

Date: 18 April 2012  
Our ref: 49232\_Sandsend PARcomments  
Your ref: Sandsend PAR



Jamie Gardiner  
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BY EMAIL ONLY

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Dear Jamie

**Case name: Sandsend Project Appraisal Report, North Yorkshire for Scarborough Borough Council**

### **Coastal Protection Act 1949**

Thank you for your consultation dated 22 March 2012 which we received on the same day.

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.

### **Comments on Sandsend Project Appraisal Report**

#### **2. Baseline environment.**

Biodiversity: see comments below on the relevance of the Natural Environment and Rural Communities Act 2006. We appreciate that on the basis of the survey work undertaken so far, the plant communities on the stabilised areas appear to be more interesting. However we advise that on unstable coastal slopes groups other than plants may be important, such as invertebrates and reptiles and no survey information is presented on these groups. We advise that information on invertebrates and reptiles is obtained from relevant local sources and additional survey work undertaken if necessary.

Landscape: The relevant National Character Area is The North Yorkshire and Cleveland Hills (NCA 25) not Yorkshire and Humber. Reference should also be made to the relevant Landscape Character Assessment for this area.

#### **5. Environmental effects of the preferred option.**

Natural England agrees that no nationally or internationally designated sites will be affected by the proposed scheme.

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Mitigation for loss of BAP and SINC habitats: it is not clear whether the aim is to replace the habitats as 'like for like' or by a different type of habitat. It is particularly difficult to recreate Maritime Cliff and Slope habitat if the slope is to be stabilised. Natural England agrees that it is appropriate to agree the details of the mitigation with the NYCC ecologist.

## 6. Review of Regulatory Requirements

The following legislation is relevant to this Report and should be included in this section:

Section 40(1) of the Natural Environment and Rural Communities Act 2006 places a duty on public authorities with regard to the conservation of biological diversity. This duty is as follows:

*'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.'*

The detailed scheme should show how this duty is being discharged, including details of habitat creation on the coastal slopes to increase the area of habitat as well as replacing what has been lost.

The Coastal Protection Act 1949 will be relevant.

### Other comments

As this scheme involves a number of elements, not just a coastal defence scheme, it would be useful to include an indicative plan of the proposed works, showing details of the works to the revetment, the coastal slope and Raithwaite Gill, showing any relevant environmental features such as the SINC, BAP, Heritage Coast etc. Fig 1 is mentioned, but did not appear to be included in the report.

In the view of Natural England, this report should include a section on 'Policy constraints' including a section on the relevance of the Shoreline Management Plan policy and justifying the change of policy where this is relevant. This is particularly relevant as the Whitby Coastal Strategy 2 has not yet been approved.

Once the additional information has been supplied, Natural England will be able to consider supplying a letter of support for this scheme.

For any correspondence or queries relating to this consultation only, please contact Susan Wilson on 0300 060 1877. For all other correspondence, please contact the address above.

Yours sincerely



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