequential approach to development</p> | | | |
| <p>Would not lead to land take within sites, as policy contains measures against this. However, could lead to impacts where PDL urban land is near to sites, for example at Teeside, where development could interfere with the ecological coherence of the sites</p> <p>The AA report identified circumstances where development near sites may affect their integrity, due to the sensitively of the sites and possible conflicts with conservation objectives. Specific amendments were suggested to mitigate against these. These work alongside generic policies such as Policy 5b to ensure that adequate protection is given to European sites.</p> | <p>Amendments needed to Policy 7 to mitigate against development in the Tees Valley City Region. Additions to Policy 18 and 30 to direct traffic generating development away from the European sites. Amendments to Policy 36 project sites from risk of coastal squeeze and coastal erosion.</p> | <p>Minor further proposed change – No LSE. Residual risk of new development generating additional traffic and air pollution near sites has been addressed through further proposed changes to Policies 5 and 38A.</p> | <p>No effect on site integrity.</p> |
| <p>Policy 4 - Phasing and Plan, Monitor & Manage</p> | | | |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
|---|--|---|---|
| This is a process policy to manage RSS delivery. | No need to alter Policy 4. | No additional changes. | No adverse effect on site integrity. |
| Policy 5 – Locational Strategy | | | |
| Guides support of the locational strategy. Policy 5d should have beneficial impact on European sites by protecting and enhancing Biodiversity and Geodiversity. No significant effect likely. | No need to alter Policy 5. | Removal of words "particularly in the core areas". No LSE. | No adverse effect on site integrity. |
| Policy 5A – Connectivity & Accessibility | | | |
| <p>Effects likely from growth in ports and airports and specifically from "improving accessibility" along the A66 and A19 as these both pass adjacent to sensitive European sites.</p> <p>In original wording, policy deemed to have adverse effects due to increasing transport pollution from A66 and A19.</p> <p>AA report concluded that air pollution, disturbance and coastal squeeze impacts associated with maximising the potential of key regional ports, airports and key transport infrastructure needed to be dealt with in the RSS.</p> | <p>Amendment to Policy 5A to ensure clear commitment to reducing travel demand in the RSS and so that the RSS does not contribute to an increase in transport related pollutants along the A66 and A19.</p> <p>Amendments to Policy 22, 36, 50, 53A, and the addition of Policy 38A ensured the RSS has an integrated approach to dealing with air pollution, disturbance and coastal squeeze impacts associated with maximising the potential of key regional ports, airports and key transport infrastructure.</p> | <p>Specific reference to A1, East Coast Main Line, A66, Tees Valley Rail Links, A19, Durham Coast Line, A66 and Tyne Valley Line removed. Instead reference made to four key transport corridors set out in Policy 50.</p> <p>No additional LSEs identified due to these changes.</p> <p>Issue of diffuse air pollution has been addressed through additions to Policy 38 A on air quality.</p> | Plan changed to mitigate for adverse effects. No significant residual adverse effects on site integrity identified. |

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| | Residual impacts of diffuse pollution from growth in the transport sector were identified. | | |
| Policy 5B – Protecting and enhancing the environment | | | |
| Wide policy intended to deliver environmental protection. Makes specific reference to protection of European Sites. No likely significant adverse effects | None needed. | Additional supporting text added to address risks presented by the tourism and recreation. More information provided on the need to potential adverse effects from air pollution and disturbance. No additional LSEs. | No adverse effect on site integrity. |
| Policy 6 – Tyne and Wear region | | | |
| The focus on the core areas/rural services centres and the provision of mixed use development will help to reduce the impact of in-commuting to areas such as Newcastle as long as the appropriate types of housing are provided. However, the policy will bring more development into areas which are already failing to meet air quality objectives. Other initiatives within the policy should act to improve air quality, however. This includes improving public transport links, modernization of the Metro system, interchange facilities and protecting the Leamside rail line. Other aspects of the | The issue of diffuse air pollution and its adverse effects on sites was identified as an issue that would have to be addressed in revised proposed changes. Amendments to policy 36 were made to allow natural coastal movement and protect European sites. Policy 22 was amended to ensure that implications of | Environmental criteria have been supplemented with details regarding development proposals in, or likely to affect, internationally designated sites of nature conservation importance. No additional LSE. Issue of diffuse air pollution has been addressed through additions to Policy 38 A on air quality. | With the further proposed changes we conclude that there is no adverse effect on site integrity. |

¹ Natural England (2007) consultation on Draft AA of the RSS first Revision, SoS Proposed Changes

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| <p>policy will also have negative impacts including the strengthening of international air connections. The RSS Panel were of the opinion that the Submission Draft emphasis on airports as key economic drivers should be tempered and have recommended that the RSS should reflect the uncertainty over the future role of aviation and the growth forecasts. The emphasis of airport growth should be tempered in relation to this policy and consideration should be given as to whether the emphasis of 6.4 a) should be changed.</p> <p>The short term acceptance that there will continue to be levels of commuting between the conurbation/Durham City and the regeneration areas (and the schemes that come from this acceptance) will also have impacts on air quality. However, the planning for indigenous growth in town such as Ashington and Blyth should temper this</p> <p>Development in coastal areas may impact upon the Northumbria SPA and Durham Coast SAC through increasing risk that sites will be affected by coastal squeeze and by increasing possible sources of disturbance</p> <p>Coastal squeeze considered issue at Durham Coast SAC and Northumbria SPA/Ramsar – this policy may exacerbate issue.</p> <p>Recreational and visitor disturbance at these sites needs to be reviewed following</p> | <p>coastal squeeze were established for each port area and to ensure protection of European sites. Possible need for further mitigation identified to deal with visitor pressure on nearby sites, perhaps including measures such as zoning of recreational activities.¹</p> | <p>Concerns regarding increasing visitor pressure on European sites near to the Tyne and Wear City region are addressed by specific additions to Policy 6 “subjecting development proposals in, or likely to affect, internationally designated sites of nature conservation importance and the Heritage Coast to rigorous examination”. The issue of visitor and recreational disturbance has also been highlighted through additions to Policy 5B and additions to policy 16. The further proposed changes also make clear through the supporting text of Policy 16 that “It may be necessary in the preparation of LDFs, and in preparing planning proposals, to consider mitigation measures, such as the preparation of zoning plans for the timing and location of activities; inclusion of buffer zones; and careful consideration to the detailed design and layout of any development adjacent to the</p> | |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
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| comments from Natural England | | buffer zones in terms of pressures for recreational use which it may generate , to minimise both direct and indirect impacts”. | |
| Policy 7 – Tees Valley City Region | | | |
| <p>7.1, 7.2, 7.3, 7.4 may have specific locational issues for Northumbria SPA, Durham Coast SAC, and Teesmouth and Cleveland European sites. Impacts on sites may be caused by:</p> <ul style="list-style-type: none"> - locating more people close to these coastal sites and encouraging more visitors to the area leading to disturbance of nesting and feeding birds; -increase in local sources of emissions from industry, residential and transport which will add to nitrogen deposition affecting the Teesmouth and Cleveland N2K sites; - disturbance and mortality from wind farm development; - disturbance from increased shipping; - increases in runoff from hard standing surfaces due to housing development in the Tees Valley; - increasing risk that sites will be affected by coastal squeeze by developing close to the sites and from additional land take for | <p>Policy 7.6 will help address the impacts of individual development proposals in the area as they are submitted. However, the need for a comprehensive approach was identified to tackle the wide range of possible direct and cumulative impacts on European sites. Mitigation was recommended to tackle potential risks from increases in local and diffuse pollution, disturbance and loss of habitat from renewable energy projects, visitor and recreational disturbance and loss of habitat from development exacerbating the potential impacts of coastal squeeze.</p> | <p>Environment criteria have been supplemented with details regarding proposals likely to affect all internationally designed sites of nature conservation importance and states that proposals should take account of existing biodiversity and geodiversity interests.</p> <p>Issue of diffuse air pollution has been addressed through additions to Policy 38 A on air quality.</p> <p>Concerns regarding increasing visitor pressure on European sites near to the Tees Valley region are addressed by specific additions to Policy 6 “subjecting development</p> | <p>Northumbria SPA, Durham Coast SAC, and Teesmouth and Cleveland SPA/ Ramsar were all originally considered to be at risk from proposals in the RSS that may effect the site through a range of pathways.</p> <p>This policy was originally considered to add cumulatively to some of the impacts linked with increasing pollution, disturbance and loss of supporting habitat.</p> <p>This has been addressed through specific amendments added to</p> |

² However Natural England identified during consultation on the RSS First Revision that additional measures would be needed to address increased visitor pressures from an increased local population.

