



**Assessment of the Coastal Access programme
under regulation 63 of the
Habitats Regulations 2017
(‘Habitats Regulations Assessment’)**

Assessment of England Coast Path proposals between

Easington and Filey Brigg

On

Flamborough and Filey Coast Special Protection Area

Flamborough Head Special Area of Conservation

The Greater Wash Special Protection Area

October 2019



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Summary

1) Introduction

This is a record of the Habitats Regulations Assessment (‘HRA’) undertaken by Natural England (in its role of competent authority) in accordance with the assessment and review provisions of the Conservation of Habitats and Species Regulations 2017 (‘the Habitats Regulations’).

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. This assessment considers the potential impacts of our detailed proposals for coastal access from Easington to Filey Brigg on the following sites of international importance for wildlife:

- Flamborough and Filey Coast Special Protection Area (SPA)₁
- Flamborough Head Special Area of Conservation (SAC)₂
- The Greater Wash Special Protection Area

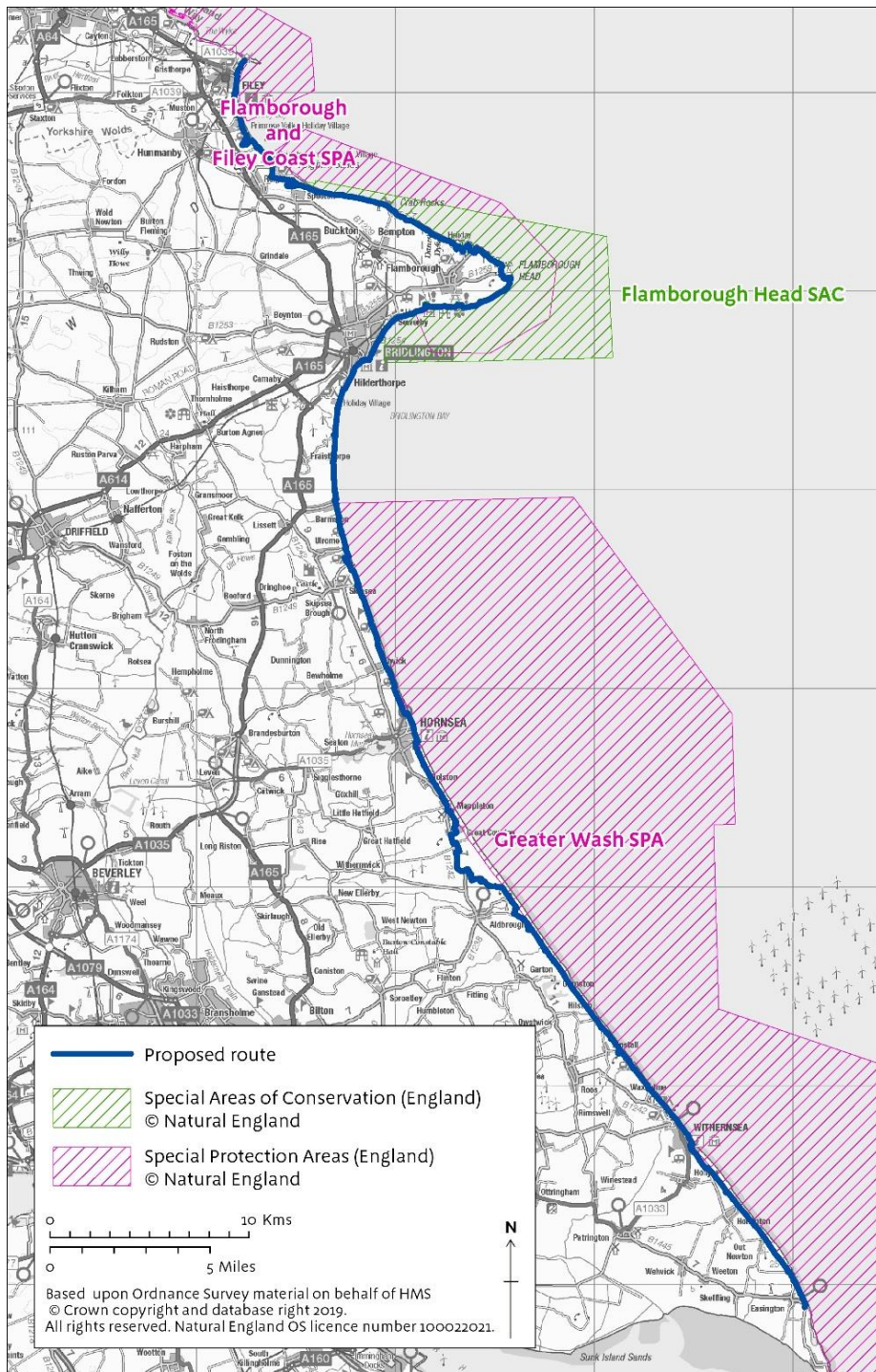
This assessment should be read alongside Natural England’s related Coastal Access Report in which the access proposal is fully described and explained [REF 1].

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/683857/easington-filey-brigg-report-overview.PDF

1. Incorporates the Flamborough Head and Bempton Cliffs SPA (March 2018)
2. Extended in 2018

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Map 1: Location of European sites considered within this assessment





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II) Background

This is an assessment of the stretch of coast from Easington, in the East Riding of Yorkshire northwards to Filey Brigg in North Yorkshire [REF 1 Map A]. In this assessment we have considered the possible impacts of our proposals for the England Coast Path on the qualifying features of Flamborough and Filey Coast SPA, Flamborough Head SAC and The Greater Wash SPA European sites.

The main wildlife interests for this stretch of coast are summarised in Table i) (see section B1, Table 1 for a detailed list of qualifying features).

Table i). Summary of the main wildlife interests

Interest	Description
Breeding Seabird assemblage: kittiwake, gannet, guillemot, razorbill, Atlantic puffin, herring gull, northern fulmar, great cormorant and European shag	The Flamborough and Filey Coast SPA 2017 full colony count returned adjusted figures of potentially 412,997 individual seabirds including 51,535 pairs of kittiwakes, 13,392 pairs of gannet, 60,877 pairs of guillemot and 20,253 pairs of razorbills
Non-breeding seabirds: red-throated diver, little gull, common scoter	Red-throated diver, common scoter and little gull overwinter within the offshore waters of The Greater Wash SPA. These birds do not nest within this area
Breeding terns: Sandwich tern, little tern, common tern	Little tern breed at Easington Lagoons south of this ECP stretch. However, taking into account their potential distance of travel to forage of 5km, it is possible that they forage in the waters of that part of The Greater Wash SPA that is being considered within this assessment
Reefs	Flamborough Head represents one of the most extensive areas of sublittoral chalk in Europe and accounts for around 14% of UK and 9% of European coastal chalk exposure. These extensive areas of chalk reef are of international marine conservation importance as they support a wide variety and unique range of marine habitats and species. At areas along this coast there is intertidal exposure of the reefs
Submerged or partially submerged sea caves	The number and extent of the chalk sea caves at Flamborough Head are of international marine conservation importance. They support a wide variety and unique range of habitats and, in addition to the specialist marine plant and animal communities which attach to or burrow into the bedrock, cormorants nest at the bottom of the cliffs in some of the caves. Larger numbers and a wider range of cave habitats are present at Flamborough Head than at any other chalk site in Britain, with over 200 caves present



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Vegetated sea cliffs of the Atlantic and Baltic coasts	The coastal cliffs of Flamborough Head are composed of chalk and softer sedimentary rock overlain with glacial till. Rising to a height of over 130m at Bempton Cliffs, the rock exposures and maritime slopes provide a range of habitats for numerous species.
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III) Our approach

Natural England’s approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 Coastal Access: Natural England’s Approved Scheme 2013 [Ref 2].

Our final published proposal for a stretch of England Coast Path is preceded by detailed local consideration of options for route alignment, the extent of the coastal margin and any requirement for restrictions, exclusions or seasonal alternative routes. The proposals are thoroughly considered before being finalised and initial ideas may be modified or rejected during the iterative design process, drawing on the range of relevant expertise available within Natural England.

Evidence is also gathered as appropriate from a range of other sources which can include information and data held locally by external partners or from the experience of local land owners, environmental consultants and occupiers. The approach includes looking at any current visitor management practices, either informal or formal. It also involves discussing our emerging conclusions as appropriate with key local interests such as land owners or occupiers, conservation organisations or the local access authority. In these ways, any nature conservation concerns are discussed early and constructive solutions identified as necessary.

