

2 ENVIRONMENTAL ASSESSMENT AND APPROPRIATE ASSESSMENT

2.1 Environmental Assessment

2.1.1 Background

Directive 2001/42/EC of the European Parliament and of the Council, and the associated Environmental Assessment of Plans and Programmes Regulations 2004, requires that a Strategic Environmental Assessment (SEA) be carried out by certain plans and programmes that are required by legislative, regulatory or administrative provisions. The Directive is intended to ensure that environmental considerations (both good and bad) are taken into account alongside other economic and social considerations in the development of relevant plans and programmes. Whilst it has been determined that SMPs are not required by legislative, regulatory or administrative provisions, they do set a framework for future development and have much in common with the kind of plans and programmes for which the Directive is designed. Therefore, Defra has recommended that environmental appraisal of the SMPs be undertaken in line with the approach of the Directive.

This section identifies how the River Tyne to Flamborough Head SMP achieves the requirements of the 2004 Regulations. The text is sub-divided into sections representing the key requirements of the Regulations, and identifies the sections of the SMP documentation in which the relevant information is presented.

2.1.2 The Appraisal Process

A Shoreline Management Plan (SMP) provides a large-scale assessment of the risks associated with coastal evolution and presents a policy framework to address these risks to people and the developed, historic and natural environment in a sustainable manner. The SMP is a non-statutory, policy document for coastal defence management planning. It takes account of other existing planning initiatives and legislative requirements, and is intended to inform wider strategic planning. It does not set policy for anything other than coastal defence management.

Full details on the background to the SMP and the appraisal process are set out in Sections 1 and 3, with the exact details of the procedure followed in development of the Plan set out in Appendix A.

2.1.3 Stakeholder Engagement

Stakeholders have been involved in the SMP appraisal process, through regular consultation with a broad range of people involved and with an interest in the coast and with the Project Management Group (PMG). This is one of the key changes from the first SMP. This involvement has:

- been undertaken throughout development of the SMP;
- given people and organisations an opportunity to comment on the environmental appraisal of options; and
- allowed representations made by the organisations, communities and the public to be taken into account in the selection of policy options.

The Coastal Group includes representatives from interests including local authorities, nature conservation, industry and heritage. This group has met periodically throughout the SMP development process to input information and review outputs as the study progressed. The PMG comprises a representative from each of the local authorities, National Trust, English Nature and the Environment Agency, attending with a remit to agree the various stages of the SMP as it progresses. Again, this group has met throughout the plan development.

In this way, the views of those whom the SMP policies will affect are involved in its development, ensuring that all relevant issues are considered, and all interests represented. The interests of landowners and residents have been represented through the involvement of the Local Authorities, and the views of all have been sought through the consultation process on the draft recommended policies. Responses from this have been considered in the development of the plan.

Full details of all stages of stakeholder engagement undertaken during development of the draft Plan are presented in Appendix B. This includes the copies of briefing materials.

2.1.4 The Existing Environment

The coastline covered by this plan has a rich diversity in its physical form, human usage and natural environment. This includes dramatic cliffs, vast lowlands of the river valleys, large urban areas fringing the coast, extensive areas of agricultural land, and many areas designated and protected for their heritage, landscape, geological and biological value. This combination of assets creates a coastline of great value, with a tourism economy of regional importance.

The current state of the environment is described in the “Thematic Review”, presented in Appendix D to this report. This identifies the key features of the natural and human environment of the coastline, including commentary on the characteristics, status, relevant designations, and commentary related to the importance of the features and the “benefits” they provide to the wider community. The benefit assessment is provided in support of the definition of objectives. The approach to this assessment is set out in Section 3.

In addition to the review of natural and human environment, the extent and nature of existing coastal defence structures and management practices are presented in the “Defence Assessment” in Appendix C.

This is supplemented by the ‘Baseline Processes Understanding’ report, in Appendix C, which identifies the contemporary physical form of the coastline and the processes operating upon it.

2.1.5 Environmental Objectives

An integral part of the SMP development process has been the identification of issues and definition of objectives for future management of the shoreline. This was based upon an understanding of the existing environment, the aspirations of Stakeholders, and an understanding of the likely evolution of the shoreline under the hypothetical scenario of “No Active Intervention” (Appendix C), which identifies the likely physical evolution of the coast without any future defence management and hence potential risks to shoreline features.

These objectives include all relevant plans, policies etc. associated with the existing management framework, including all identified opportunities for environmental enhancements.

