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Our ref: IMSW002050

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By email: general@northyorkmoors.org.uk

Dear Mr Ball,

**Runswick Bay Coastal Protection Scheme:
EIA Screening/Scoping Opinion Request**

Purpose

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011 No. 1824) (the 'EIA Regulations'), Scarborough Borough Council is requesting that North Yorks National Park Authority provides a Screening/Scoping Opinion for the proposed Runswick Bay Coastal Protection Scheme.

We have previously consulted with North Yorks National Park Authority to inform the Strategy Appraisal Report and associated Strategy Environmental Assessment.

A description of the proposed works is provided below.

Background

This request for a Screening Opinion is made in accordance with the procedures outlined in Part II of the EIA Regulations, and National Planning Policy Framework planning practice guidance for EIA (updated 15th April 2015), and includes a description of the nature of the proposals and the purpose of the development, and an indication of the scheme's possible effects on the environment.

The following documents are enclosed:

- Location plan (drawing 1000) and Indicative Landscape Plans (ILPs)
- Preferred Option Drawings (drawing numbers 103 and 104)
- Draft Preliminary Environmental Information Report

The area has a history of coastal instability and coastal erosion presents a risk to the village and community of Runswick Bay. This is predominantly as a result of wave over-topping and deterioration of the existing seawall. A new coastal protection scheme has been proposed to address this risk.

The Runswick Bay Coastal Strategy ('the Strategy') as promoted by Scarborough Borough Council was developed to identify the preferred strategic approach for managing coastal erosion risk to the coastal frontage between Thorndale Shaft (in the north) to Sandsend Ness (in the south), North Yorkshire .

The Strategy identified Runswick Bay as a primary area of concern in terms of risks to the community from coastal erosion. Coastal erosion was implicated in the ongoing risk of seawall deterioration, toe erosion and for the stability of the slopes behind. Failure or loss of even part of the existing defence structures at Runswick Bay could have serious and relatively rapid implications. The Strategy noted around 96 residential and 17 non-residential properties are considered to be at risk from coastal erosion and Yorkshire Water has sewage assets in the seawall and under the beach that may also be at risk. In addition, wave overtopping at Runswick Bay Village is also a problem, causing occasional damage to properties and slopes behind the existing seawalls.

The proposed options promoted through the strategy have been subject to a high level environmental assessment in the SEA. This, along with technical and economic assessment, has informed the development of our preferred option, which is described below.

Proposed Scheme

A rock armour fillet is the preferred option proposed to provide coastal protection for Runswick Bay. The new rock armour fillet will be constructed in front of the existing seawall between the lifeboat station in the south, past the outlet of Runswick Beck and around the convex seawall at Cauldon Cliff, extending for approximately 30 or 40 metres north of Upgarth Hill seawall. The fillet will rise approximately two thirds of the way up the seawall, to a height of 4.7m AOD (approximately 2 meters). The sides of the fillet will have a slope of 1 in 2, giving an overall width at its base, of 7 to 8 metres. Discussions with Yorkshire Water has revealed the presence of pipework in the foreshore leading to their pumping station, so the option has been revised to exclude the pumping station frontage. Yorkshire Water will also be carrying out sewer diversion works prior to the coastal protection works to facilitate the scheme.

There is scope to adjust the size of rock used, but it has been assumed that rock sized at 3 to 6 tonnes. Rock armour fillets of this type have a proven track record of reducing wave impact, erosion and overtopping. Adjustment of the rock size will ensure that the rock armour will reduce wave energy to limit impacts on the seawall, whilst providing both the required stability and the 100 year design life of the Strategy. Larger rocks may be placed towards the northern end of the fillet where wave exposure is greater, and smaller rocks may be used in front of the village. Concrete steps will be provided to maintain access to the seawall from the beach.

The scheme is currently at the Environment Agency's internal approval stage. The scheme will attract third party funding from a resident group at Runswick Bay and from Yorkshire Water in terms of the enabling works.

Predicted Environmental Effects

The potential environmental effects which could result from the scheme have been assessed in outline and documented in a 'draft Preliminary Environmental Information' report (PEI). The PEI supports the business case and will inform future detailed design phases of the project, ensuring that environmental opportunities and constraints are considered throughout. It will also provide the basis of our further EIA reporting (see below). This is a draft as it will be updated to reflect the results of the scoping exercise.

Table 1.0 below summarises our assessment of the key potential environmental effects, and any proposed mitigation measures, in respect of each of the key receptors