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
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| <p>development of Teesport.</p> <p>Policy may also add to levels of diffuse air pollution from an increase in emissions from the domestic, residential and transport sectors. However, any increase may be offset by benefits of consolidating growth in existing built up areas (thereby reducing the need to travel), and insisting on high environmental standards in new development.</p> <p>7.6 specifically requires considerations of the coastal areas where N2K may be affected. These conditions will ensure that projects are tested for effects at a lower level but also indicate that the potential for adverse effects has been identified.</p> <p>Policy will lead to a range of effects which will act in combination to affect the Northumbria, Durham Coast, and Teesmouth and Cleveland European sites. Increases in local air pollution pose a risk to integrity for the Teesmouth and Cleveland Coast SPA/Ramsar. In addition, the economic & residential growth proposed in the Tees valley will affect sites further a field if this contributes to increase in background levels of NOx.</p> <p>Consultation highlighted that shipping</p> | <p>Effects of local air pollution and effects of future development on availability of land as supporting habitat and areas for managed realignment dealt with through proposed changes to policies 18, 22, 30, 36 as well as the addition of a new policy on air pollution.</p> <p>Increased disturbance from tourism and recreation specifically addressed in Policy 162.</p> <p>Policy 7.6 should ensure that port proposals causing increased shipping activities are subject to rigorous assessment. Where this is the case the assessment should have regard to other factors causing disturbance.</p> <p>Possible disturbance and mortality from renewable energy development is addressed in changes to Policy 41 and 42. The AA advised that the Tees estuary should be removed</p> | <p>proposals in, or likely to affect, internationally designated sites of nature conservation importance and the Heritage Coast to rigorous examination". The issue of visitor and recreational disturbance has also been highlighted through additions to Policy 5B and additions to policy 16. The further proposed changes also make clear through the supporting text of Policy 16 that "It may be necessary in the preparation of LDFs, and in preparing planning proposals, to consider mitigation measures, such as the preparation of zoning plans for the timing and location of activities; inclusion of buffer zones; and careful consideration to the detailed design and layout of any development adjacent to the buffer zones in terms of pressures for recreational use which it may generate, to minimise both direct and indirect impacts".</p> <p>Policy 7.6 amended so that all development likely to affect</p> | <p>this policy and through additions to policies 16, 18, 22, 30, 30, 36, 41, 42.</p> <p>With these amendments we conclude that the RSS alone and in combination does not adversely affect site integrity.</p> <p>However, due to the legacy of damage that has specifically affected the Tees Estuary in the past and the threat of cumulative effects from gradual piecemeal developments, we echo the words of the RSS that subsequent "Development proposals in these areas will need to be subject to the most rigorous examination".</p> |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
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| <p>disturbance will not lead to adverse effects on its own but may work in combination with recreational disturbance and affects of wind farm developments.</p> | <p>as an area of least constraint for wind farm development. In addition specific suggestions were made for amendments to policy 7 to include adapting policy 7.6 so that specific reference is made to the Teesmouth and Cleveland Coast SPA & Ramsar, to direct development to areas where risk to site can be minimised and to explicitly state that possible impacts on the European site will be addressed.</p> <p>Diffuse air pollution remained as an issue to be resolved and addressed in revised proposed changes.</p> | <p>European sites will have to be subject to rigorous examination</p> <p>Tees Estuary has been removed in further proposed changes from Policy 42 as an area of “least constraint for wind energy development”. So this suggestion that the area needs less assessment at the project level for renewable energy has been removed.</p> | |
| Policy 8 – Rural areas | | | |
| <p>Broadly positive impact on European sites, as policy specifically seeks to protect them. Measures under 8.3, 8.4 broadly positive for European sites if these infrastructure improvements reduce liquid and gaseous pollution received by European sites. There is potential for adverse effects on sites through 8.2, increasing rural tourism and the</p> | <p>Amendments set out in Policy 16, 40, 41 and 42 to avoid adverse effects.</p> | <p>Additional amendments to Policy 16 through the further proposed changes mitigate against risks on sites from rural tourism.</p> <p>Additional amendments to Policies 40, 41, 42 enhance</p> | <p>No adverse effect on site integrity.</p> |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
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| <p>renewables sector. These initiatives are specifically set out in policies 16, 40, 41 and 42.</p> <p>A number of sites are likely to be affected through by developments in these sectors through either direct damage to qualifying species and habitats or disturbance to species.</p> | | <p>the protection of European sites, place a caveat on targets being achieved and specifically remove the Tees Estuary as an area of least constraint.</p> | |
| <p>Policy 12 – Sustainable economic development</p> | | | |
| <p>Broad ranging policy with potential negative impact on European sites through the effects of new economic development and investment. Supports improvements to region’s road, rail, airports and ports – these are likely to lead to a wide range of impacts on multiple European sites.</p> <p>Also has positive impacts by focusing development within urban and rural centres and limiting spread of development that may directly affect habitat adjacent to sites.</p> <p>Also beneficial outcomes if the economic development is made truly sustainable, and where “economic investment [involves] self-sufficiency and locally producing goods and services ... [and provides] green infrastructure”.</p> <p>We cannot conclude that the economic</p> | <p>Most Impact associated with this policy are synonymous with other policies that support economic growth & North East Renaissance. These include: physical damage, habitat loss changes in water and air quality, disturbance.</p> <p>A comprehensive set of recommendations was made to address these within the AA report.</p> <p>No specific amendments considered necessary to these policies without simply repeating national planning policy.</p> | <p>Issue of diffuse air pollution has been addressed through additions to Policy 38 A on air quality.</p> <p>No further effects identified.</p> | <p>No adverse effect on site integrity.</p> |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
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| development and investment and transport improvements will not have an adverse effect on European sites. The potential impacts relating to economic development and improvements to transport infrastructure need to be addressed. | The impacts of diffuse pollution from growth in the transport sector and economic and housing growth were identified as a residual issue. | | |
| Policy 13 – Brownfield Mixed Use developments | | | |
| The effects of brownfield redevelopment depend on the type and implementation of the development. Positive impacts may result from the improvement of contaminate land and surface water runoff, whilst negative impacts may be associated with the disturbance caused in both construction and operation. The policy includes conditions that the specific planning proposals “protect and enhance environmental historic and resources assets”. This should ensure that planning proposals will not be accepted that adversely affect the integrity of Northumbria Coast SPA & Ramsar and the Teesmouth & Cleveland Coast SPA & Ramsar. In addition changes to policies such as 38A, 16, and 36 protect European sites from brownfield development impacts including air pollution, recreational disturbance, water pollution and loss of habitat to coastal squeeze. | No further mitigation required. | Further proposed changes have no additional LSEs above those already assessed. | No adverse effect on site integrity. |
| Policy 14 – Supporting higher and further education | | | |
| Not likely to lead to significant adverse | None needed | No further proposed changes | No adverse effect on site |