The definition and appraisal of objectives has formed the focus of engagement with stakeholders during development of the SMP (as identified in Appendix B). The full list of issues and objectives defined for this SMP is presented in Appendix E, which is supplemented by background information provided in the Thematic Studies (Appendix D).

Appendix G includes consideration of how the objective, and hence the ‘environment’, would be affected under the ‘No Active Intervention’ scenario, also their achievement under the policy options considered feasible for that frontage, with consideration of international and national designations and obligations and biodiversity. Section 5 provides draws together the overall potential environmental effects of the preferred policies.

2.1.6 Identification and Review of Possible Policy Scenarios

The function of the SMP is to consider the coast as a whole from the perspective of defence management. Having undertaken detailed analysis of its physical behaviour and, through consultation, taken into account the wide and varied interests and objectives for coastal management, a high level analysis was carried out as to primary characteristics of different sections of the coast. Overall the coast is strongly dominated by its underlying geology. Within this imposed structure, it has become evident that no one aspect of the coast, its physical behaviour, its natural or built environment dominates. There is a complex interdependence between different values.

It was, therefore, considered inappropriate that any simple rigid procedure of option appraisal over individual sections of the coast could be undertaken in deriving policy. The continuity of balancing interactions could only be maintained through a scenario approach to analysis. Inevitably, the full 170km of coastline had to be broken down into zones within which such an holistic approach could be adopted. Within these zones, the way in which the coast would develop and the impact this would have in respect of different specific objectives was considered for the No Active Intervention and With Present Management scenarios. This highlighted areas of concern, of benefit and of potential conflict or regret. The objective led scenario approach was then extended, through discussion, to consider how different areas within a zone might be managed to create additional benefit or avoid damage to the overall environment. From this policies, based on those defined in Section 1, have been derived, for individual frontages, in a logical coherent manner, to provide an overall scenario that best delivers national and local objectives. While not necessarily discussed in detail, this approach naturally excludes specific policy options which are not technically realistic or would lead to truly unsustainable approaches to defence, or would run counter to progressing the values identified for an area.

Inherent within this process has been the examination of how different policy scenarios would dictate or be influenced by future evolution of the shoreline, from which the environmental impacts can be identified. The whole process of scenario appraisal and subsequent definition of proposed policies is presented in Section 4. The process has been openly driven by the incorporation and consideration of all detailed objectives reported in Appendix E. A comparison of how well policies address these objectives, compared to how they might be addressed by a general policy of no active intervention is provided in the appraisal tables of Appendix G.

2.1.7 Environmental Effects of the Preferred Plan

The rationale for development of the preferred plan within each policy development zone is reported in Section 4, including a summary policy statement for each Management Area. Within each PDZ discussion, the environmental implications of the various scenarios have been recorded.

A summary of how the preferred plan might perform with respect to different themes, for the whole SMP area, is presented in Section 5.

Within the Management Area Summary Statements in Section 4, further detail of the implications of the preferred plan for all of the internationally, nationally, regionally or locally designated environmental areas are presented, identifying any mitigation measures that would be required in order to implement the policy. This is further supported through undertaking an Appropriate Assessment of the Plan, the support information is provided in Appendix J with a brief overview below in Section 2.2.

2.1.8 Monitoring Requirements

In developing the Plan it is apparent that there are areas of uncertainty that remain critical to implementation of shoreline management. This applies, however, in two ways.

At a local level, monitoring is seen as essential in addressing quite specific issues. The need for this is identified for each management area and should largely be the responsibility of the operating authorities or coastal managers within that area. This not only would then provide information necessary to inform the on-going development of the plan but also provides essential contact between the development of the coast at this local level and decisions being made.

In addition, there are seen to be important linkages, potentially in terms of collating information on impacts, but also in establishing a broader level of understanding and hence prediction of behaviour of different aspects of the coast as a whole, which need to be aggregated over the SMP frontage, at an SMP scale. In Finalising the Plan, these are brought together in the development of the main action plan, introducing the overall coherence for monitoring the whole area, which is most appropriately carried out as a coastal group function, sensibly delegated to one central organisation. The approach to and requirement for monitoring is discussed in Section 7 .

Detailed monitoring and definition of mitigation requirements would be undertaken as part of on-going management and development of strategy studies, together with collation through the Coastal Group.