Table 1.0 Summary of Potential Environmental Effects

| Receptor | Potential Effect / Mitigation |
|---|---|
| Population | |
| Property / infrastructure / amenities | Positive effect from the reduction in the risk of erosion to properties and the protection of livelihoods. |
| Disturbance to residents, tourist and public amenity during construction | Short term temporary effects during construction due to noise and vibration and construction traffic. The scale of works could have a short term but significant effect on receptors. This will be assessed in more detail during the EIA and mitigation proposed to minimise disruption. Consultation will be held with individual owner/users where required. |

| Receptor | Potential Effect / Mitigation |
|--|--|
| Disruption to users of the coastal path and beach | Access to the beach during construction may be restricted and this may affect the sailing club's activities, the lifeboats and general recreational activities. Careful consideration to programming and timing to avoid adverse impacts on, local residents, visitor's amenities, local businesses, the tourist economy will be required. Where footpaths are affected these will be reinstated to an improved condition. |
| Ecology | |
| Statutorily designated nature conservation sites Runswick Bay recommended Marine Conservation Area | Direct loss of inter-tidal habits extending approximately 7 to 8m from the seawall, within Runswick Bay rMCZ and noted the BAP priority habitat, through the placement of rock. Indirect loss of inter-tidal habitat through medium to long-term coastal squeeze in the upper shore. A number of measures have been put forward in the SEA to mitigate these impacts including the incorporation of rock pools into the detail design. The potential for pollution events will be managed in line with Pollution Prevention Guidelines. |
| The site is within the North York National Park and 3,2 km from the North York Moors SPA, SSSI and IBA | Temporary disturbance to birds from construction noise, presence of plant on the beach and potentially from people walking along new temporary/unofficial access routes to avoid the construction area in order to access the beach. The direct and indirect losses of intertidal habitats are likely to have a long term effect on marine invertebrates therefore limiting shorebirds' feeding resource. Birds highlighted as being of 'conservation concern' and thus may be associated or have connectivity with remote designated sites, were noted 'to use the area as a stop-over site or moved to the South of the Bay rather than use the area proposed for coastal defence works' in the rapid marine walkover survey undertaken by the University of Hull. Consultation with NE has concluded that there would not be a requirement for an Appropriate Assessment under Habitats Regulations. Short-terms impacts to birds can be mitigated for via seasonal restriction on working. |
| Protected species | No protected species were noted in the rapid marine walkover survey however it is recommended that a Extended Phase 1 habitat survey is undertaken to support the ecology chapter of the EIA. This will improve the robustness of the conclusions. |
| Invasive species | No invasive species were noted in the rapid marine walkover survey and this would be confirmed or otherwise in the extended phase 1 habitat survey. |
| Water | |
| A Preliminary Water Framework Directive assessment has been undertaken for the preferred option, concluding the following: | |
| Esk transitional water body | No significant effects on the Esk (Transitional) water body are expected. The works will have a limited (not significant) hydromorphological impact on the water body, resulting in no deterioration to its ecological status. |
| Bathing Water Quality | Potential pollution issues arising from the use of plant during construction and associated with the enabling work. The potential for pollution events will be managed in line with Pollution Prevention Guidelines. |
| Climatic Factors and Noise | |
| Local Residents and Ecological receptors | Noise and vibration impacts resulting from construction work for the scheme. A noise baseline will be prepared to assess the likely impacts and identify appropriate mitigation measures |
| Material Assets | |
| | Temporary loss of access/use/revenue to the two public carparks and residents carpark. |

| Receptor | Potential Effect / Mitigation |
|--|--|
| | Temporary loss/obstruction of pedestrian access to village amenities, and visitors requiring access to the Cleveland Way; |
| | Temporary disruption/access to the regular bus service that runs through Runswick Bay from Whitby and Middlesbrough; and |
| | As use of natural resources and the minimisation of waste materials. |
| Cultural, Architectural and Archaeological Heritage | |
| | Beneficial impact through reduced risk to the historic environment and listed buildings through the implementation of the scheme. |
| | There may be adverse effects on the setting of historic buildings/heritage assets and the appearance of the Conservation Area. |
| | The proposed scheme needs to ensure that the historic environment and heritage assets that are present within the Runswick Bay Area are holistically addressed. |
| | There may be an opportunity for any emerging initiatives to preserve and enhance the Conservation Area |
| Landscape / Visual Amenity | |
| Landscape character | Potential impacts of the scheme on landscape character within the Runswick Bay and the setting of landscape features, settlements and property. Potential impact to the Character Area, National Park and Heritage Coast designation. |
| Visual amenity | Potential temporary visual effects for local residents and footpath users of the Cleveland Way National Trail within and around the site from construction equipment. |

Request for Screening/Scoping Opinion

As described in Appendix A, the Scarborough Borough Council considers the project to be a Schedule 2 development under the EIA Regulations on account of the description within the EIA regulations.

Should you collaborate with the Screening Opinion offered herein, we would appreciate your Scoping Opinion on the main environmental issues to be addressed in the Environmental Statement, any relevant information you might hold and can make available, any requirements you may have on the assessment approach, and any opportunities you may be aware of for mitigation or environmental opportunities. We would be grateful if you could circulate this documentation to the statutory stakeholders and other relevant stakeholders (for example the RSPB).

A similar formal screening and scoping opinion request is being submitted to the Marine Management Organisation under the Marine Works (EIA) Regulations 2007, as amended. Please could you confirm whether the proposed scheme would fall under the principles of the Coastal Concordat for England¹? If appropriate, we would also appreciate confirmation of:

- Which organisation will be the single point of entry into the regulatory system;
- Which organisation will be the lead authority for the Environmental Impact Assessment (EIA) Directive, and;
- Which organisation will be the lead authority for the Habitats Regulations Assessment?