The conclusions of our assessment are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

IV) Aim and objectives for the design of our proposals

The new national arrangements for coastal access will establish a continuous well-maintained walking route around the coast and clarify where people can access the foreshore and other parts of the coastal margin. These changes will influence how people use the coast for recreation and our aim in designing our detailed proposals has been to secure and enhance opportunities for people to enjoy their visit whilst ensuring appropriate protection for affected European sites.

A key consideration in developing coastal access proposals for the Easington to Filey Brigg stretch of the England Coast Path has been the possible impact of disturbance, as a result of recreational activities on breeding, foraging and wintering seabirds.

Key objectives in the design of our detailed local proposals have been:

- To avoid exacerbating issues at sensitive locations by making use of established coastal paths
- Where there is no suitable established and regularly used coastal route, to develop proposals that take account of risks to sensitive nature conservation features and incorporate mitigation as necessary in our proposals

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- To clarify when, where and how people may access the foreshore and other parts of the coastal margin on foot for recreational purposes
- To work with local partners to design detailed proposals that take account of and complement efforts to manage access in sensitive locations
- Where practical, to incorporate opportunities to raise awareness of the importance of this stretch of coast for wildlife and of how people can help efforts to protect it

V) Conclusion

We have considered whether our detailed proposals for coastal access between Easington and Filey Brigg might have an impact on Flamborough and Filey Coast SPA; Flamborough Head SAC and the Greater Wash SPA.

In Part C of this assessment we identify some possible risks to the relevant qualifying features and conclude that proposals for coastal access, without incorporated mitigation, may have a significant effect on these sites. In Part D we consider these risks in more detail, taking account of avoidance and mitigation measures incorporated into our access proposal, and conclude that there will not be an adverse effect on the integrity of any of the sites. These measures are summarised in Table ii)

Table ii). Summary of risks and consequent mitigation built in to our proposals

Risk to conservation objectives	Relevant design features of the access proposal
<p><u>Disturbance to breeding seabirds</u> As a result of the ECP proposal, a new legal right of access is created to coastal margin</p> <p>This new right of access could lead to an increase in frequency, duration and/or intensity of disturbance affecting roosting, nesting, foraging, feeding, moulting and/or loafing birds.</p> <p>The consequence could be a reduction in population numbers and distribution of the Qualifying Features of the Flamborough and Filey Coast SPA</p>	<p>Design features of the new right of access to the coastal margin:</p> <ul style="list-style-type: none"> • Under s26(3)(a) of CROW, for the purpose of conserving nature conservation interests of the land in question, there would be no new access rights to the coastal margin at Bempton Cliffs, that is, from Little Dor to Nettle Trip [REF 1: Map H] between 1 March and 30 September • Under s26(3)(a) of CROW, for the purpose of conserving nature conservation interests of the land in question, there will be no new access rights to the coastal margin at Briel Nook [REF 1: Map E], from High Holme to Thornwick Bay [REF 1: Map F], nor from Thornwick Bay to Gull Nook [REF 1: Map G] between 1 March and 30 September • Recommended informal management techniques:



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	<ul style="list-style-type: none">a. A mown strip indicating the route of the ECP (which is the existing path) through the Yorkshire Wildlife Trust Flamborough Head Nature Reserve site will be established and maintained. This mown strip, clearly indicating the route of the trail through the site will help keep visitors to the pathb. Additional information signs will be erected in key locations. These signs will provide detail for visitors on the sensitivities of the site at specific times of the year and the changing rights of access in accordance with those sensitivities. The signs will also create an opportunity to provide information for visitors on the rich flora and fauna of the areac. Signposts and waymarking will be used to ensure the route of the trail is clear and easy to follow
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VI) Implementation

Once a route for the trail has been confirmed by the Secretary of State, we will work with East Riding of Yorkshire Council and North Yorkshire County Council to ensure any works on the ground are carried out with due regard to the conclusions of this appraisal and relevant statutory requirements.

VII) Thanks

The development of our proposals has been informed by input from people with relevant expertise within Natural England and other key organisations. The proposals have been thoroughly considered before being finalised and our initial ideas were modified during an iterative design process. We are particularly grateful to East Riding of Yorkshire Council, North Yorkshire County Council, Yorkshire Wildlife Trust, the RSPB and the Flamborough Head European Sites Management scheme officer and to other organisations and local experts, whose contributions and advice have helped to inform development of our proposals.



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PART A: Introduction and information about the England Coast Path

A1. Introduction

Natural England has a statutory duty under the Marine and Coastal Access Act 2009 to improve access to the English coast. The duty is in two parts: one relating to securing a long-distance walking route around the whole coast: we call this the England Coast Path; the other relating to a margin of coastal land associated with the route where, in appropriate places, people will be able to spread out and explore, rest or picnic.

To secure these objectives, we must submit reports to the Secretary of State for Environment, Food and Rural Affairs recommending where the route should be and identifying the associated coastal margin. The reports must follow the approach set out in our methodology the Coastal Access Scheme [REF 2], which – as the legislation requires – has been approved by the Secretary of State for this purpose.

Where implementation of a Coastal Access Report would be likely to have a significant effect on a site designated for its international importance for wildlife, called a ‘European site¹’, the report must be subject to special procedures designed to assess its likely significant effects.

The conclusions of this screening are certified by both the member of staff responsible for developing the access proposal and the person responsible for considering any environmental impacts. This ensures appropriate separation of duties within Natural England.

Natural England’s approach to ensuring the protection of sensitive nature conservation features under the Coastal Access Programme is set out in section 4.9 of the Coastal Access Scheme [Ref 2].

A2. Details of the plan or project

In this assessment we consider our proposals for coastal access from Easington to Filey Brigg.

Our proposal for coastal access has two main components, alignment of the England Coast Path and designation of coastal margin

- England Coast Path

A continuous walking route around the coast – the England Coast Path National Trail - will be established by joining up existing coastal paths and creating new sections of path where necessary. The route will be established and maintained to National Trail quality standards.

The coastal path will be able to ‘roll back’ as the occasional cliffs on this stretch, notably the Holderness cliffs, erode or slip, solving long-standing difficulties with maintaining a continuous route on this stretch of coast.

The existing path will be improved with new steps, ramps and new pedestrian gates. At Flamborough Cliffs nature reserve the delineation of the path on the ground will be improved by regular mowing. New and enhanced signs will be erected and the England Coast Path waymarkers will be added to existing or new signage along the trail.



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- Coastal Margin

An area of land associated with the proposed trail will become coastal margin, including all land seawards of the trail down to mean low water.

Coastal margin is typically subject to new coastal access rights, although there are some obvious exceptions to this. The nature and limitations of the new rights, and the key types of land excepted from them, are explained in more detail in Chapter 2 of our Coastal Access Scheme [Ref 2].

Where there are already public or local rights to do other things, these are normally unaffected and will continue to exist in parallel with the new coastal access rights. The exception to this principle is any pre-existing open access rights under Part 1 of the Countryside and Rights of Way Act 2000 (CROW) over land falling within the coastal margin: the new coastal access rights will apply in place of these.

Where public access on foot already takes place on land within the margin without any legal right for people to use the land in this way, the new coastal access rights will secure this existing use legally. Access secured in this way is subject to various national restrictions. It remains open to the owner of the land, should they wish, to continue tolerating other types of established public use not provided for by coastal access rights.

Of particular relevance to this assessment is that section of the stretch which lies within Flamborough and Filey Coast SPA and Flamborough Head SAC. There will be restrictions on new coastal access rights on sections of the north facing cliffs for conservation reasons (see Section D of this assessment).

PART B: Information about the European Sites which could be affected

B1. Brief descriptions of those European Sites and their Qualifying Features (see Map 1)

- Flamborough and Filey Coast SPA (Map 1)

The Flamborough and Filey Coast SPA, designated in March 2018, is situated along the North Yorkshire coastline on the western border of the North Sea. It has two sections - Flamborough to the south, and Filey to the north - and encompasses clifftop, sea cliff and intertidal rock habitats.

The southern section begins at South Landing and extends around Flamborough Head before ending at Speeton Cliffs. The northern section runs from Filey Brigg to Cunstone Nab. The protection also extends 2km offshore of the terrestrial boundaries in all directions.

The numerous ledges, crevices and caves formed by the exposed chalk strata at Flamborough and the limestone at Filey provide ideal nesting and roosting sites for seabirds, supporting colonies of national and international importance. The cliff-top vegetation comprises maritime grassland vegetation growing alongside species more typical of chalk grassland.



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Currently the largest seabird colony in England, the SPA supports the only mainland gannetry in the UK, the largest kittiwake colony in the UK and the largest guillemot and razorbill colonies in England.