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|---|---|--|--------------------------------------|
| effects | | | integrity. |
| Policy 15 – Information and communications technology networks | | | |
| Not likely to lead to significant adverse effects | None needed | No further proposed changes | No adverse effect on site integrity. |
| Policy 16 – Culture and Tourism | | | |
| The general promotion of tourism and improving access around the region may potentially affect the coastal and upland European sites designated for their bird interests through increasing levels of disturbance. On other sites, for example Border Mires Kielder Butterburn SAC and Roman Wall Loughs SAC, increasing visitor number may increase localized soil erosion and trampling of plant communities. | <p>Policy 16 already makes a commitment to ensuring that tourism enhances and maintains the region's natural environment. The AA suggested strengthening of the policy by reference to the need to prevent damage and disturbance to nature conservation features of national and international importance. Additionally, need identified for Policy 16 to encourage local authorities to adopt appropriate zoning mechanisms for certain recreational activities on N2k sites.</p> <p>Recommendations also made for changes to the supporting text to signpost the need for protecting European interest features in other specific strategies</p> | <p>Further proposed changes address outstanding concern regarding increasing visitor pressure on European sites near to new developments. The further proposed changes make clear through the supporting text of Policy 16 that "It may be necessary in the preparation of LDFs, and in preparing planning proposals, to consider mitigation measures, such as the preparation of zoning plans for the timing and location of activities; inclusion of buffer zones; and careful consideration to the detailed design and layout of any development adjacent to the buffer zones in terms of pressures for recreational use which it may generate , to minimise both direct and indirect impacts".</p> | No adverse effect on site integrity. |

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| | <p>creating no-go areas.</p> <p>Guidance is set out in the AA report for consideration of disturbance in AAs of LDFs and MWDFs.</p> | | |
| Policy 17 – Casino development | | | |
| Not likely to lead to significant adverse effects. | None needed. | No further proposed changes. | No adverse effects on site integrity. |
| Policy 18 – Employment land portfolio | | | |
| <p>Many impacts will be down to locational issues and implementation. The findings of the AA report demonstrated that the Teesmouth and Cleveland Coast SPA/Ramsar is affected by nitrogen deposition. Allocations for employment land in Hartlepool, Stockton on Tees and Redcar may have implications for local air quality either from operations on site or from associated traffic. Emissions resulting from industrial processes will need consent from the EA however the cumulative increase in traffic will not be tested in this way.</p> <p>The concentration in Tyne and Wear of sites around transport hubs will make the use of sustainable forms of transport easier for many people and therefore, minimise increases in background air pollution.</p> | <p>AA suggested adding specific criteria to the policy to ensure that employment development should be directed to areas where the overall risk from traffic generated air pollutants on European sites can be minimised.</p> | <p>Brownfield mixed use developments have been added to the general land allocation. General land allocations have been increased for the following: Easington (Durham) and Sunderland / Gateshead / South Tyneside (Tyne and Wear). Key employment locations (new phrase for Prestige Employment Sites) allocations have been increased for the following: Darlington (Tees Valley), Sedgefield (Durham), and Newcastle (Tyne and Wear). Allocations have been decreased for South Tyneside (Tyne and Wear).</p> | <p>Changes to Policy 5 and 38A have addressed residual concerns regarding traffic generated air pollution. No affect on site integrity.</p> |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
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| | | <p>Policy now includes a general criterion requiring Local Authorities to ensure that provision is of an appropriate nature and scale, particularly at sites outside the conurbations. Has removed the need for Local Authorities to de-allocate peripheral sites in Tyne and Wear. The RDA, Regional Planning Body and sub regional partnerships will assess residual risk of new employment development generating additional traffic and air pollution near to the site. This has been addressed through further proposed changes to Policies 5 and 38A.</p> <p>Policy 5 now says "The Habitats Regulations Assessment which accompanies this RSS has identified potential risks to internationally designated nature conservation sites, including potential adverse effects from air pollution and disturbance. In preparing strategies, plans and programmes and considering</p> | |

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| | | <p>planning proposals Local Authorities will need to take into account the potential impacts on these sites identified in the HRA which accompanies this RSS. "</p> <p>By making it "strategies, plans and programmes" and "Local Authorities" (rather than Local Planning Authorities) this would apply to all the LDF/DPDs and also to LTPs. Clause f. of policy 5B then put this into effect.</p> <p>Policy 38A advises that the planning system plays a key role in determining the location of development which may give rise to pollution, either directly or indirectly and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution. Policy 38Ac considers the potential impacts of new developments and increased traffic levels on internationally designated nature conservation sites, and</p> | |

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| | | the need to adopt mitigation measures to address minimise these impacts. | |
| Policy 18A – Office development outside of city and town centres | | | |
| Not likely to lead to significant adverse effects. | None needed. | No significant changes. | No adverse effects on site integrity. |
| Policy 19 – Prestige employment sites | | | |
| Not likely to lead to significant adverse effects. | None needed. | Two new sites have been added to the Portfolio - Heighington Lane West, Newton Aycliffe and Faverdale, Darlington. The policy has added considerations of low and zero carbon emissions and strengthened sustainable travel issues. No LSEs identified. | No adverse effects on site integrity. |
| Policy 21 – Airports | | | |
| Airport development could have wider impacts through gaseous emissions from transport movement. Significant adverse effects on bird flight and roosting areas was not considered likely due to the distance of the airports to sensitive European sites. As the airports are located a sufficient distance from European sites local air | The issue of diffuse pollution needs to be addressed in the plan. | Issue of diffuse air pollution has been addressed through additions to Policy 38A on air quality. | No adverse effects on site integrity. |

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| <p>pollution in not an issue. However, the growth of the airports will contribute significantly to any increases in levels of background air pollutants and this may have an adverse effect on sensitive European sites.</p> | | | |
| Policy 22 – Ports | | | |
| <p>Significant effects likely through exacerbating coastal squeeze, increasing disturbance and incidental pollution and contributing to spread of invasive species. Confirmed and provided more detail that coastal squeeze was a threat to European sites and this may be exacerbated by this policy.</p> <p>Confirmed through consultation with Natural England that ‘shipping disturbance and pollution should be considered as part of any port expansion or additional infrastructure development proposal’.</p> <p>Could not conclude that this policy would not contribute to the spread and introduction of invasive species.</p> | <p>Specific criteria to be added to the Policy “ensuring the protection of sites of nature conservation importance” with further details added in the supporting text.</p> <p>Specific criteria added to policy 36 highlighting risk of coastal squeeze and need to promote the recovery and conservation of marine ecosystems, including designated sites.</p> <p>Specific criteria to be added to Policy 35 regarding the issue of invasive alien species.</p> | <p>Further proposed changes amended the wording on ports from “appropriate development proposals” to “support and encourage the sustainable development of Teesport”.</p> <p>We do not consider this changes the likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar and the criteria under Policy 22 still apply: “ensure the protection of sites of nature conservation importance and features of heritage conservation importance; including taking into account the potential risk of coastal squeeze, and considering measures to address this”.</p> <p>No LSE identified.</p> | <p>No adverse effects on site integrity.</p> |
| Policy 23 – Chemical & Steel Industries | | | |

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| Implications of policy unclear. Depend upon type and location and implementation. Specific discharges will be subject to EA consents procedure. May be addition impacts from surface water runoff however this will be closely monitored and treated with industries of this nature. No LSE | None needed. | No further proposed changes. | No adverse effects on site integrity. |
| Policy 24 – Delivering sustainable communities | | | |
| The policy provides an opportunity to ensure that sustainable communities are also those that do not impact upon European sites. However, development set out in this policy and elsewhere in the plan may have an adverse effect on European sites through reduction in water quality and nutrient loading where sufficient waste water treatment works do not exist. Sites within the Berwickshire and North Northumberland Coast SAC could potentially be affected in this way. | A clause has been added to policy 24 that “links development to appropriate provision of waste water treatment infrastructure”. This is supported by text that requires a review of the phasing, distribution and amount of development if waste water treatment works cannot accommodate housing numbers and European sites may be adversely affected by nutrient inputs”. | Further proposed changes correct omission of “wastewater” from policy. No LSE identified. | No adverse effects on site integrity. |
| Policy 25 – Urban and rural centres | | | |
| Not likely to lead to significant adverse effects. | None needed. | No significant changes. | No adverse effects on site integrity. |
| Policy 26 – Metrocentre | | | |
| Not likely to lead to significant adverse effects. | None needed. | No change to the policy. | No adverse effects on site integrity. |
| Policy 27 – Out-of-centre leisure developments | | | |

