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CAPITA

North Tyneside Draft Coastal Mitigation Supplementary Planning Document

North Tyneside Council
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1) Introduction

- 1.1 This Supplementary Planning Document (SPD) has been prepared to provide additional guidance and information on the mitigation expected to be required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline.
- 1.2 The aim of this SPD is to enable North Tyneside Council to adequately protect European sites and be compliant with its duties under the Conservation of Habitats and Species Regulations 2017, and the requirements of the Government's National Planning Policy Framework (NPPF).
- 1.3 This SPD sets out a recommended developer contribution that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats that arise from development within North Tyneside. This SPD provides a simple and effective way of ensuring developer compliance with requirements relating to the protection of habitats and species.

2) Policy context

- 2.1 As a SPD, this document supplements and provides further guidance on the implementation of Local Plan policy DM5.6 *Management of International Sites*:

DM5.6 Management of International Sites

In accordance with European Legislation, proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

Expert advice will be sought on such proposals and, if necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of two or more of the following mitigation measures:

- a. Appropriate signage to encourage responsible behaviour;
- b. Distribution of information to raise public awareness;
- c. Working with local schools, forums and groups to increase public understanding and ownership;
- d. Use of on-site wardens to inform the public of site sensitivities;
- e. Adoption of a code-of conduct;
- f. Zoning and/or seasonal restrictions to minimise disturbance in particular sensitive areas at particularly sensitive times;
- g. Specially considered design and use of access points and routes;
- h. Undertaking monitoring of the site's condition and species count;
- i. Provision of a Suitable Accessible Natural Green Space (SANGS).

- 2.2 The purpose of policy DM5.6 *Management of International Sites* is to avoid adverse impacts upon habitats and species of European nature conservation importance (“European Sites”). European Sites are protected under the European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the “Habitats Directive”). The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These comprise of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Additionally, it is a matter of policy throughout the UK that Ramsar sites identified through the Ramsar Convention (1971) should receive the same protection. The Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations 2010”) transpose the Habitats Directive in England and Wales. The Conservation of Habitats and Species Regulations 2017 (the “Habitats Regulations 2017”) consolidate and update the Habitats Regulations 2010.
- 2.3 The European sites that are within and around the North Tyneside area are set out under Appendix A. The Habitats Directive requires Habitats Regulations Assessment/Appropriate Assessment (HRA/AA) to be undertaken on proposed plans or projects that are likely to have a significant effect on one or more European Sites either individually, or in combination with other plans and projects.
- 2.4 The HRA/AA carried out for the Local Plan¹ advised that the Northumbria Coast SPA/Ramsar and Durham Coast SAC are the sites where likely significant effects as a result of increased recreational disturbance may occur. Northumbria Coast SPA/Ramsar and Durham Coast SAC extend along the coast both north and south of North Tyneside.
- 2.5 The HRA/AA concluded that implementation of the Local Plan could cause adverse impacts to the Durham Coast SAC and particularly to the Northumbria Coast SPA /Ramsar through residential pressure within a local catchment and visitor pressure from a wider catchment. This would arise from development particularly within a 6km

¹ North Tyneside Council Local Plan Habitat Regulations Assessment - Appropriate Assessment, March 2017, Capita <https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Habitat%20Regulations%20Assessment%20March%202017.pdf>

buffer zone of the coast, but also with some impacts from a wider catchment. The HRA/AA therefore identified that appropriate mitigation would be required for development to take place without leading to adverse impact.

- 2.6 North Tyneside and adjacent authority areas' coasts are also designated as Sites of Special Scientific Interest (SSSI). These are designations of national importance for their bird populations or plant communities. Councils must further the conservation and enhancement of the features for which SSSIs were designated.

3) Preventing adverse impacts

- 3.1 Local Plan policy DM5.6 *Management of International Sites* recommends a range of actions and mitigation that would be appropriate to avoid or reduce adverse impacts upon European Sites. However, this mitigation is likely to be disproportionately costly and ineffective in the longer term when delivered on a case-by-case basis.
- 3.2 To be most effective over the longer term, a strategic approach is required. It is proposed to introduce a Coastal Warden Service and implement a range of targeted and coordinated physical projects at the coast. Coastal Wardens would undertake many activities encompassing the recommended mitigation set out in Local Plan policy DM5.6 *Management of International Sites* and could include:
- awareness-raising and education, focussing on high-risk activities such as off-lead dog walking;
 - guided walks;
 - identification and monitoring of locations of particular sensitivity to birds such as high tide roosts;
 - identification of locations where management activities such as temporary fenced enclosures at sites being prospected by pre-breeding terns might be required;
 - identification of areas of functional land such as important roosts or feeding areas on farmland, to influence the design of agri-environment schemes;
 - identification of locations that are particular disturbance hotspots and therefore require particular interventions;

- consideration of Public Space Protection Orders requiring owners to put their dogs on lead when directed to do so;
- identification of potential projects to assist in reducing recreational impacts; and
- reporting to a steering group.

3.3 The Coastal Warden Service would identify potential mitigation projects at the coast that could be implemented by the Authority. This could include physical projects to steer visitors away from the most sensitive locations and any other initiatives that could assist in protecting the coast's most sensitive locations from the cumulative impacts of development.

4) Securing delivery of Coastal Mitigation

4.1 The Coastal Warden Service and delivery of coordinated physical projects at the coast is the Council's preferred approach to delivering mitigation for development proposals in compliance with Local Plan policy DM5.6 *Management of International Sites*. This coastal mitigation will be the most effective way to avoid adverse impacts for most schemes within North Tyneside.