The colonies are situated, primarily along the north facing cliffs of the Flamborough headland which supports nearly 300,000 breeding seabirds during the breeding season, many of which are limited in breeding range within the UK. The 2017 whole colony count estimated 412,997 as the total number of seabirds in the colony, including non-breeding birds and chicks, at the height of the breeding season [REF 3].

The waters adjacent to the colonies are used by large numbers of seabirds for a wide range of activities, including bathing, preening, displaying, loafing and local foraging. The seabirds feed and raft in the waters around the cliffs as well as feeding more distantly in the North Sea. The intertidal chalk platforms are also used as roosting sites, particularly at low water and notably by juvenile kittiwakes.

Further offshore the mixing of two distinct North Sea water bodies – the cooler, deeper, stratified waters of the northern North Sea and warmer, shallower, well-mixed waters of the southern North Sea - gives rise to the frontal system known as the ‘Flamborough Front’. The resulting nutrient-rich waters and the associated productivity provides rich feeding areas for seabirds. Although most feeding occurs offshore, when conditions are favourable and food is abundant, large numbers of seabirds move into Filey Bay to feed.

- Flamborough Head SAC (Map 1)

Flamborough Head is the most northern outcrop of chalk in the UK, with the cliffs extending seaward, as bedrock, boulder and cobble reefs, further than at other sites in the UK. The reef habitats at Flamborough are considered to be the most diverse in the UK, supporting an unusual range of marine species including rich animal communities. The reefs and cliffs on the north side of the headland are of an unusually hard crystalline nature. The hardness of the chalk means that erosion is slow, and caves, arches and stacks have formed, along with small sandy coves between rocky headlands.

On the southern side where the chalk is slightly less hard, the cliffs lead down to boulders and broader shore platforms which provide a more sheltered habitat.

The promontory of Flamborough sits on the border of the northern and southern bodies of the North Sea, known as the Flamborough Front which generates an upwelling of nutrients which attracts a myriad of marine wildlife. The sheer chalk cliffs of Flamborough create prime habitat for breeding seabirds. The reef below Flamborough Head supports a band of kelp forest. The protected area incorporates prime habitat, food and relative safety.

- The Greater Wash SPA (Map 1)

The Greater Wash SPA, designated in March 2018, is classified for the protection of red-throated diver, common scoter and little gull during the non-breeding season, and for breeding Sandwich tern, common tern and little tern. This SPA protects important foraging areas for the largest breeding populations of little tern in the UK marine SPA network, and important areas used by the second largest non-breeding populations of red-throated diver and little gull within the UK marine SPA network.

Table 1. Qualifying features of the relevant European sites

Qualifying Features	Flamborough and Filey Coast SPA	Flamborough Head SAC	The Greater Wash SPA
Gannet, <i>Morus bassanus</i> - A016, b	X		
Guillemot, <i>Uria aalge</i> - A199, b	X		
Kittiwake, <i>Rissa tridactyla</i> - A188, b	X		
Razorbill, <i>Alca torda</i> - A200, b	X		
Seabird assemblage (kittiwake, gannet, guillemot and razorbill, northern fulmar, atlantic puffin, herring gull, European shag and great cormorant)	X		
H1170 Reefs		X	
H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts		X	
H8330 Submerged or partially submerged sea caves		X	
Red-throated diver, <i>Gavia stellata</i> - A001-A, nb			X
Little gull, <i>Hydrocoloeus minutus</i> - A177, nb			X
Common scoter, <i>Melanitta nigra</i> – A065, nb			X
Sandwich tern, <i>Sterna sandvicencis</i> – A191, b			X
Little tern, <i>Sternula albifrons</i> - , b			X
Common tern, <i>Sterna hirundo</i> - A193, b			X

B2. European Site Conservation Objectives (including supplementary advice)

Natural England provides advice about the Conservation Objectives for European Sites in England in its role as the statutory nature conservation body. These Objectives (including any Supplementary Advice that may be available) are the necessary context for all HRAs.

The overarching Conservation Objectives for every European Site in England are to ensure that the integrity of each site is maintained or restored as appropriate, and that each site contributes to achieving the aims of the Habitats and/or Wild Birds Directive, by either maintaining or restoring (as appropriate):

- The extent and distribution of their qualifying natural habitats
- The structure and function (including typical species) of their qualifying natural habitats
- The supporting processes on which their qualifying natural habitats rely
- The supporting processes on which the habitats of their qualifying features rely
- The population of each of their qualifying features



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- The distribution of their qualifying features within the site

The Conservation Objectives’ Supplementary Advice (where available) provides further detail about the features’ structure, function and supporting processes mentioned above. The implications of the proposal on the specific attributes and targets listed in the Conservation Objectives Supplementary Advice will be taken into account in this assessment. It will be informed by the following site-specific Conservation Objectives, including any available supplementary advice, for those European Sites that could be affected by the proposal:

- Flamborough Head SAC [REF 3]

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK0013036&SiteName=Flamborough&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=>

- Flamborough and Filey Coast SPA [REF 4]

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9006101&SiteName=Flamborough&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=#suppadvice>

- The Greater Wash SPA [REF 5]

<https://designatedsites.naturalengland.org.uk/SiteList.aspx?siteName=Greater%20Wash%20SPA&countyCode=&responsiblePerson=&DesignationType=All>

PART C: Screening of the plan or project for appropriate assessment

C1. Is the plan or project either directly connected with or necessary to the (conservation) management (of the European Site’s qualifying features)?

The Coastal Access Plan is not directly connected with or necessary to the management of the European sites for nature conservation listed in B1 above.

Conclusion:

As the plan or project is not either directly connected or necessary to the management of all of the European sites’ qualifying features, and/or contains non-conservation elements, further Habitats Regulations assessment is required.

C2. Is there a likelihood [or risk] of significant [adverse] effects (‘LSE’)?

This section details whether those constituent elements of the plan or project which are (a) not directly connected with or necessary to the management of the European Sites’ features and (b) could conceivably



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adversely affect a European site, would have a **likely significant effect** either alone or in combination with other plans and projects, upon the European sites and, which could undermine the achievement of the site’s conservation objectives referred to in section B2.

In accordance with European case law, this HRA has considered an effect to be ‘likely’ if it ‘*cannot be excluded on the basis of objective information*’ and ‘significant’ if it ‘*undermines the conservation objectives*’. In accordance with Defra guidance on the approach to be taken to this decision, in plain English, the test asks whether the plan or project ‘*may*’ have a significant effect (i.e. is there a risk or a possibility of such an effect).

This assessment of risk therefore takes into account the precautionary principle (where there is scientific doubt) and **excludes, at this stage**, any measures proposed in the submitted details of the plan/project that are specifically intended to avoid or reduce harmful effects on the European sites.

Each of the project elements has been tested in view of the European Site Conservation Objectives (where available) and against each of the relevant European site qualifying features. An assessment of potential effects using best available evidence and information has been made.

C2.1 Risk of Significant Effects Alone

The first step is to consider whether any elements of the project are likely to have a significant effect upon a European site ‘alone’ (that is when considered in the context of the prevailing environmental conditions at the site but in isolation from the combined effects of any other ‘plans and projects’). Such effects do not include those deemed to be so insignificant as to be trivial or inconsequential.

In this section, we assess risks to qualifying features, taking account of their sensitivity to coastal walking and other recreational activities associated with coastal access proposals, and in view of each site’s Conservation Objectives. For the purposes of this assessment, the qualifying features of the European Sites listed in B1 have been grouped as follows:

Table 2. Feature groups

Feature group	Qualifying feature(s)
Reefs	Reefs
Vegetated sea cliffs of the Atlantic and Baltic coasts	Vegetated sea cliffs of the Atlantic and Baltic coasts
Submerged or partially submerged sea caves	Submerged or partially submerged sea caves
Breeding seabird assemblage	Kittiwake, gannet, guillemot and razorbill, northern fulmar, Atlantic puffin, herring gull, European shag and great cormorant
Non-breeding seabirds	Red-throated diver; common scoter; little gull
Breeding terns	Sandwich tern; little tern; common tern

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Table 3. Assessment of likely significant effects alone