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| <p>Not likely to lead to significant adverse effects.</p> | <p>None needed.</p> | <p>Further policy statement now added: “Local Development Frameworks should ensure that leisure developments are of an appropriate scale in relation to nearby settlements, and should not make provision for new out-of-centre leisure developments unless there are demonstrable benefits that would contribute to the sustainable growth of the local economy”. This restrictive statement adds to the criteria that leisure developments will need to be considered and justified through the sequential approach (Policy 3) and locational strategy (Policy 5). No LSE identified.</p> | <p>No adverse effects on site integrity.</p> |
| <p>Policy 30 – Dwelling Provision & Policy 28 – Total dwelling construction</p> | | | |
| <p>These two policies were considered together as their impacts are synonymous. The AA considers the impacts of housing growth and the pathways by which sites may be affected. Possible impacts from disturbance, water and air pollution and habitat loss are dealt through amendments to other policies.</p> <p>In examining the specific allocations of the</p> | <p>Criteria should be added to policy 30 so that site allocation DPDs take account of the need to locate dwellings in areas where the overall risk to the Teesmouth and Cleveland SPA/Ramsar site from domestic and transport related air pollutants can be minimised.</p> | <p>Policies 28, 29, and parts of policy 30 are amalgamated into a new policy 30 “gross and net dwelling provision”.</p> <p>Forecast of 128,900 dwellings has been used. Division of additional housing numbers between districts has changed in some instances but not</p> | <p>No adverse effects on site integrity. Careful assessment required at subsequent stages of decision-making.</p> |

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| <p>new dwellings, Teesmouth & Cleveland Coast SPA & Ramsar was considered to be specifically at risk from policy 30 as dwellings in Hartlepool, Stockton on Tees and, Redcar and Cleveland may increase local sources of emissions by from the domestic and transport sector.</p> | <p>The issue of diffuse pollution was identified as a residual issue to be resolved.</p> | <p>significantly. The increase in housing is not likely to lead to any significant effects that were not dealt with in the AA report. The focus continues to be on dwelling provision in Tyne and Wear and Tees Valley and supports the overall spatial and economic strategy of focusing development in these areas.</p> <p>The outstanding issue regarding diffuse air pollution has been addressed in amendments to Policy 38A.</p> <p>The residual risk of new housing development generating additional traffic related air pollution near to European sites has been addressed through further proposed changes to Policies 5 and 38A.</p> <p>Policy 5 sets out "The Habitats Regulations Assessment which accompanies this RSS has identified potential risks to internationally designated nature conservation sites, including potential adverse</p> | |

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| | | <p>effects from air pollution and disturbance. In preparing strategies, plans and programmes and considering planning proposals Local Authorities will need to take into account the potential impacts on these sites identified in the HRA which accompanies this RSS. "</p> <p>By making it "strategies, plans and programmes" and "Local Authorities" (rather than Local Planning Authorities) this would apply to all the LDF/DPDs and also to LTPs. Clause f. of policy 5B then put this into effect.</p> <p>Policy 38A advises that the planning system plays a key role in determining the location of development which may give rise to pollution, either directly or indirectly and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution. Policy 38Ac considers the potential impacts</p> | |

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| | | of new developments and increased traffic levels on internationally designated nature conservation sites, and the need to adopt mitigation measures to address minimise these impacts. | |
| Policy 29 – Improving the housing stock | | | |
| Not likely to lead to significant adverse effects. | None needed. | Policy 29 has been amalgamated into 30. | No adverse effects on site integrity. |
| Policy 31 – Managing Housing Supply | | | |
| Not likely to lead to significant adverse effects. | No specific recommendations for this policy. | Parts of Policy 30 and 31 have been amalgamated into new policy 31 “delivering and managing housing supply”. New policy does not lead to additional LSE not identified in AA report. Possible impacts from new dwelling construction from disturbance, water and air pollution and habitat loss are dealt through amendments to other policies in the RSS. | No adverse effects on site integrity. |
| Policy 32 – Improving inclusively | | | |
| Not likely to lead to significant adverse effects. | None needed. | New focus on affordability. No LSEs identified. | No adverse effects on site integrity. |
| Policy 33 – Landscape character | | | |
| although the policy is broadly positive as it protects landscapes against inappropriate development and deliver environmental | To be certain that measures will contribute to landscape and ecological | Further proposed changes add mitigation. No LSEs identified. | No adverse effects on site integrity. |

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| improvements there may be potential conflicts as landscape restoration might be incompatible with European site interests. Cannot conclude that there won't be an adverse effect on sites within the Northumberland National Park, the Northumberland Coast, the North Pennines and on the North Northumberland and Durham Heritage Coasts. | improvements amend policy – add to 33b “whilst helping to achieve favourable condition status at European sites”. | | |
| Policy 34 – Historic environment | | | |
| Not likely to lead to significant adverse effects. | None needed. | Further proposed changes have no LSEs. | No adverse effects on site integrity. |
| Policy 35 – Biodiversity and Geodiversity | | | |
| Not likely to lead to significant adverse effects. However an opportunity exists to improve the policy so that it deals with the spread of invasive species. This is a possible risk to sites from development and growth associated with the RSS as a whole. | Make an addition to the policy to include commitment to stop the spread and eliminate invasive alien species. | Recommendations added through Policy 35. | No adverse effects on site integrity. |
| Policy 36 – The aquatic and marine environment | | | |
| No effect on site integrity from the policy itself. However an opportunity exists to improve this policy so that the residential and economic growth does not exacerbate coastal squeeze, coastal erosion and the risk from minewater pollution. | Make additions to the policy to address these issues. These were incorporated into the Draft RSS. | Further proposed changes further emphasize the need to consider, plan and mitigate for coastal squeeze. | No adverse effects on site integrity. |
| Policy 37 – Flood risk | | | |

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| Not likely to lead to significant adverse effects. By directing development away from areas at risk of coastal and fluvial flooding the policy protects the function of flood plains and the dynamic nature of coastal and riverine European sites. Management plans which deal with flood risk are prepared by the Environment Agency. These include amongst others Catchment Flood Management Plans and Shoreline Management Plans. These are subject to tests under the Habitats Regulations and this is rigorously enforced as part of the Agency's own management systems. | None needed. | Further proposed changes emphasis risk of flooding resulting from surface water runoff and capacity constraints in surface water drainage systems. This ties in with the concerns raised in the AA report and acts to further deal with this at the strategic level. No LSEs identified. | No adverse effects on site integrity. |
| Policy 38 – Trees, Woodlands and Forests | | | |
| As the condition of two upland sites, for Border Mires Kielder – Butterburn SAC & Moor House - Upper Teesdale SAC, have previously been adversely affected by the planting of conifers this policy has the potential to affect the conservation objectives at these sites. We cannot conclude this won't have an affect on site integrity. | Include additional criteria in the policy that sets out that: Should ensure that proposals for expansion of forest don't adversely affect the features for which International conservation sites have been designated. | Further Proposed Changes incorporate AA recommendations. No LSEs identified. | No adverse effect on site integrity. |
| Policy 38A – Air quality | | | |
| Not likely to lead to significant adverse effects | No specific changes needed, although the issue of diffuse air pollution was identified as a residual issue. needs addressing through the RSS | Further proposed changes add to policy so that: strategies, plans and programmes and planning proposals should contribute to sustaining the current downward trend in air | No adverse effect on site integrity. |

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| | | pollution in the region. Also tightens policy wording to protect sites from air pollution specifically associated with any development. Minimise has been changed to “address”. No LSEs identified. | |
| Policy 39 – Sustainable construction | | | |
| Not likely to lead to significant adverse effects. | None needed. | Changes still promote new buildings and developments to minimise energy consumption. No adverse LSEs identified. | No adverse effect on site integrity. |
| Policy 40 – Renewable energy generation | | | |
| May lead to significant adverse effects depending on the type and location of the renewable energy generation infrastructure. The AA report identified that changes to water quality and quantity from large scale change to bio fuel crops may adversely affect the River Tweed SAC, Roman Walls Loughs SAC, Newham Fen SAC and Ford Moss SAC. | Prevention of impacts from agricultural runoff or changes to hydrology will be site-specific as they depend on local vegetation, hydrology and soil characteristics. Therefore recommendations were made to amend the supporting text of policy 40 so that the consequences of change to the production of biofuels are considered for their impacts on nature conservation sites. The AA suggested further changes to supporting text in | Supporting text amended to ensure appropriate action is taken to address potential consequences of potential impacts from hydrological change or nutrient runoff on nature conservation sites. A caveat has been added to illustrate that targets should not be reached at the expense of breaching the requirements of the Habitat Regulations. Enhances protection for European sites. No LSEs identified. | No adverse effect on site integrity. |