2.2 Appropriate Assessment

2.2.1 Background

The need for an 'Appropriate Assessment' arises under the requirements of the EC Habitats Directive (92/43/EEC) and its implementation in the UK under the Conservation (Natural Habitats &c.) Regulations 1994. Under Regulation 48(1), an Appropriate Assessment is required for a plan or project, which either alone or in combination with other plans or projects, is likely to have a significant effect on an International site and is not directly connected with the management of the site. A International site is either a Special Area of Conservation (SAC) or a Special Protection Area (SPA), where it has been agreed that it is a Site of Community Importance (SCI). Additionally, in the application of the Habitats Regulations, sites designated under the Ramsar convention need to be considered. As such, Ramsar sites are included within the international sites to which Appropriate Assessment provisions (Regulation 48) apply.

Appropriate Assessment is a decision by the 'Competent Authority' (in this case the local authorities within the SMP plan area), as to whether the proposed plan or project would have an adverse effect on the integrity of any International sites. Section 6 of Planning Policy Statement 9 Biodiversity and Geological Conservation (PPS9) (ODPM, 2006) provides guidance on this matter. An adverse effect on integrity is likely to be one that prevents the site from maintaining the same contribution to favourable status for the relevant feature(s), as it did when the site was designated.

The favourable conservation status of the site is defined through the site's conservation objectives and it is against these objectives that the effects of the plan or project must be assessed. Regulation 48(2) requires that a person applying to carry out a plan or project, which requires Appropriate Assessment, shall provide information to the Competent Authority as may be reasonably required for the purposes of the assessment.

2.2.2 Appropriate Assessment in the land use plan context

On the 20th October 2005, the EU ruled that the UK had not transposed the Habitats Directive into law in the proper manner. Land use plans were incorrectly described under the UK Habitats Regulations, as not requiring an Appropriate Assessment to determine the impacts of the plan on sites designated under the Habitats and Birds Directives.

At present, the Office of the Department for Communities and Local Government (DCLG) has produced draft guidance on how to determine the need for an Appropriate Assessment for a given plan and the provision of an assessment if one is considered to be required. In addition to this, the UK Habitats Regulations are being amended. Natural England have provided an internal draft document relating to the provision of Appropriate Assessments for Regional Spatial Strategies and Sub-Regional Strategies. These two documents: "Planning for the Protection of International Sites: Appropriate Assessment" (DCLG, 2006) and "The Assessment of Regional Spatial Strategies under the Provisions of the Habitats Regulations – Draft Guidance" (English Nature, 2006), currently provide the most cohesive source of guidance relating to the provision of Appropriate Assessments for land use plans. These documents relate explicitly to land use plans, however, given that SMPs have the potential to influence the development of land, this guidance has been applied to SMP policy. In this respect, there are clear parallels between Regional Spatial Strategies and SMPs, and the relevant elements of guidance relating to RSSs have therefore been adapted here for SMP use. Accordingly, these documents have been used as a guide in establishing the scope of the Appropriate Assessment for the River Tyne to Flamborough Head SMP2.

The Appropriate Assessment is simply a mechanism to establish the actual scale and implications of impacts and to provide a determination on whether

a course of action is acceptable or unacceptable, in terms of its effects on the integrity of International sites.

2.2.3 Requirement for an Appropriate Assessment for the SMP2

The primary task in applying the Habitats Regulations to the SMP relates to the need to establish whether an Appropriate Assessment is required. As stated above, this relates to the task of establishing whether the plan would be likely to have a significant effect on an international site, either alone or in combination with other plans and projects. On the basis of the policies within the SMP, and the presence of a range of International sites within the plan area, it could not be concluded that there would not be likely significant effect of SMP policy on such sites. SMP policy has been provided at a Management Area level and the policies nested within this, have a clear potential to directly effect International sites. In this context, it was a simple task to determine that the SMP had the potential to have a likely significant effect, and on the basis of a preliminary initial assessment, it became obvious that an Appropriate Assessment for the plan was therefore required. The need for an Appropriate Assessment was therefore considered necessary 'alone' and did not require recourse to determine the effects of the plan in combination with other plans and projects, at that stage. It should be stressed however, that in developing the policies of the SMP, full regard was given to the need to ensure that the integrity of the International sites in the plan area was considered in policy development. Although an Appropriate Assessment was not provided at the policy formulation stage, the assessment of impacts on International sites was a primary consideration in the development of policy and the definition of Management Area boundaries.

The exercise, to provide an Appropriate Assessment for the SMP, provides the opportunity to determine whether the impacts of the SMP would have an effect on the integrity of International sites, by means of a specific assessment exercise. This assessment represents the first attempt at providing an Appropriate Assessment for an SMP nationally, and as such, the document is seeking to pioneer a robust approach undertaken to an appropriate level. The full details of the Appropriate Assessment are provided in Appendix K.