Feature	Relevant pressure	Sensitivity to coastal access proposals	Assessment of risk to site conservation objectives	LSE alone?
Reefs	Trampling: New coastal margin with its associated new legal right of access has the potential to lead to increased leisure activities e.g. walking, swimming and rock pooling (which involve walking on substrate) in areas which did not previously have open access rights	Trampling/walking (which will occur with these activities) may cause damaging disturbance to the surface and shallow sub-surface of the foreshore. Rock pooling activities can directly disturb the substrate	The Risk Profile of Pressure, from the Conservation Objectives Supplementary Advice, is recorded as Low: Unlikely to be at a high enough level to be significant. The risk of this pressure will increase depending on the spatial/ temporal scale and intensity of the activity, the proximity of the activity to the feature (in space and time) and the sensitivity of the feature to the pressure. Cumulative and in-combination effects of activities may increase the risk further. Consultation with stakeholders has concluded that the ECP proposal will not lead to a significant increase in the existing extensive use by tourists and holidaymakers, which does not have a negative effect on the beaches and exposed shores. Therefore this proposal is considered a low risk	No
Vegetated sea cliffs of the Atlantic and Baltic Coast	Trampling: New coastal margin with its associated new legal right of access has the potential to lead to increased trampling of fragile vegetation	The Conservation Objectives Supplementary Advice notes leisure activities such as walking as: NA = Not Assessed	The trail within the SAC will use existing footpath access. The new right of access to the coastal margin could lead to trampling of margin vegetation. It is Natural England’s view that there will be no significant impact of trampling on coastal margin. The route and immediate coast margin is <i>successional</i> vegetation and therefore the risk to this feature from the ECP proposal is considered low	No
Vegetated sea cliffs of the Atlantic and Baltic Coast	Introduction of mowing of sections of the trail where there is	Although mowing on feature habitat would not lead to permanent loss it could lead to a change in	Mowing will not take place on sensitive habitat. It will only be used to emphasise the existing walked footpath route which is mainly successional vegetation	No

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	already an established footpath	the species composition if timed before seed is set.	Therefore it will not create a risk to the Conservation Objectives for this feature	
Vegetated sea cliffs of the Atlantic and Baltic Coast	Loss of habitat through the installation of access management infrastructure	Extent of habitat may be permanently lost due to the installation of new access management infrastructure.	There is a potential risk to the conservation objectives where there is a permanent and irreversible loss	Yes
Submerged or partially submerged sea caves	Trampling: Where accessible, the new coastal margin legal right of access could lead to trampling due to increased leisure activities	The Conservation Objectives Supplementary Advice notes leisure activities such as walking as: Not Relevant.	Some of the caves are partly submerged at all stages of the tide, others dry out during low water and some lie above the high water mark. Some are more easily accessed than others. The draft Supplementary Advice does not list human disturbance as relevant risk to the Conservation Objectives	No
Breeding seabird assemblage	Disturbance: New coastal margin with associated legal right of access could lead to increase in frequency, duration and/ or intensity of disturbance affecting roosting, nesting, foraging, feeding, moulting and/or loafing birds	The nature, scale, timing and duration of some human activities can result in the disturbance of birds at a level that may substantially affect their behaviour, and consequently affect the long-term viability of the population. Such disturbing effects can result in changes to feeding or roosting behaviour, increases in energy expenditure due to increased flight, abandonment of nest sites and desertion of supporting habitat. This may reduce the availability of suitable habitat as birds are displaced and their distribution within the site contracts. Disturbance associated with land based human activity may take the form of noise and the	Disturbance is caused by people approaching the cliff edge to observe or photograph the birds. There is a body of evidence gathered through personal observations by the RSPB’s on site wardens that suggests that disturbance of nesting seabirds can have an impact on breeding success. The birds are present between March and September with some seabirds recorded as staying on the cliffs over winter instead of wintering offshore. Prospecting for nest sites starts in early March and most young seabirds have fledged and left the nest by June/early July however some stay on the cliffs much later. As the proposed trail, with associated coast margin passes close to the cliff edge there is risk of disturbance and thereby a risk to the Conservation Objectives. The assessment of risk concludes that there is the possibility of likely significant effect.	Yes

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		physical presence of people and animals.		
Non-breeding seabirds	Disturbance: New coastal margin with associated legal right of access could lead to increase in frequency, duration and/ or intensity of disturbance affecting resting and foraging birds	Red-throated diver, little gull and common scoter use the Holderness coast in significant numbers and are present during the winter period (November to March inclusive). They stay offshore in winter with limited use of the intertidal zone and waters immediately adjacent.	This group of birds only comes ashore to breed and they do not breed in this area. Due to distance from shore they will not be sensitive to disturbance arising from this proposal. Therefore risk from this proposal is considered not relevant.	No
Breeding terns	Disturbance: New coastal margin with associated legal right of access could lead to increase in frequency, duration and/ or intensity of disturbance affecting resting and foraging birds	There are no known breeding sites for terns on this ECP stretch of coast. Little tern breed immediately south of this stretch at Easington Lagoons. Little tern have been found to travel about 5km alongshore either side of the nesting colony to feed which would bring them into this ECP stretch. Therefore they would likely be present in shallow inshore waters along this stretch.	Access to the foreshore will be permitted, however, Natural England’s view is: <ul style="list-style-type: none"> • foraging little tern have low sensitivity to increased use of the intertidal zone and therefore <ul style="list-style-type: none"> • the risk to the Conservation Objectives of terns will not be significant and there will not be long term damaging effects to the feature 	No



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Conclusion:

The access proposal alone is likely to have a significant effect on the following qualifying features:

Kittiwake; gannet; guillemot; razorbill; Breeding seabird assemblage; Vegetated sea cliffs of the Atlantic and Baltic coasts

The following qualifying features are not considered sensitive to the access proposal and no further assessment is required:

Non-breeding seabirds (red-throated diver, little gull, common scoter); Reefs; Submerged or partially submerged sea caves; breeding terns (Sandwich, little, common)

C2.2 Risk of Significant Effects in-combination with the effects from other plans and projects

The need for further assessment of the risk of in-combination effects is considered here. Natural England considers that it is the appreciable risks of effects (from a proposed plan or project) that are not themselves considered to be significant alone which must be further assessed to determine whether they could have a combined effect significant enough to require an appropriate assessment.

Further to the risks identified as being significant alone above, it is considered that there are no other residual and appreciable risks likely to arise from this project, which have the potential to act in-combination with similar risks from other proposed plans or projects to also become significant.

It has therefore been excluded, on the basis of objective information and best available evidence, that the project is likely to have a significant effect in-combination with other proposed plans or projects.

C3. Overall Screening Decision for the Plan/Project

On the basis of the details submitted, Natural England has considered the plan or project under Regulation 63(1)(a) of the Habitats Regulations and made an assessment of whether it will have a likely significant effect on a European site, either alone or in combination with other plans and projects.

In light of sections C1 and C2 of this assessment above, Natural England has concluded:

As the plan or project is likely to have significant effects (or *may* have significant effects) on some or all of the Qualifying Features of the European site ‘alone’, further appropriate assessment of the project ‘alone’ is required.

PART D: Appropriate Assessment and Conclusions on Site Integrity

D1. Scope of Appropriate Assessment

In light of the screening decision above in section C3, this section contains the Appropriate Assessment of the implications of the proposal in view of the Conservation Objectives for the European Sites at risk.

The European sites for which significant effects (whether ‘alone’ or ‘in combination’) are likely or cannot be ruled out and, which is initially relevant to this appropriate assessment is Flamborough and Filey Coast SPA and Flamborough Head SAC

The Conservation Objectives and Supplementary Advice on Conservation Objectives have been used (where available) in addition to the expert opinion of Natural England’s internal specialists and external partners. Those measures of site integrity that are most at risk from the coastal access proposal define the scope of this appropriate assessment and are set out in Table 6 below.

Table 4. Scope of Appropriate Assessment

Environmental pressure	Qualifying Feature(s) affected	Risk to Conservation Objectives
Disturbance of breeding birds	Gannet, <i>Morus bassanus</i> - A016, b Black-legged kittiwake, <i>Rissa tridactyla</i> - A188, b (These two Qualifying Features have been grouped together because of the similarity in their nesting behaviour)	Human disturbance close to the nest can take a number of forms including, the physical presence, accompanying animals, noise and structures. Disturbance of birds may affect their feeding or roosting behaviour. Additionally, adult birds who are disturbed from the nest may leave eggs/chicks vulnerable to predation and adverse weather conditions. Disturbance which creates a flight response in the adult birds may reduce the energy levels of the bird and, therefore, limit foraging ability. Disturbance is a risk with the potential to impact the number and distribution of these qualifying features and consequently their long-term viability
Disturbance of breeding birds	Guillemot, <i>Uria aalge</i> - A199, b Razorbill, <i>Alca torda</i> - A200, b (These two Qualifying Features have been grouped together because of the similarity in their nesting behaviour)	Human disturbance close to the nest can take a number of forms including, the physical presence, accompanying animals, noise and structures. Disturbance of birds may affect their feeding or roosting behaviour, and consequently affect the long-term viability of the population. Guillemots and razorbills do not make nests; they are reliant on the numerous chalk and limestone ledges within this SPA onto which their eggs are laid directly. As a result chicks and eggs are particularly vulnerable to being knocked from the ledge if adults are startled by a disturbance.