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| | line with Natural England's recommendations. | | |
| Policy 41 – Planning for renewables | | | |
| <p>May lead to significant adverse effects depending on the type and location of the renewable energy generation infrastructure. The AA report identified the risk that the siting of upland windfarms may result in hydrological changes that adversely affect sensitive European sites.</p> <p>Evidence collated for this study also suggests that for certain European sites, the qualifying features are at particular risk from disturbance and mortality associated with wind turbines.</p> | <p>Following the recommendations from section 4.6 (water supply and hydrology) it was suggested that an addition was made to Policy 41 “planning for renewables” so that the affects on water supply and hydrology of European sites is considered. Government has modified Clause (d) to take this into account.</p> <p>On the based of this study we recommend that the risk of development inferring with the hydrology of sites is considered in AAs undertaken at the local or project level for a number of sites which are listed in section 6.3.</p> <p>The report has been amended in line with Natural England's recommendations to state that renewable</p> | <p>“Habitats” added to the policy criteria that should be assessed considered when assessing proposals. Supporting text altered to include criteria that Local Planning Authorities will need to take into account the issues raised in the Habitats Regulations Assessment which accompanies the RSS. No LSEs identified.</p> <p>The addition to Policy 40 means the RSS targets won't drive damaging proposals.</p> | <p>No adverse effects on site integrity.</p> |

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| | <p>energy projects should avoid significant adverse effects on sites of international nature conservation importance by assessment under the Habitats Regulations; Guidance is also offered to local authorities when undertaking local AA so that they consider the likely effect on the feeding, breeding and migration of the bird populations for which they are designated.</p> | | |
| <p>Policy 42 – Onshore wind development</p> | | | |
| <p>Encouraging the development of wind turbines and defining broad areas of least constraint may lead to significant adverse effects. Potential Impacts associated with this policy include disturbance and mortality to bird populations and changes to the hydrology at upland sites. The AA report identified the risk that the siting of upland windfarms may result in hydrological changes that adversely affect sensitive European sites Evidence collated for this study also suggests that for certain European sites, the qualifying features are at particular risk from disturbance and mortality associated with wind turbines.</p> | <p>The amendments suggested to Policy 41 should mitigate against any other impacts that may result from onshore wind development by restricting development within the European sites and guiding specific considerations of interest features within a certain distance. Other amendments that specifically need to be made to this policy include the removal of the Tees Estuary as being an area of least</p> | <p>Further proposed changes have removed Teeside as an area with potential to accommodate medium scale wind development and added East Durham Limestone as an area that has the potential to accommodate medium scale wind development. No LSE will the protection to European sites afforded in Policy 41.</p> | <p>No adverse effects on site integrity.</p> |

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| | constraint for development. | | |
| Policy 43 – Overall minerals strategy | | | |
| <p>A number of positive measures for European sites. There is perhaps the potential for adverse effects however the RSS does not include any minerals proposals which would directly affect the European sites or make future impacts on them more likely. Issues are largely site-specific and should be addressed in more detail through Minerals and Waste Development Frameworks. The aggregate minerals provision (Policy 44) is not considered likely to force the development of sites which would adversely affect the integrity of European sites.</p> | No LSEs. | No further proposed changes. | No adverse effect on site integrity. |
| Policy 44 – Aggregate Minerals Provision | | | |
| <p>Significant adverse effects depend on whether the apportionment of sand and gravel and crushed rock would force extraction in areas that would adversely affect European sites. GONE do not consider this to be the case. No LSEs identified.</p> | No recommendations necessary | The provision of aggregate minerals in each area has been increased for both sand and gravels and for crushed rock (except in TeesValley). Government office has confirmed that these changes will not force minerals working in areas that would significantly affect European sites, that many options remain for sourcing this provision and these will have to be tested under the requirements of the Habitats | No adverse effect on site integrity. |

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| | | Regulations. No LSEs identified. | |
| Policy 45 – Open Cast Coal | | | |
| Policy not likely to lead to significant adverse effects as policy clearly states Authorities should adopt a presumption against opencast coal extraction unless the proposal is environmental acceptable. Proposals which contravene the statutory protection in the Habitats Regulations are clearly not acceptable. No adverse effect on site integrity identified. | None needed. | No further proposed changes. | No adverse effects on site integrity. |
| Policy 46 - Sustainable Waste Management | | | |
| About waste minimisation and behavioural change. Not likely to lead to significant adverse effects. | None needed. | Changes to supporting text emphasise need to deliver sustainable waste management through establishing a Regional Sustainable Waste Board. No LSEs identified. | No adverse effect on site integrity. |
| Policy 47 – Waste Management Provision | | | |
| Screening did not identify sites that were potential affected by operation of waste sites. The policy has regard to the proximity principle and therefore European sites located away from urban areas are unlikely to be directed affected by operations at new facilities. There is the potential that the development, operation and transport to and from new | No LSEs identified. Potential effects from additional local air pollution resolved through the addition of Policy 38A. | Apportionment has increased on a pro rata basis from 2016 figures to 2021. The % of the total expected from each county stays the same under both sets of figures. This doesn't change the spatial strategy and will not change the overall amount of aggregate needed per year. | No adverse effect on site integrity. |

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| <p>waste sites might have a significant adverse effect. But the AA did not identify any European sites that are or might be affected by waste facilities and for which the RSS makes future impacts on them more likely. Impacts and issues relating to waste facilities depend on type and location and are largely site-specific. This should be addressed in more detail through Minerals and Waste Development Frameworks. The main point for this policy is that the RSS proposals do not drive impacts due to the amounts set out in the provision.</p> | | <p>No LSEs identified.</p> | |
| <p>Policy 48 – Hazardous Waste</p> | | | |
| <p>No European sites were identified as being potential affected by Hazardous waste and its disposal. Most landfill sites are in the process of being reassessed by the Environment Agency under the 'Integrated Pollution Prevention and Control' (IPPC) regime. Under this process, there has been a massive reduction in the number and capacity of landfill sites capable of taking hazardous waste. The EA's tests for consent for location and operation of Hazardous waste facilities are extremely rigorous and would apply the statutory protection in place through the Habitats Regulations.</p> | <p>No LSE</p> | <p>Further proposed changes mention the involvement of the Regional Sustainable Waste Board in considering the shortfall between existing and required facilities for different methods of management. No LSE</p> | <p>No adverse effect on site integrity.</p> |
| <p>Policy 49 – International Gateways</p> | | | |
| <p>Significant adverse effects likely including:</p> | <p>Policy 38A has been added</p> | <p>Issue of diffuse air pollution</p> | <p>No effect on site integrity.</p> |