We plan to produce a single Environmental Statement that will cover both terrestrial and marine impacts. If appropriate, we would like to take advantage of the opportunity that the Coastal Concordat offers to gain a single consolidated Scoping Opinion, covering both sets of

¹ A Coastal Concordat for England found at <https://www.gov.uk/government/publications/a-coastal-concordat-for-england>

EIA regulations, and a single response on the Habitats Regulations. Should you believe other legislation may apply we would appreciate its identification.

We would appreciate it if you could confirm receipt of this request and also provide the formal Screening and Scoping Opinions within 3 weeks and 5 weeks from receipt of this request. Please do not hesitate to contact me should you wish to discuss this further.

Yours sincerely

Encs.

- Appendix A – Environmental Impact Assessment Screening

- Location plan (drawing 1000) and Indicative Landscape Plans (ILPs)
- Preferred Option Drawings (drawing numbers 103 and 104)
- Preliminary Environmental Information Report
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Appendix A: Environmental Impact Assessment Screening

The 'EIA Regulations' identify types of development where the need for EIA must be considered. Development that is listed in Schedule 1 always needs an EIA. For Schedule 2 Development, an EIA is required only if the project is judged likely to give rise to significant environmental effects by virtue of factors such as the size, nature and location of the proposal.

The nature of the proposed scheme falls within the descriptions in Column 1 of Schedule 2 of the EIA Regulations, paragraph 10(m): 'Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works'.

Column 2 of Schedule 2 provides further thresholds and criteria for development. For projects at paragraph 10(m) these are; **All development..**

Under Schedule 3 of the EIA Regulations there are three main selection criteria for screening Schedule 2 development:

- Characteristics of development (including consideration of size, cumulative effects, use of natural resources, production of waste, pollution and nuisances, and the risk of accidents)
- Location of development (including consideration of existing land use, the nature of surrounding natural resources and the environmental sensitivity of the area)
- Characteristics of the potential environmental impacts

Table A.1 below summarises the criteria and thresholds and provides a summary of the issues identified in the EIA Regulations in respect of the Runswick Bay Coastal Protection Scheme.

Table A.1

| |
|---|
| Is the proposal listed in Schedule 1? |
| No. The proposed scheme would not involve a form of development listed in Schedule 1 of the EIA Regulations. |
| Is the proposal listed in Schedule 2? |
| Yes. The proposed scheme is listed in the EIA Regulations, Schedule 2, paragraph 10 (m) <i>Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works</i> |
| Does the proposal exceed the relevant thresholds given in the EIA Regulations (Column 2 of Schedule 2)? |
| Detail for Schedule 2 paragraph 10 (M): <i>All developments.</i> |
| YES |
| Is the proposal in or adjacent to a sensitive area as defined in Regulation 2 of the EIA Regulations? |
| <p>'Sensitive area' in this context means any of the following (EIA Regulations, Part 1 paragraph 2(1)). -</p> <ul style="list-style-type: none">(a) land notified under sub-section (1) of section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981;(b) land to which sub-section (3) of section 29 (nature conservation orders) of the Wildlife and Countryside Act 1981 applies;(c) an area to which paragraph (u) (ii) in the table in article 10 of the GPDO applies (i.e. 'within an area which has been notified to the local planning authority by the Nature Conservancy Council for England ... and which is within two kilometres of a SSSI of which notification has been given or has effect as if given as aforesaid').(d) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949;(e) the Broads;(f) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage;(g) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979;(h) an area of outstanding natural beauty (AONB) designated as such by an order made by the Countryside Commission ... ;under section 87 (designation of areas of outstanding natural beauty) of the National Parks and Access to the Countryside Act 1949 as confirmed by the Secretary of State;(i) a European site within the meaning of Regulation 10 of the Conservation (Natural Habitats etc.) Regulations 1994. |
| Yes. North Yorks National Park and the recommended Marine Conservation Zone. |
| Is the proposal in or within 2.5km of a site designated under the Birds Directive (SPA), the Habitats Directive (SAC) or the Ramsar Convention? |
| No. |
| The North York Moors SPA is 3.2km away from the proposed scheme. This site is designated for breeding birds. A bird survey was undertaken as part of the rapid marine walkover survey by the Centre for Environmental and Marine Sciences (CEMS), |

University of Hull on behalf of SBC (Hull and Johnson, 2014). The survey was undertaken during July/August 2014 and did not record any evidence of breeding birds on the seawall structure although the survey report notes that the survey was undertaken late in the season. It concluded that 'it is unlikely that any proposed coastal defence works will affect the nesting / breeding as none nest on the seawall or directly in the area of any proposed development'.

Is the proposal in or adjacent to other potentially sensitive areas, such as local designations, protected species, contaminated land etc.?

Yes.

As detailed in Table 1.0, the following are located within the site or up to 1km from it:

- The proposed works are in Runswick Bay Conservation Area.
- BAP Priority Habitat (Inter-tidal Substrate Foreshore Sand).
- There are Scheduled Monuments within the study area but no potential impacts on these are considered possible.
- There are many Listed Buildings within the study area.

See Table 1.0 for our assessment of potential effects on these and other receptors.