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		<p>Additionally, adult birds who are disturbed from the nest leave eggs/chicks vulnerable to predation and adverse weather conditions. Disturbance which creates a flight response in the adult birds may reduce the energy levels of the bird and, therefore, limit foraging ability.</p> <p>Disturbance is a risk with the potential to impact the number and distribution of these qualifying features and consequently their long-term viability</p>
Disturbance of breeding birds	<p>Seabird assemblage including: Kittiwake <i>Rissa tridactyla</i>; Gannet <i>Morus bassanus</i>; Guillemot <i>Uria aalge</i>; Razorbill <i>Alca torda</i>; Northern fulmar <i>Fulmarus glacialis</i>; Atlantic puffin <i>Fratercula arctica</i>; Herring Gull <i>Larus argentatus</i>; European shag <i>Phalacrocorax aristotelis</i>; Great cormorant <i>Phalacrocorax carbo</i></p>	<p>Human disturbance close to the nest can take a number of forms including, the physical presence, accompanying animals, noise and structures. Disturbance of birds may affect their feeding or roosting behaviour, and consequently affect the long-term viability of the population</p> <p>Additionally, adult birds who are disturbed from the nest may leave eggs/chicks vulnerable to predation and adverse weather conditions. Disturbance which creates a flight response in the adult birds may reduce the energy levels of the bird and, therefore, limit foraging ability.</p> <p>Disturbance is a risk with the potential to impact the number and distribution of these qualifying features and consequently their long-term viability</p>
Loss of habitat extent	<p>Vegetated sea cliffs of the Atlantic and Baltic Coast</p>	<p>Extent of habitat may be permanently lost due to the installation of new access management infrastructure.</p> <p>There is a potential risk to the conservation objectives where there is a permanent and irreversible loss of the extent of this feature</p>

D2. Contextual statement on current status, influences, management and condition of the European Sites and those qualifying features affected by the plan or project

Flamborough and Filey Coast SPA

- Current status:

Flamborough and Filey Coast SPA, described at Section B1 of this assessment encompasses the qualifying features which have been identified (see Table 4) as being potentially affected by the proposal for the Easington to Filey Brigg stretch of the ECP trail.



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Flamborough and Filey Coast SPA supports the largest mainland seabird colony in England, the only mainland gannetry in England and one of the largest mainland kittiwake colonies in the UK. The landward boundary of the SPA generally follows the coast from South Landing on the south of the Flamborough Head promontory to Speeton Cliffs in the north with an additional section from the forefront of Filey Brigg headland to Cunstone Nab. The seaward boundary extends approximately 2km parallel to the coast from the landward boundaries.

The potential for interaction between the qualifying features and the proposed route of the ECP from Easington to Filey Brigg relates to the steep, north facing cliffs within this SPA. The breeding seabirds are present on this coast between March and September. In recent years it has been recorded that some seabirds have stayed on the cliffs over winter instead of wintering offshore. The birds begin prospecting for nest sites in early March and most young seabirds have fledged and left the nest by June/early July however young gannets can still be on the cliffs in early November.

A full seabird colony count was completed between 18th May 2017 and 14th June 2017 as part of the Flamborough and Filey Coast seabird monitoring programme [REF 6]. This programme is a partnership between the RSPB and Natural England, set up to monitor and report on the condition of this internationally important seabird colony. This count provides the most up to date data on the condition of the site in general and the qualifying features in particular. The count data provides an indicator of the overall health of the colony.

The Flamborough Head European Marine Site Management Scheme (EMSS) Annual Report 2017 [REF 7] states that significant changes have been recorded in the seabird population since the last full colony count in 2000 and summarises the findings of the 2017 full colony count of the extended SPA ⁽²⁾as follows:

- The total number of breeding individuals is now thought to be 298,542. With non-breeding birds and chicks, this figure could rise to 412,997 during the height of the breeding season
- Since 2000, gannet numbers have increased by 425% to 13,392 pairs
- Guillemot and razorbill populations have also increased significantly, with 121,754 and 40,506 breeding individuals counted respectively
- In a pre-season rafting count, puffin numbers were estimated to be around 2,879 individuals
- Despite recent national losses recorded in the kittiwake population, it is thought that numbers have increased slightly to 51,535 pairs

⁽²⁾ For percentage increase in bird numbers, as a result of the extension of the SPA only, see Section 3, Table 2 of Departmental Brief; Proposed extension to Flamborough Head and Bempton Cliffs Special Protection Area and renaming as FLAMBOROUGH AND FILEY COAST potential Special Protection Area (pSPA) [REF 8]
https://www.google.com/search?q=Departmental+Brief+Proposed+extension+to+Flamborough+Head+and+Bempton+Cliffs+Special+Protection+Area&rlz=1C1GGRV_enGB758GB758&oq=Departmental+Brief+Proposed+extension+to+Flamborough+Head+and+Bempton+Cliffs+Special+Protection+Area+&aqs=chrome..69i57.17722j0j7&sourceid=chrome&ie=UTF-8&safe=active&ssui=on



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- Fulmar and herring gull populations have decreased, however, to around 1,257 pairs of fulmar and 466 pairs of herring gull
- There are small pockets of breeding shag and cormorant within the site; these populations are thought to be stable at around 25 pairs of each species

The Condition Status of the Qualifying Features of the SPA (as at 2016) is as set out in Table 5

Table 5: Condition Status of the Qualifying Features of the SPA

Designation	Qualifying Features and Sub-Features	Condition Status
Flamborough and Filey Coast SPA (8039 hectares)	1. Black-legged kittiwake 2. Northern gannet 3. Common guillemot 4. Razorbill 5. Seabird assemblage	Black-legged kittiwake: Unfavourable All Other Features: Favourable (2016)

- Influences and pressures on this SPA

Commercial activities have the potential to exert pressure on seabird populations, a mobile species. Such pressures include industrial scale fishing, climate change and wind farm developments.

Certain recreational activities can exert pressure in the form of disturbance on the seabird colony that use the cliffs and seas within the SPA.

The Flamborough promontory area is a very popular tourist destination. Utilising data from the three East Riding of Yorkshire Council car parks around Flamborough Head and visitor numbers from the RSPB’s Bempton Seabird Centre, and allowing for some assumptions in the calculations, the EMSS ⁽⁴⁾ makes a conservative estimate of visitors in one year to the entire European Marine Site (EMS) of possibly over 350,000 people.

The nature, scale, timing and duration of some human activities can result in the disturbance of birds at a level that may substantially affect their behaviour, and consequently affect the long-term viability of the population. Disturbance may undermine successful nesting, rearing, feeding and roosting, and may reduce the availability of suitable habitat as birds are displaced and their distribution within the site contracts.

Since 2013, the EMSS has gathered information on the frequency and significance of disturbance incidents around the EMS. The recreational activities with the potential for disturbance include, recreational marine activities, cliff and shore angling, climbing, walking, bird photography and the use of drones. The EMSS is working with a number of user groups to reduce users’ impact on the breeding seabird colony. This includes creating voluntary agreements with specific groups, distributing information at strategic locations and speaking to individual users directly and encouraging reports of any disturbance or damage caused in relation to these types of activities.



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Cliff and shore angling has the potential to result in bycatch and litter issues which may pose a danger to the breeding seabirds. A voluntary code of conduct has been developed with two local angling clubs which effectively closes the cliffs, for the length of the RSPB’s Bempton Cliffs reserve to anglers from 1st March to 30th September. Additionally, the local angling clubs have agreed to use equipment and methods which would least impact the breeding colony and dispose of any litter they see discarded on the cliffs.

The voluntary angling code of conduct will continue to be reviewed annually and communication with the user group will remain active.

<http://www.whitbyseaanglers.com/code-of-conduct-for-bempton.html>

Climbing on the north facing cliffs is also controlled through a negotiated voluntary code of conduct.

<http://www.ukclimbing.com/logbook/crag.php?id=11853>

There is compliance by both groups. The fishing code is a balanced compromise. It is mostly adhered to because fishing clubs are responsible and do not want to disturb wildlife and also because they want to retain good relationships with land owners who allow cliff top fishing in areas at Bempton and Speeton in the winter months. No cliff top fishing is allowed within the breeding season between 1st March and 30th September.

Flamborough Head and the surrounding areas are a huge draw for walkers and bird enthusiasts. A voluntary code of conduct was developed for walking groups in 2008, which still applies.