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| <p>Increase in background air pollution from, increasing trips on buses, rail and roads – numerous site affected (see section 4.2) Increase in local air pollution affecting the Teesmouth and Cleveland SPA/Ramsar from development at Teesport.</p> <p>Loss of habitat through coastal squeeze and disturbance at the Teesmouth and Cleveland SPA/Ramsar.</p> <p>Diffuse air pollution considered to adversely affect integrity at a number of sites. These are listed in Section 4.2. Effects of local air pollution from transport developments considered to be issue for site integrity at Teesmouth and Cleveland SPA/Ramsar. AA report concluded that there is a high risk of effects on the integrity of Teesmouth and Cleveland SPA/Ramsar from the future loss of intertidal habitat and that this might be exacerbated through developments at Teesport.</p> <p>Natural England does not consider that an increase in shipping operations from development at Teesport would be likely to have an adverse effect on site integrity.</p> | <p>to ensure the developments don't increase local pollution near to European sites Criteria set been added to policy 22 and 36 to allow for managed realignment and set back and to avoid risks associated with habitats loss from Coastal Squeeze. Policy 2A also includes adaptation measures to reduce impacts of climate change on ecosystems and biodiversity.</p> <p>Policy 49 refers to appropriate development at Teesport which ensures consideration of all relevant aspects of the RSS as well as national planning policy.</p> | <p>has been addressed through further proposed changes to Policy 38A on air quality.</p> <p>Further proposed changes have amended the wording on ports from “appropriate development proposals” to “support and encourage the sustainable development of Teesport”.</p> <p>We do not consider this changes the likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar and the criteria under Policy 22 still apply.</p> <p>“ensure the protection of sites of nature conservation importance and features of heritage conservation importance; including taking into account the potential risk of coastal squeeze, and considering measures to address this”.</p> | |
| Policy 50 – Regional Transport Corridors | | | |
| Policy considered to have adverse effects as | Issue of diffuse air pollution | No significant further proposed | |

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| <p>both the A66 and A19 pass adjacent to sensitive European sites.</p> <p>Improvement of strategic transport corridors will help facilitate number of trips made and is likely to increase total emissions from transport sector.</p> <p>Upgrading of the East Coast Main Line may lead to significant effects where it is located close to the Northumbria Coast. Depends on nature of work.</p> <p>Increase in diffuse air pollution will affect integrity at a number of European sites. East Coast Main Line - AA report confirmed sites along this section of coast were vulnerable to any major works that cause disturbance or required the building of hard sea defences.</p> | <p>addressed through further proposed changes to Policy 38A on air quality.</p> <p>Policy 50 amended so that the policy focuses on “improving accessibility and the efficiency of movement along networks” rather than increasing capacity and enabling further development.</p> <p>Even with this amendment (which may help to focus development on relief of local congestion with associated local air quality benefits) it is impossible to conclude that the strategic recognition of the A66 and A19 wont lead to increase flows in the long term and an increase in air pollution emitted close to the North Pennine Moors SPA & SAC, and Castle Eden Dene SAC.</p> <p>Consideration of potential impacts on European sites from rail improvements which run less than 100m from the Northumbria Coast</p> | <p>changes: a few words added for clarification.</p> <p>GONE have confirmed that EMCL upgrades are power supply issues between Darlington and Newcastle with upgrades of the overhead "wires" being the issue in the stretch around Berwick and the nationally designated sites. Replacement of overhead wires are not likely to lead to significant increase issues of coastal squeeze and disturbance at these sites.</p> <p>Further evidence suggests improvements in air quality are expected (see section 2.4.1) and further amendments have been made to the plan to tackle air pollution.</p> <p>However, due to potential in combination effects of growth in the North East, North West, and Yorkshire and Humber monitoring of air quality and its affects should be undertaken at the key sensitive sites alongside the A66 and A19</p> | <p>No adverse effects on site integrity.</p> <p>The RSS monitoring report needs to set the framework for air quality monitoring to be undertaken along these strategic transport corridors so deterioration in air quality along these routes near to sensitive sites can inform future revision of the RSS.</p> |

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| | should be added to the supporting text of Policy 50. | | |
| Policy 51 – regional public transport provision | | | |
| Not likely to lead to significant adverse effects. | None needed. | Policy considers the development of a rail-based metro system for the Tees Valley City Region. No LSEs identified. | No effect on site integrity |
| Policy 52 – Strategic Public Transport Hubs | | | |
| Not likely to lead to significant adverse effects. | None needed. | Word “ability” substituted by “environmental capacity” in policy. Proposed changes have no LSEs. | |
| Policy 53 – Demand Management Measures | | | |
| Not likely to lead to significant adverse effects. | None needed. | Minor further proposed changes to words have no LSEs. | No effect on site integrity |
| Policy 54 – Parking and Travel Plans | | | |
| Not likely to lead to significant adverse effects. | None needed. | Minor further proposed changes to words have no LSEs. | No effect on site integrity |
| Policy 55 – Accessibility within and between the city regions | | | |
| Modal shift away from private motor transport may deliver wider indirect benefits to N2K sites. However, improvements to junctions on the A19 may lead to increased levels of traffic on this road with impacts on local air quality at the site. | None needed. However as Natural England requested further information on these schemes this has been included within section 4.3.6 of the AA of the Draft RSS. | Minor further proposed changes to words have no LSEs. | No effects on site integrity. |

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| <p>Any increases in emissions of NOx near the site are a threat to site integrity. However, the proposals for improving the A19 aren't in the vicinity of the European sites and the improvements are only likely to have a negligible affect upon the volume of flow at the sections of road operating close to the site and ultimately on the total emissions released here.</p> | | | |
| <p>Policy 56 – Accessibility in rural areas</p> | | | |
| <p>Not likely to lead to significant adverse effects</p> | <p>None needed</p> | <p>Minor further proposed changes to words have no LSE</p> | <p>No effect on site integrity</p> |
| <p>Policy 57 - Sustainable freight distribution</p> | | | |
| <p>Port development has potential for negative effects. These include: Increase in local air pollution affecting the Teesmouth and Cleveland SPA/Ramsar from development at Teesport Loss of habitat through coastal squeeze and disturbance at the Teesmouth and Cleveland SPA/Ramsar Affects of local air pollution from transport developments considered to be issue for site integrity at Teesmouth and Cleveland SPA/Ramsar AA report has concluded that there is a high risk of effects on the integrity of Teesmouth and Cleveland SPA/Ramsar from the future loss of intertidal habitat and that this might be exacerbated through developments at</p> | <p>Policy 38A has been added to ensure the developments don't increase local pollution near to European sites. Criteria added to policy 22 and 36 to allow for managed realignment and set back and to avoid risks associated with habitats loss from Coastal Squeeze. Policy 2A also includes adaptation measures to reduce impacts of climate change on ecosystems and biodiversity. Criteria included in the supporting text and within</p> | <p>Policy wording has been altered removing “appropriate facilities” and adding “sustainable”. We do not consider this changes the outcome of the policy or the LSEs on the site.</p> | <p>No effect on site integrity.</p> |

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| <p>Teesport. Confirmed through consultation with Natural England that 'shipping disturbance and pollution should be considered as part of any port expansion or additional infrastructure development proposal'.</p> | <p>Policy 22 still apply. "ensure the protection of sites of nature conservation importance and features of heritage conservation importance; including taking into account the potential risk of coastal squeeze, and considering measures to address this".</p> | | |
| <p>Transport Investment and Management Priorities – Table 4</p> | | | |
| <p>Those schemes that are likely to increase transport emissions near European sites that are sensitive to air pollution are likely to have a significant effect. The A66 and A19 pass adjacent to the North Pennine Moors SPA/ SAC and Castle Eden Dene SAC respectively and works to these roads have the potential to affect these two sites. Any increases in emissions of NOx near these sites are a threat to site integrity. However, the A19 and A66 schemes aren't in the vicinity of the European sites and the improvements are only likely to have a negligible affect upon the volume of flow at the sections of road operating close to the site and ultimately on the total emissions released there.</p> <p>East Coast Main Line Power supply upgrade</p> | <p>Consideration of potential impacts on European sites from rail improvements which are located less than 100m from the Northumbria Coast should be added to the supporting text of Policy 50.</p> | <p>GONE have confirmed that EMCL upgrades are power supply issues between Darlington and Newcastle with upgrades of the overhead "wires" being the issue in the stretch around Berwick and the nationally designated sites. Replacement of overhead wires are not likely to lead to significant increase issues of coastal squeeze and disturbance at these sites.</p> <p>Further proposed changes provide further details of schemes presented in Draft RSS, e.g. road names, whether they are under</p> | <p>No effect on site integrity. Further project level assessment should have regard to the findings of their report and especially to the range of cumulative issues affecting sites.</p> |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
|---|--|---|------------------|
| <p>may lead to significant effects as it is located close to the Northumbria Coast. Depends on nature of work. The AA report confirmed sites along this section of coast were vulnerable to any major works that cause disturbance or required the building of hard sea defences.</p> <p>The refocusing on public transport priorities is positive and likely to go some way to help decouple transport growth and emissions from economic growth. However, as road based schemes may have negative impacts we can only say that these improvements will act to minimise any increase in emissions.</p> | | <p>construction etc.</p> <p>This is not considered to have a LSE The further proposed changes introduce the additional crossing capacity for the River Tees (under investigation by Tees Valley JSU). As there is limited information on this scheme and options are still being investigated it is impossible to assess whether this will have an adverse impact on site integrity. Generating specific rules by which this scheme could be built without adversely affecting the Teesmouth and Cleveland Coast SPA/ Ramsar is also difficult as the site is affected by and vulnerable to a range of different impacts including for example disturbance, water pollution and air pollution. It would be hard to cover all the eventualities considering the complex range of interlocking factors that may affect the site. Instead of removal of the scheme from the table</p> | |

