

Date: 31 March 2016  
Our ref: 181625 Flat Cliffs PAR  
Your ref: Flat Cliffs Urgent works PAR



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**BY EMAIL ONLY**

Dear Stewart

**Flood and Coastal Risk Management consultation – Option/Scheme advice to the Environment Agency: Flat Cliffs Urgent Works**  
**Location: Flat Cliffs, near Filey, North Yorkshire.**

**Flamborough and Filey Coast potential Special Protection Area (pSPA)**  
**Maritime Cliff and Slope BAP habitat**  
**Possible great crested newts**

Thank you for your consultation dated 18 March 2016 which was received by Natural England on 18 March 2016. This letter of comfort relates to the preferred option which consists of measures to stabilise up to 175m of cliffs below Flat Cliffs access road:

- Slope drainage
- Erosion control matting
- Reseeding of slopes
- Localised toe protection using sand bags.

This option will be designed to provide protection to the Flat Cliffs access road for 20 years giving time for residents to take appropriate action in relation to cliff instability. After 20 years any remaining structures will be removed and this should be enforced through legal agreement (such as planning permission).

Summary of Natural England's advice	Answer only yes or no
Is the proposal likely to lead to an environmentally acceptable solution?	yes
Is the proposal likely to require an Appropriate Assessment under Habitats Regulations?	no

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Following the information received from the body above regarding this proposal, we write to confirm that it is Natural England's view that **the proposal is likely to lead to an environmentally acceptable solution.**

Furthermore, based on the information available to date, Natural England anticipates that the proposal is not likely to have a significant effect on a European or Ramsar site and therefore is **not likely to require an Appropriate Assessment** under the Conservation of Habitats and Species Regulations 2010. Although the Flamborough and Filey Coast pSPA is in the vicinity of the proposed scheme, the pSPA area is designated to protect feeding sea birds which are not likely to be affected by the works. It will not be necessary to avoid construction activities during the bird breeding season to avoid impacts on the pSPA.

However, we stress that this advice is provisional and will need to be reconsidered for the purposes of the Habitats Regulations in the light of the design details of the proposal, when they become available, because it is within the vicinity of Flamborough and Filey Coast pSPA.

### **Maritime Cliff and Slope BAP habitat**

The Environmental Report identifies that BAP habitat will be covered up by the slope stabilisation mesh (approximately 75m x 20m) and the sand bag toe protection (175m x 3m). It is suggested that habitat loss will be mitigated by reseeded with an appropriate seed mix, possibly harvested from the surrounding area. It has also been identified that the cliffs have suffered from the tipping of garden waste and are colonised by non-native (garden) plants. Removal of garden waste and non-native plants would be beneficial to this habitat. Reseeding may be required as part of the slope stabilisation works, but it is not essential to this habitat, bare ground created by cliff movement is a valuable feature of this habitat. Seeding may be appropriate, but it will be important that this does not result in the spread of non-native (garden) plant species.

### **European protected species: great crested newts**

We have not assessed this application and associated documents for impacts on protected species, however, great crested newts have been recorded in the area in recent years. The species has been recorded breeding in the coastal ponds and using the surrounding terrestrial habitat. There have also been two successful prosecutions related to the development of The Bay in relation to great crested newt offences.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

The planning authority should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

This advice is offered based on the information provided to date. It is given without prejudice to any advice that Natural England may offer in accordance with its statutory role under the Conservation of Habitats and Species Regulations 2010, or any assent that may be required under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). Formal comment on the proposal will be provided following consultation on the Environmental Statement as required under the relevant Regulations. We look forward to receiving further information as the proposal is developed.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Susan Wilson, Lead Adviser, Marine and Sustainable Development Team  
Yorkshire and Northern Lincolnshire Area