The recent increase in the popularity of drones for recreational and commercial photography may create new pressures on the breeding seabirds if used irresponsibly. Low-flying airborne vehicles of any description have the potential to create a predation response in the breeding seabirds. EMSS is working with the developers of the DroneSafe App to include environmentally sensitive areas and associated restrictions on their App information.

During the summer season of 2017, two EMSS volunteers undertook an intensive monitoring of activities around the EMS. In total, over sixteen days of monitoring, ninety-eight activities were recorded with twenty-eight of these deemed to cause at least some level of disturbance to the seabird colony. No significant recreational disturbance events were recorded during these intensive surveys.

(4) EMSS is an umbrella term for two separate designations occurring together in tidal waters: the SAC and the SPA [see Map 1]. The EMS is managed by a partnership of organisations which ensure that the management responsibilities set out in the Habitat Regulations (as amended, 2010) are effectively dispensed. These organisations, known as Relevant Authorities, have a legal duty to ensure that the features of the EMS are protected from any adverse effects of management activities and unregulated actions, such as human disturbance. The wider Management Scheme comprises of key partner organisations and other stakeholders who have an interest in the management of the EMS and work with the Relevant Authorities to ensure its continued protection



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Flamborough Head SAC: Vegetated sea cliffs of the Atlantic and Baltic Coast

- Current Status of this qualifying feature

This cliff-top vegetation is characterised by both a maritime influence and by the calcareous influence of the chalk underlying the surface boulder clay. Sea cliff species such as thrift *Armeria maritima* and sea plantain *Plantago maritima* grow alongside herbaceous species more typical of chalk grassland such as Kidney vetch *Anthyllis vulneraria*. Where the undercliff has slipped and is flushed by calcareous run-off northern marsh-orchid *Dactylorhiza purpurella* and grass of Parnassus *Parnassia palustris* may be found, with saltmarsh species such as common saltmarsh-grass *Puccinellia maritima*, sea arrowgrass *Triglochin maritima* and sea milkwort *Glaux maritima*. Common reed *Phragmites australis* with associated freshwater marsh species form significant stands in flushed cliff areas.

This feature of Flamborough Head SAC is currently recorded as favourable.

- Influences and Pressures on this SAC feature

The current high level of access and recreational activity does not pose a significant risk to this feature nor is it causing long term damaging effects to the site. As noted above, the feature is in favourable condition.

D3. Assessment of potential adverse effects considering the plan or project ‘alone’

This section considers the risks identified at the screening stage in Section C and assesses whether adverse effects arising from these risks can be ruled out, having regard to the detailed design of proposals for coastal access.

In reviewing the ability of any incorporated measures to avoid harmful effects, Natural England has considered their likely effectiveness, reliability, timeliness, certainty and duration over the full lifetime of the plan or project. A precautionary view has been taken where there is doubt or uncertainty regarding these measures.

D3.1 Design of the access proposal to address possible risks – at a stretch level

The proposal for the Easington to Filey Brigg stretch of the England Coast Path is divided into five sections or chapters [REF 1]. For three of those five sections, where the route passes through or close to European sites, the analysis of the potential impacts on the qualifying features concludes no likely significant effect.

Section 4 of the stretch proposal, described within Chapter 4 of the report [REF 1] covers the length between Wilsthorpe and Speeton Moor, and Chapter 5 of the report covers the length from Speeton Moor to Filey Brigg. Part of the proposed route between Wilsthorpe and Speeton Moor and Speeton Moor and Filey Brigg lies within the Flamborough and Filey Coast SPA and the Flamborough Head SAC.



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The potential for disturbance to breeding seabirds has been identified as a likely significant effect on the qualifying features of the Flamborough and Filey Coast SPA, specifically, on the north facing cliffs from Flamborough Head extending to Speeton Moor.

The potential permanent loss of habitat extent has been identified as a likely significant effect on the qualifying features of the Flamborough Head SAC.

Therefore no mitigation measures are required at a whole stretch level and the mitigation measures proposed to address the identified likely significant impacts at a local level (Wilsthorpe to Speeton Moor, and Speeton Moor to Filey Brigg) are set out in D3.2.

D3.2 Design of the access proposal to address possible risks – at a local level

In this part of the assessment we consider key locations within the stretch where establishing the England Coast Path and associated coastal access rights might impact on Qualifying Features of a European site. We explain how the detailed design of our proposals at these key locations takes account of possible risks.

Table 9 below identifies the key locations and the qualifying features of the European site present at those locations. To make it easier to cross-reference between this assessment and the corresponding Coastal Access Report [REF 1] in which access proposals are made, the relationship between the geographic units used in this assessment and the way the stretch is sub divided in the Coastal Access Report is shown.

Table 7. Summary of key locations

Location	Cross reference to the Coastal Access Report	Qualifying Features					
		Razorbill	Gannet	Kittiwake	Guillemot	Seabird assemblage	Vegetated Sea Cliff
Sewerby to Speeton Gap	Chapter 4/ route section EFB – 4 – S022 to EFB – 4 - S126 and Chapter 5/route section EFB- 5 – S001 to EFB – 5 – S003						✓
Bempton Cliffs	Chapter 4/ route section EFB- 4 – S114 to EFB – 4 –S118	✓	✓	✓	✓	✓	
Breil Nook	Chapter 4/ route sections EFB – 4 – S065 to EFB – 4 – EFB – 4 S079	✓	✓	✓	✓	✓	
High Holme to Thornwick Nab	Chapter 4/ route sections EFB – 4 – S079 to EFB – 4 – S088	✓	✓	✓	✓	✓	
Thornwick Bay to Gull Nook	Chapter 4/ route sections EFB – 4 – S090 to EFB – 4 – S098	✓	✓	✓	✓	✓	



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- Overview: Flamborough Head to Speeton Moor

The trail from Flamborough Head to Speeton Moor follows an uneven grass or bare soil path along the cliff top. There are no new paths created on this section.

There are over fifteen landowners and/or occupiers on this section of ECP, however, the majority of the cliff edge, which would become part of the coastal margin as a result of the trail route, is in the management of either the YWT or the RSPB as nature reserves. The land within both reserves is managed in accordance with Countryside Stewardship schemes or Higher Level Stewardship schemes.

Bempton Cliffs is the RSPB nature reserve and it protects more than 5km of sea cliffs. The RSPB manages the reserve for the benefit of wildlife with the breeding seabird colony, the main draw and attraction for visitors, making the reserve very popular during the spring and summer months. During this period, cliff top patrols help prevent disturbance by visitors and fishermen. The RSPB aims to continue to attract people to the site and encourages respect and support for the marine environment.

The YWT’s Flamborough Cliffs nature reserve starts at South Landing on the south of the promontory and extends to Thornwick bay on the north. Their land occupation is not continuous along this length. On the north facing cliffs, the reserve has four sections, Flamborough Head, Breil Nook, Holmes Gut and Thornwick Bay. The YWT manages the reserve for wildlife, which includes the seabird colonies nesting on the sheer chalk cliffs.

The YWT aims to encourage people to visit and engage with the environment and works to inform people about the marine environment to encourage respect and support for it. Although the YWT leads events from this length of coast, their base is at South Landing and they do not have a warden allocated to this section of the reserve to ensure visitors do not approach the cliff tops at sensitive times.

- Potential for the ECP proposal to impact on the Qualifying Features of the SPA

The trail from Flamborough Head to Speeton Moor follows the very popular and well promoted Headland Way using existing footpaths/footways, public highway and cliff top paths.

The cliff top path that is the Headland Way, is promoted by East Riding of Yorkshire Council. It runs from Bridlington towards Speeton Moor taking in the north facing cliff tops, and then from Speeton Moor on to Filey [REF 11]. There is currently no open access land along this stretch.

This coast is a very popular tourist destination with an existing public rights of way network, three car parks, cafes and toilets, a holiday park and the RSPB Reserve and YWT Nature Reserve along this section.

During the development phase of the proposed ECP route, a meeting was held with the local access authority to assess the predicted change to the level of public access along this length of coast as a result of the proposal. Existing access was assessed and then factors such as the establishment of new access, trail improvements, national trail status, visitor facilities, pulling power and local displacement were taken into account. For the spreading room it considered removal of barriers to access, attractors and detractors. The topography of this spreading room varies markedly along this length from sheer cliffs reaching to heights of over 122m to grassy banks down to accessible sheltered sandy coves



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North of Bempton the Headland Way currently runs along the beach from Speeton to Filey. A new path will be established from the North Yorkshire County Council boundary to Filey. This new path will have National Trail status, and as such the profile of the whole section will be raised. However, the remainder of the route will follow the walked line of the Headland Way, which is an existing promoted route with very high existing usage figures at Bempton RSPB reserve, North Landing and Flamborough.