| Conclusions of AA of draft RSS policy | Recommendations set out in AA of the Draft RSS | Assessment of further proposed changes | Final conclusion |
|---------------------------------------|--|--|------------------|
| | | Government have added specific text applying to all schemes under investigating that are listed within Table 4 to ensure their inclusion does not preclude their assessment under the Habitat Regulations early on within the options generation and appraisal process and that the results of such an assessment may lead to modification or deletion of the scheme from Table 4. | |

2.4 Addressing outstanding issues

2.4.1 Diffuse air quality

Background to problem

Modelling summarised in the AA report shows that existing levels of air pollution exceed the critical loads of a number of European sites and for a large number, this could already be affecting their integrity. The AA report concluded that potential increases in diffuse air pollution was a risk to sites that needed further research and consideration and that it was likely that additional changes would be needed to address this issue at a regional level.

It is not appropriate to defer this issue to a lower level in the planning system as there are no mechanisms by which it can be dealt with at a lower tier. Indeed it would be more appropriately addressed at the national level, as air pollution crosses regional boundaries, as do its transport-related sources (cars, ships and aircraft). Decisions about roads, airports and ports are made at the national level. The most effective measures to deal with diffuse air pollution are taken at the national and international level. However, given the remit of the RSS and current central Government policy on transport and economic growth, we had to re-examine the existing situation and the measures that are available to mitigate against the risks to sites associated with diffuse air pollution.

Suggestions to address the issue of diffuse air pollution in the Draft AA report included requiring air pollution-neutral development and contributing to the management of sites so that they are more robust and able to deal with higher pollution loads. These suggestions have since been rejected as being outside the remit of the RSS, which also lacks mechanisms to facilitate them. In addition, under the provision of the Habitats Directive, management measures may not legally be considered as a mitigation measure as the Habitats Directive already requires Member States to take measures to maintain or restore sites at favourable conservation status. Despite the fact that the Six Year Monitoring Report indicates that many upland sites in the North East region are not in a favourable condition and that management measures may improve the ecological condition of the site and make them more robust to pollution, the RSS is not seen as an appropriate deliver mechanism. The state should already be providing appropriate management to achieve the aims of the Directive. There is currently no case law to confirm this but we have been advised on this manner by JNCC³ and Natural England.

The next sections further information in the AA report and re-examine:

- The likely evolution of the environment without the plan.
- Aspects of the plan that will help to ensure that economic and housing growth does not have to be accompanied by increases in air pollution.
- What else has been agreed upon to deal with this issue at the regional level.

³ Wyn Jones, JNCC (9th September 2007). Pers Comm. & David Harrison, Natural England (8th November 2007) Pers Comm.

Likely trends in air pollution without the plan

Section 4.3 of the AA report explains that it is not straightforward to assess air quality impacts on European Sites due to the dynamic nature of the issue and uncertainty about future trends. The Final Sustainability Appraisal Report for the RSS suggests that air quality in the region has been improving in recent years due to tighter regulations and significant investment in cleaner technologies. Emissions of the pollutants SO₂ and NO₂ are projected to decline further by 2010⁴. However, as made clear in the AA report further changes in NOx past 2010 are uncertain.

Since the production of the AA report additional research on the air quality trends has come to light. The first is DEFRA's "Year Adjustment Factors Spreadsheet"⁵. These factors have been calculated as the likely changes in concentrations resulting from changes in emissions and are to be use by local authorities in planning. This incorporates the expected impact of both changes in activity (such as traffic movements) and emission factors (such as tighter vehicle technology and fuel standards) for both traffic and stationary sources. See Table 2.

Table 2. Figures from the year adjustment factors spreadsheet for NOx and NO2

| year | NOx backgr year factor | NO2 backgr year factor | NO2 roadside year factor |
|------|------------------------|------------------------|--------------------------|
| 2004 | 1.0000 | 1.0000 | 1.0000 |
| 2005 | 0.9693 | 0.9813 | 0.9715 |
| 2006 | 0.9326 | 0.9580 | 0.9439 |
| 2007 | 0.8940 | 0.9331 | 0.9133 |
| 2008 | 0.8561 | 0.9082 | 0.8822 |
| 2009 | 0.8165 | 0.8816 | 0.8478 |
| 2010 | 0.7815 | 0.8581 | 0.8172 |
| 2011 | 0.7574 | 0.8425 | 0.7891 |
| 2012 | 0.7378 | 0.8299 | 0.7655 |
| 2013 | 0.7210 | 0.8195 | 0.7447 |
| 2014 | 0.7080 | 0.8118 | 0.7283 |
| 2015 | 0.6991 | 0.8071 | 0.7169 |
| 2016 | 0.6890 | 0.8015 | 0.7075 |
| 2017 | 0.6814 | 0.7978 | 0.7015 |
| 2018 | 0.6759 | 0.7956 | 0.6982 |
| 2019 | 0.6717 | 0.7945 | 0.6968 |
| 2020 | 0.6686 | 0.7941 | 0.6968 |

⁴ National Expert Group on Transboundary Air Pollution (2001) Transboundary Air Pollution: Acidification, Eutrophication and Ground-Level Ozone in the UK

⁵ UK Air Quality Archive (2007) Year Adjustment Factors Spreadsheet. Found at: <http://www.airquality.co.uk/archive/laqm/tools.php?tool=year04>

The second piece of research was obtained by consultants undertaking work on the AA of the NW RSS⁶. Research by Grice et al. (2006) examined emissions in 2005 and made predictions on emissions of SO₂ and NO_x in 2020. See Table 3 and Table 4.

Table 3. Predicted SO₂ emissions (ktonnes/year) (Grice et al. 2006)

| Source sector | 2005 | predicted 2020 |
|-------------------------|-----------------------------|----------------------------|
| Power stations | 490 (from 23 power station) | 65 (from 5 power stations) |
| Other emissions sources | 342 | 323 |
| Total | 828 | 388 |

Table 4. Predicted NO_x emissions 2020 (ktonnes/year) (Grice et al. 2006)

| Source sector | 2005 | predicted 2020 |
|--|----------------|----------------|
| Agriculture, forestry and land use change | 0.3 | 0.3 |
| Aircraft | 23.7 | 31.6 |
| Combustion in industry | 151.6 | 163.9 |
| Combustion in commercial | 28.6 | 34.7 |
| Combustion in domestic | 67.9 | 70.4 |
| Combustion in energy production and transformation | 452.2 | 223.2 |
| Extraction and distribution of fossil fuels | 1.1 | 1.3 |
| Off road machinery | 62.4 | 52.4 |
| Production process | 3.9 | 4.9 |
| Railways | 7.5 | 7.0 |
| Ships | 52.3 | 46.5 |
| Waste treatment and disposal | 5.5 | 6.8 |
| Road transport | 572.3 | 267.8 |
| Total | 1,429.3 | 910.7 |

Both pieces of research suggest that air quality will improve significantly in the future. However, these predictions are based on a range of assumptions, some of which may not take place in practice. For instance, recent government figures suggest that the future UK population, and thus presumably its car use, is likely to be significantly greater than previously predicted. Similarly, a drop in the number of fossil fuel powered stations from 23 in 2005 to 5 in 2020 may not actually take place and power companies may start building new coal fired power plants as the cheap cost of coal outweighs the cost of extra permits to pollute⁷. Nevertheless, the reports do suggest that positive trends in air quality are likely to continue in the future and likely trends without the plan look more favourable than previously thought.

Aspects of the plan that will help to address increases in air pollution associated with economic and housing growth

⁶ Levett Therivel, Scott Wilson (2007) Appropriate Assessment of the Draft North West Plan, Draft Final Report.

⁷ The economist (17th November 2007) Article “Coal power, still going strong”.

There are a number of policies in the RSS that are intended to contribute to reducing or minimising any increase in air pollution or avoiding the impacts of air pollution on designated sites. These are considered in Table 5.

Table 5. Policies that aim to reduce air pollution or as an outcome reduce general / indirect air pollution:

| Policy | Reasoning |
|-----------------------|---|
| Policy 2A | A fundamental aim of this policy would be to manage trends in the emissions from the burning of fossil fuels. This is currently aimed at CO ₂ , but it seems a reasonable presumption that NO _x emissions would be similarly affected. |
| Policies 3 and 5 | Focus development in existing urbanised areas and seek to reduce the need to travel. |
| Policy 15 | encouraging the use of ICT and reducing the need to travel |
| Policy 24(n) | Ensuring that development has low consumption of natural resources both in construction and in operation, and incorporates embedded renewable energy generation where appropriate. Where existing dwellings are replaced energy efficiency improvements with help to offset the increase associated with the increase in total number of dwellings. |
| Policy 40, 41,42 | aim to increase the proportion of energy generated from renewable sources (and thereby reduce reliance on fossil fuels for energy generation |
| Policy 51, 52 and 53. | encourages provision and use of public transport, focusing movement on major transport hubs in the conurbations and main settlements and seek to manage demand for travel |

Government considers that these policies will help deliver a sustainable plan which meets DEFRA's air quality trend predictions. As the Habitats Regulations require more than a presumption further additions have been included as set out in the following paragraphs.

What else has been agreed upon to deal with this issue at the regional level

In light of the past improvements, uncertainties in future trends of NO_x and Government's presumption that policies targeting reduction of CO₂ would similarly affect production of other air pollutants an additional policy statement has been added to the RSS to make continued improvement in air quality a specific requirement of the plan.

Policy 38A on air pollution has been made more comprehensive. Rather than simply focusing on local air pollution and links between new development and emissions affecting sites the policies now contains far reaching criteria:

These are as follows:

- a. contribute to sustaining the current downward trend in air pollution in the region;
- b. consider the potential effects of new developments and increased traffic levels on air quality;

- c. consider the potential impacts of new developments and increased traffic levels on internationally designated nature conservation sites, and adopt mitigation measures to address these impacts.

This officially sets the framework for air quality improvement to be met by the RSS and at a lower tier by other plans and has important implications for monitoring.

RPB's are required to monitor the significant effects of implementation of the RSSs by PPS11 and under Directive 2001/42/EC. In line with regulation 5 of the Town and Country Planning (Regional Planning) (England) Regulations, 2004, an annual monitoring report (AMR) is to be submitted by the RPB. Regional air quality will be included as a significant effect indicator to be reported on in this AMR. The main purpose of the annual monitoring report is to consider whether implementation of the RSS is being achieved. If it is not, then Regulation 5 "requires the RPB to set out the reasons why it thinks the policy is not being implemented and what it intends to do about it. This will include whether the RPB intends to prepare a draft revision of the RSS to amend the policy"⁸.

The inclusion of criteria A within the policy statement means that if predictions are incorrect, we see a change in the current downward trend in air pollution and improvements in air quality are not being met after 2010, then action will need to be taken through a revision to the RSS. The AMR will be made publicly available.

With this clear policy commitment and feedback loop in place it is possible to conclude that there are unlikely to be adverse impacts on the integrity of European sites as a consequence of air pollution.

2.4.2 Planning for Renewable energy

Background to problem

Evidence collated for the AA Report suggested that, for certain European sites, the qualifying features are at particular risk from disturbance and mortality associated with wind turbines. These European sites are listed in section 4.4 of the AA Report.

Policy 40 sets out a target of renewable energy generation to met by 2010 and 2020 and the majority of this is expected to be met by the development of onshore and offshore wind turbines.

This is accompanied by a list of criteria within Policy 40, 41 and 42 which aim to protect and mitigate against adverse effects on the environment including on internationally designated nature conservation importance, and potential effects on habitats, species

As the siting of the wind turbines is not prescribed in the RSS and yet the RSS is setting a framework for development, the AA report originally considered the idea of creating exclusion zones to ensure the protection of the integrity of sensitive European sites. However PPS 22 sets out that "Regional planning bodies and local planning authorities should not create "buffer zones" around international or nationally designated areas.

⁸ ODPM (2007) Planning Policy Statement 11, Regional Spatial Strategies

If it is not possible to exclude European sites and associated land important for associated bird populations, there is a residual risk that viability of designated bird populations could be affected despite the protective criteria that exist within Policy 40, 41 and 42 because of the targets that need to be achieved. So as another alternative the AA report examined the addition of the policy which specifically set out that wind turbines and associated infrastructure must not be built within the extent of the following European protected sites, rather than creating buffer zones without proper understanding of total area needed to support viable populations at each site. Natural England quite rightly advised that this wording is restricted to preventing development ‘within the extent of designated sites’ and does not protect from indirectly damaging development outside that extent.

Further additions

In the absence of a clear understanding of the capacity of the region to accommodate renewables without impact on European sites, a stronger recognition of the risk to European sites needs to be included within the Policy 40 or 41. The Government and consultants have worked hard to avoid repeating national planning policy to local authorities where possible. The requirements of the Habitats Regulations are clear and Policy 41 already contains criteria for the consideration of International Nature Conservation Sites and the sensitivities of habitats and species. Instead we recognised that the driver for renewable energy development in the RSS were the targets set out in Policy 40. The supporting text has now been amended so it is clear that that:

“In seeking to achieve the following targets, this should not be done at the expense of breaching the requirements of the Habitat Regulations”.

With the comprehensive criteria added it is possible to conclude that there are unlikely to be adverse impacts on the integrity of European sites as a consequence of renewable energy development. However the RPB must recognise that the complex sensitivities of these sites may mean that targets are not reached and money/ time would be saved if specific studies were commissioned to provide a clearer picture of appropriate locations for renewable energy development.

However with the drive towards renewable energy technology there is a need for a clearer regional and national picture on areas of least constraint. More studies may be required to inform siting of initiatives and to ensure there are no significant effects on European sites.

3 Final Conclusions

This Addendum and the Appropriate Assessment of the Regional Spatial Strategy & Secretary of State’s Proposed Changes for the North East constitutes a record of the appropriate assessment required by Regulation 85B of the Conservation (Natural Habitats, &c.) (Amendment) regulations 2007, undertaken by Government Office North East in respect of the North East Regional Spatial Strategy, in accordance with the Habitats Directive (Council Directive 92/43/EEC). Having considered that the plan would be likely to have a significant effect on several sites in the region⁹ and that the plan was

⁹ Tweek Environmental Consultants (2006) Appropriate Assessment Screening of the Regional Spatial Strategy for the North East, Report to Government Office

not directly connected with or necessary to the management of the site for nature conservation, an appropriate assessment was undertaken of the implications of the proposal in view of the sites' conservation objectives.

Natural England was consulted under Regulation 85B(2) and their representations were taken into account in revising the AA Report of the Regional Spatial Strategy & Secretary of State's Proposed Changes for the North East.

The sites' nature conservation objectives have been taken into account, including consideration of the citation for the site and additional information supplied by NE. The likely effects of the proposal on the international nature conservation interests for which the site was classified or designated were identified in the AA Report and are summarised in this addendum in Chapter 2. The assessment has concluded that the RSS should not have adverse effects on the integrity of European sites provided that mitigation is implemented as suggested. Further more detailed appropriate assessment will be required when policies are implemented and information is available at scales and locations of proposed development, in order to ensure that there will be no adverse effects on the integrity of European sites in the region.