The consultation with the local access authority concluded that the level of public access along this length of coast, already judged to be ‘very high’ would be unlikely to change significantly as a result of the proposed alignment of the trail. The local access authority stated that they expected no more than a small increase on the trail with the introduction of the ECP proposal.

With regard to the spreading room, the local access authority expect there to be negligible change as the pattern of use will not be altered by the proposals. The new right of access will be available to all users of the area but walkers are expected to continue to follow the cliff top path and, although the birds and views may be an attractor, in the areas where the cliffs are particularly steep, the steepness of the cliffs will act as a detractor.

However, a risk has been identified (see Table 3) that the coastal margin component of the trail, which creates a legal right of access to spreading room, might cause disturbance during the breeding season to nesting seabirds and impact on their breeding success. That disturbance could be caused by people approaching the cliff edge to observe or photograph the birds. This disturbance, if realised, could potentially impact on productivity, population extent and distribution with potential consequential impact on the quantified target of at least maintaining population numbers.

In order to support the conservation objectives of the SPA and to inform our assessment of likely impact on the qualifying features, we have taken in to account how people use this popular area for recreation, how that use varies along this length, how the prospecting, breeding and non-breeding seabirds, qualifying features on this European site, make use of the cliffs and how the topography of the land influences accessibility.

The predictions we have made are informed by available information including, assessments made by Natural England’s officers with a knowledge of the conservation objectives of the site and features under consideration, local land managers, Natural England’s and external ornithological specialists, the 2017 whole colony count including specific study plots, personal observation evidence of bird behaviour gathered by the RSPB on site, visitor information from the local authorities, the RSPB and the Yorkshire Wildlife Trust, line mapping and aerial photography.

Informed by this information, two key locations along this length, where our proposals for coast margin might impact on the seabirds, have been identified:

- Bempton Cliffs
- Breil Nook; High Holme to Thornwick Bay; Thornwick Bay to Gull Nook

Within these lengths a number of factors come together to raise the risk of seabird disturbance to a likely significant effect. Those factors are, areas of cliff that support the greatest numbers of seabirds combined with the greatest numbers of visitors and varying accessibility to the cliffs and cliff edge.



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We have concluded that sections of these north facing cliffs outside of the above lengths are either, too sheer to allow close access to cause disturbance on the cliffs, are not used by the seabirds in greatest number (whilst recognising that seabirds use every available ledge on these cliffs) or are sufficiently far away from the ‘honeypot’ sites of Bempton Cliffs and Flamborough Head to Gull nook, to mean that people do not use them in sufficient numbers to raise the risk of disturbance.

- Key location: Bempton Cliffs

The cliffs at Bempton are part of an RSPB reserve [REF 12] and they manage visitors to the site. The reserve has a café, toilets, visitor centre and a carpark (including overflow) for 160 cars. It is a ‘honey pot’ site with the birds being the main attractor supported by the good visitor facilities.

There are three advertised access routes which include six viewing platforms spread along the cliff top. The Grandstand route is fully accessible with built in bays for wheelchairs at the viewpoints. Visitors make their way from the visitor centre out to the cliff top PROW and then along the cliff top going either east or west. The path is fenced against the cliff top. People are requested to stay behind this fence and the majority comply but wardens report that very occasionally photographers have been observed climbing over to get close-up pictures of the birds.

The extensively promoted Headland Way, passes along the cliff top and through the reserve. It can be accessed via the RSPB reserve or from another public right of way that leads from the village of Buckton. The main activities are walking and birdwatching. Fishing and Climbing are also recreational activities however they are regulated via codes of conduct.

As already noted, spring and summer are the busiest times for visitor numbers at Bempton with internationally important populations of breeding seabirds using the cliffs attracting large numbers of visitors. The local access authority report the current access at this site to be very high.

There is the potential for disturbance to the seabirds that nest on the cliffs if people were to walk beyond the fence and viewing platforms during the breeding season, as the birds are not used to seeing people nearer than the fence line. This is currently prevented when observed and enforced by RSPB wardens and volunteers. The RSPB plan to increase the number of visitors to the site and are confident they can manage additional visitors to the reserve without it impacting on the breeding birds by using their current methods of visitor management

However, visitors are encouraged to come to this reserve to get the very best view of seabirds and, because of the nature of the wildlife spectacle there is the chance that a photographer may challenge the current management of the site, to go the other side of the fence citing coastal access rights. This could undermine the current visitor management during the breeding season. Therefore there is a risk the disturbance to nesting seabirds at Bempton might occur if the current management is compromised by the proposals for the ECP.

- Detailed design feature of access proposal: Bempton Cliffs

There is a risk that the access proposals for the coastal margin might undermine visitor management at RSPB Bempton where visitors are required to stay on the cliff top path or within the viewing areas



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provided. The Natural England ECP project team has identified an area that requires some form of intervention and it therefore proposes the following:

1. Public access rights to parts of the coastal margin are excluded by direction

S26(3)(a) of CROW, for the purpose of conserving nature conservation interests of the land in question

Under the terms of the section 26(3)(a) direction, there would be no new access rights to the coastal margin at RSPB Bempton [REF 1 Map H] from the safety fence on the seaward side of the trail to mean low water from 1 March to 30 September each year. New access rights will not be created during this period to reinforce existing management

2. Informal Management techniques

- a. Steering Visitors

Signposts and way marking will be used to ensure the route of the trail is clear and easy to follow

- Key locations: Breil Nook; High Holme to Thornwick Bay; Thornwick Bay to Gull Nook

The cliffs at Breil Nook, High Holme to Thornwick Bay and Thornwick Bay to Gull Nook form part of Flamborough Cliffs nature reserve managed by the YWT.

The proposed route of the ECP through this section will follow the existing walked line of the well-established Headland Way. Land seaward of the path would become spreading room.

Visitors are encouraged to come to the Flamborough Cliffs nature reserve to view the seabirds nesting on the cliffs. There are toilets, picnic facilities, visitor information and parking located at North Landing. A public footpath runs through the site and dogs must be kept on leads at all times. Visitors may arrive at North Landing or Thornwick Bay by walking along the Headland Way from either Flamborough Head to the east or Bempton to the west. Visitors also use the existing and well established access to the beaches.

The main activities are tourism related and include walking and bird watching. Thornwick Bay Holiday Village, which has static and touring caravans and tent pitches, is linked to the cliff top Headland Way via a public right of way.

On this section of coast there are no viewing platforms or fenced areas, as there are at the RSPB reserve at Bempton. Nor are visitors as concentrated at one location and the management of the site is much more informal. A warden is not present to prevent walkers or photographers from accessing the cliff edge.

The cliff top path from Flamborough Head to Gull Nook is generally well defined and there are signage boards on site which ask walkers to stay on the path when passing through the reserve with wording *“Please take care along the cliff top and the shoreline. All the plants and the birds can be seen from the footpath. Please keep to the path to prevent disturbance to birds and other wildlife.”*



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The local access authority report the current access at Thornwick Bay to be medium and at North Landing to be very high. They predicted a small increase in visitor numbers on the path, as a result of the ECP proposal, and negligible change to the spreading room. However, there is still potential for disturbance to the seabirds that nest on the cliffs as the implementation of ECP would secure a right of access for all visitors to the spreading room, the area between the path and the cliff edge.

- Detailed design feature of access proposal: Breil Nook; High Holme to Thornwick Bay; Thornwick Bay to Gull Nook

There is a risk that ECP proposal for the coastal margin might undermine visitor management at the YWT’s nature reserve sites of Breil Nook; High Holme to Thornwick Bay; Thornwick Bay to Gull Nook where visitors are requested to view nesting seabirds from the path. The Natural England ECP project team has identified areas that require intervention to mitigate this risk and it therefore proposes the following:

1. Public access rights to parts of the coastal margin are excluded by direction

S26(3)(a) of CROW, for the purpose of conserving nature conservation interests of the land in question

Under the terms of the section 26(3)(a) direction, there would be no new access rights to the coastal margin at Briel Nook, High Holme and Thornwick Bay and Thornwick Bay to Gull Nook [REF 1 Maps E, F and G] from 1 March to 30 September each year. New access rights will not be created during this period to reinforce existing management

2. Informal Management techniques

The Natural England ECP project team has recommended the use of informal management techniques to underpin the S26(3)(a) direction in the absence of a warden, as follows:

- a. Steering Visitors

The objective is to encourage visitors to use the established path, which will become the route of the ECP and not stray from it during the breeding season of 1 March to 30 September. This will be achieved by the establishment and maintenance of a mown strip indicating the route of the ECP through the site

Discussions with the YWT, managers of the Flamborough Cliffs nature reserve, concluded that as part of the establishment and maintenance of the ECP a mown strip across the site would encourage people to stay on the path

Signposts and waymarking will be used to ensure the route of the trail is clear and easy to follow

- b. Providing information for visitors

In order to persuade visitors to stay on the defined mown route and not to approach the cliff tops during the breeding season additional information signs will be erected in key

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locations. The signs will be kept to a minimum and will focus on visitor arrival points to maximise their effectiveness. If practicable signs may be taken down outside the breeding season.

Information provided by the signs will be designed to ensure that visitors are fully informed of the sensitivities of the site at specific times of the year and the changing rights of access in accordance with those sensitivities. Such signs will also create an opportunity to provide additional information to visitors on the rich flora and fauna of the area

- Potential for the ECP proposal to impact on the Qualifying Features of the Flamborough Head SAC

In order to facilitate public use of the coastal access rights it is necessary to undertake certain works and other physical measures to upgrade the route to the standards of a National Trail. Work planned includes the installation of new or replacement steps, footbridges, ramps and stiles. New signs and waymarkers are also planned.

- Detailed design features of the access proposal for the location of infrastructure

In all locations, the proposal has been planned so as to reuse or upgrade existing infrastructure where possible. If new infrastructure is necessary this will be located to avoid, or at least to reduce to insignificant levels, any impact on sensitive flora or fauna.

D3.3 Assessment of potentially adverse effects (taking account of any additional mitigation measures incorporated into the design of the access proposal) alone

Table 8. Assessment of adverse effect on site integrity alone

Risk to conservation objectives	Relevant design features of the access proposal	Can ‘no adverse effect’ on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
Disturbance to breeding seabirds Coastal margin created as a result of the ECP proposal provides new legal right of access to spreading room. This new right of access could lead to an increase in frequency, duration and/ or intensity of disturbance affecting roosting,	Design features of the new right of access to the spreading room: <ul style="list-style-type: none"> • Under s26(3)(a) of CROW, for the purpose of conserving nature conservation interests of the land in question, there would be no new access rights to the coastal margin at Bempton Cliffs, that is, from Little Dor to Nettle Trip [REF 1 Map H] between 1 March and 30 September • Under s26(3)(a) of CROW, for the purpose of conserving 	Yes. The potential for disturbance to breeding seabirds has been identified as a likely significant effect on the qualifying features of the Flamborough and Filey Coast SPA, specifically, on the north facing cliffs from Flamborough Head extending to Speeton Moor. Further analysis identified key locations along this length, where our proposals for access to spreading room might impact on the seabird colony in the breeding season between 1 March and 30 September, specifically	No

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<p>nesting, foraging, feeding, moulting and/or loafing birds. The consequence could be a reduction in population numbers and distribution of the Qualifying Features of this site.</p>	<p>nature conservation interests of the land in question, there would be no new access rights to the coastal margin at Briel, High Holme to Thornwick Bay and Thornwick Bay to Gull Nook [REF 1 Maps E, F and G] between 1 March and 30 September</p> <ul style="list-style-type: none"> • Recommended informal management techniques: <ol style="list-style-type: none"> a. A mown strip indicating the route of the ECP (that is, the existing path) through this section of the YWT Flamborough Head Nature Reserve will be established and maintained. This mown strip, clearly indicating the route of the trail through the site would help keep visitors to the path b. Additional information signs will be erected in key locations. These signs will provide detail for visitors on the sensitivities of the site at specific times of the year and the changing rights of access in accordance with those sensitivities. The signs will also create an opportunity to provide information for visitors on the rich flora and fauna of the area c. Signposts and way marking will be used to ensure the route of the trail is clear and easy to follow 	<p>New coastal access to spreading room will not be created during the breeding season and therefore that aspect of the proposal, which could have created the potential for disturbance to the breeding seabirds, has been factored out of the proposal.</p> <p>This ensures that current use and management of these sites is not undermined.</p> <p>A warden is present at Bempton Cliffs to underpin this measure.</p> <p>At YWT’s Flamborough Head site, where a warden is not present full time in the breeding season, informal management techniques are recommended to underpin the S26(3)(a) direction including, the clear definition of the route by regular mowing of the path and the introduction of enhanced signage providing information for visitors on the sensitivities of the site</p>	
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Risk to conservation objectives	Relevant design features of the access proposal	Can ‘no adverse effect’ on site integrity be ascertained? (Yes/No) Give reasons.	Residual effects?
<p>The installation of access management infrastructure may lead to a loss of habitat extent of the Vegetated sea cliffs of the Atlantic and Baltic Coast</p> <p>The potential risk to the Conservation Objectives is that of permanent and irreversible loss of the extent of this feature</p>	<p>Design features of location of infrastructure:</p> <ul style="list-style-type: none"> • Waymarkers will be added to existing posts (15) • New multi finger posts (also 15) will be installed and where possible, they will be located away from sensitive habitat. However, it has been calculated that even if each post resulted in a loss of feature habitat the total loss would be minimal at 0.00003375 hectares • Replacement footbridges will be installed on the same foot print as the old • The pedestrian gate replacing a ladder stile (EFB-4-S061) will take in the same area of ground and can therefore be viewed as a ‘like for like’ replacement • Two new pedestrian gates (EFB-5-S003) will be on agricultural/successional vegetation and therefore will not lead to a loss of habitat 	<p>Yes</p> <p>The proposals will see the installation of new and replacement infrastructure on that part of the proposed ECP which routes through the SAC</p> <p>The proposal will not have an impact on site integrity because essential infrastructure will use existing structures where possible or will replace with ‘like for like’ using the same footprint. New infrastructure will be located away from sensitive features where possible. If new ground is impacted in any instance loss of feature habitat would be minimal</p>	<p>No</p>

Conclusion:

The following risks to achieving the conservation objectives identified in D1 are effectively address by the proposals and no adverse effect on site integrity (taking in to account any incorporated mitigation measures) can be concluded:

- Disturbance of seabird colonies on the north facing cliffs, specifically in the period 1st March to 30th September. This disturbance had the potential to impact the number and distribution of these qualifying features and consequently their long-term viability
- Permanent loss of habitat



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D4 Assessment of potentially adverse effects considering the project ‘in-combination’ with other plans and projects

The need for further assessment of the risk of in-combination effects is considered here.

Natural England considers that it is the appreciable effects (from a proposed plan or project) that are not themselves considered to be adverse alone which must be further assessed to determine whether they could have a combined effect significant enough to result in an adverse effect on site integrity.

Natural England considers that in this case the potential for adverse effects from the plan or project has been wholly avoided by the incorporated or additional mitigation measures outlined in section D3. It is therefore considered that there are no residual and appreciable effects likely to arise from this project which have the potential to act in-combination with those from other proposed plans or projects. It has therefore been excluded, on the basis of objective information, that the project can have an adverse effect on site integrity in-combination with other proposed plans or projects

D5. Conclusions on Site Integrity

Because the project is not wholly directly connected with or necessary to the management of the European site and is likely to have a significant effect on that site (either alone or in combination with other plans or projects), Natural England carried out an Appropriate Assessment as required under Regulation 63 of the Habitats Regulations 2017 to ascertain whether or not it is possible to conclude that there would be no adverse effect on the integrity of a European Site(s).

Natural England has concluded that:

It can be ascertained, in view of site conservation objectives, that the access proposal (taking into account any incorporated avoidance and mitigation measures) will not have an adverse effect on the integrity of Flamborough and Filey Coast SPA either alone or in combination with other plans and projects.

PART E: Permission decision with respect to European Sites

Natural England has a statutory duty under section 296 of the Marine and Coastal Access Act 2009 to improve access to the English coast. To fulfil this duty, Natural England is required to make proposals to the Secretary of State under section 51 of the National Parks and Access to the Countryside Act 1949. In making proposals, Natural England, as the relevant competent authority, is required to carry out a HRA under Regulation 63 of the Habitats Regulations 2017.




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We, Natural England, are satisfied that our proposals to improve access to the English coast between Easington and Filey Brigg are fully compatible with the relevant European site conservation objectives.

It is open to the Secretary of State to consider these proposals and make a decision about whether to approve them, with or without modifications. If the Secretary of State is minded to modify our proposals, further assessment under the Habitats Regulations 2017 may be needed before approval is given.

Certification

Assessment prepared and completed by:	Margaret Trigg	<i>On behalf of the Coastal Access Programme Team</i>
Date	01/08/2019	
HRA approved:	 Victoria Manton	<i>Senior Area Team officer with responsibility for protected sites</i>
Date	08/10/2019	



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