4.2 In accordance with the findings of the North Tyneside Local Plan HRA/AA, development with likely significant effects upon the international designated sites include new residential development and proposals for tourist accommodation. Meanwhile, a wide range of other types of development that may increase visitor numbers to the coast could result in adverse impacts. Please see Appendix B for a full record of the use classes this SPD applies to.

4.3 To secure delivery of this coastal mitigation it is recommended that applicants make a financial contribution through a planning obligation connected to the grant of planning permission.

- **New residential and tourist accommodation development** For residential development and new tourist accommodation, a tariff based approach is proposed as the most appropriate means of identifying a suitable financial contribution from each planning application in most circumstances. Overall

journey times from all parts of North Tyneside to the coast are under 20 minutes by car. Therefore, development in all parts of the borough will be expected to make a contribution. As ascertained within the HRA, development within 6km of the coast is likely to generate higher levels of recreational visitors to the coast. The contribution for developments within this area is therefore higher than for those beyond. This 6km area is illustrated in Appendix F.

- **Other types of development** For other development that may lead to an increase in visitor numbers to the coast, the specific impacts arising from each proposal cannot be predicted. Therefore a tariff based approach is not considered effective. However, a financial contribution agreed between the applicant, North Tyneside Council and Natural England is proposed as the most appropriate means of mitigation for such development in most circumstances.
- **Other exceptions** There may be circumstances where the specific nature of a development means a standard tariff based approach is not appropriate. This could include particularly large-scale development or schemes with a specific direct impact upon European sites. In such circumstances other forms of mitigation delivered directly by the applicant would be required. Pre-application discussions are encouraged by applicants at an early stage to identify whether a standard financial contribution based upon the defined tariff will be appropriate.

4.4 Contributions to the identified coastal mitigation is not mandatory. Applicants who do contribute will:

- not be required to submit any additional evidence to demonstrate that their proposals will not lead to adverse impacts upon European Sites; and,
- benefit from greater certainty that their proposal is in accordance with policy DM5.6 *Management of International Sites*.

- 4.5 If an applicant seeks to provide individual measures to avoid and mitigate for recreational pressure they will have less certainty and face potential delays in the consideration of the planning application, and they must:
- provide additional evidence with their planning application to demonstrate to the satisfaction of the Council and Natural England that the proposed development would have no adverse impact upon European Site qualifying species and habitats, either alone or in-combination; and
 - provide mitigation to enable the Council in consultation with Natural England to conclude that adverse impacts on European Site integrity have been prevented. If mitigation to fully prevent adverse effects is not appropriate or achievable, suitable alternatives, imperative reasons of overriding public interest or compensation must be provided.
- 4.6 Contributions to the identified coastal mitigation relate to the mitigation of adverse impacts upon European Sites only. Applicants must still submit necessary evidence and if required, measures to avoid or mitigate impacts upon other species or habitats that their proposals would affect.

5) Calculating the tariff

- 5.1 The level of financial contribution from each planning application required to support the coastal mitigation is informed by an estimate of the cost of providing viable and effective coastal mitigation and the amount of development anticipated to come forward up to 2032 (the life of the North Tyneside Local Plan, the “Local Plan period”).
- 5.2 The financial cost of delivery of the coastal mitigation is composed of salaries for Coastal Wardens, associated costs and overheads to enable the Coastal Wardens to undertake their day to day activities, a budget for the delivery of physical projects at the coast and a contingency to allow for continued maintenance should the level of new development decline.

- 5.3 The overall cost of delivering the identified mitigation over the Local Plan period is £2,231,044. Please see Appendix C for a breakdown of the estimated costs.
- 5.4 Local Plan policy S4.2(a) *Housing Figures* provides for at least 16,593 homes over the Plan period of 2011/12 to 2031/32. At 2019, 7,939 of these dwellings have been built or already benefit from planning permission. There are therefore 8,654 potential additional dwellings from which a financial contribution could be secured.
- 5.5 There are no forecasts of future development of tourist accommodation but over the life of the Local Plan some development that could include new hotels, caravans or other accommodation is anticipated. Therefore a contribution from each individual accommodation unit² created, proportionate to the impact that could arise from each additional new home, is considered appropriate.

- i. Residential development within the 6km buffer zone
£337 for each net additional dwelling/unit**
- ii. Residential development beyond the 6km buffer zone
£151 for each net additional dwelling/unit**
- iii. Tourist accommodation within the 6km buffer zone, e.g. caravan parks and hotels
£153 for each net additional unit of accommodation**
- iv. Tourist accommodation beyond the 6km buffer zone, e.g. caravan parks and hotels
£69 for each net additional unit of accommodation**

- 5.6 Appendices D and E provide further detail on how the proposed tariffs have been identified.
- 5.7 It is possible that a development site may come forward whose boundaries extend across the 6km buffer zone. In such circumstances the Council will advise on a

² For hotels, guest houses, etc. this would be per bedroom, for campsites this would be per pitch, for caravan parks this would be per caravan.

proportionate contribution to be made in accordance with nature of the site and area covered by the zone.

- 5.8 The contribution will apply to applications for full or outline planning permission. Developers making outline planning applications will need to provide complete information on the number of dwellings / units, so that the required calculations for contributions may be made. Without this information, the Council cannot satisfy itself that the level of any proposed contribution is adequate and would be unable to grant planning permission as a result.
- 5.9 The above calculations are based on current costs of delivering the identified coastal mitigation, and upon the projected housing delivery over the Local Plan period. Inflation will affect costs over the Local Plan period and actual housing delivery will inevitably vary to some extent from the projections set out in the Local Plan. The Council will monitor the level of contributions regularly to ensure that they remain fairly and reasonably related in scale to the developments from which they arise, and monitor the effectiveness of the coastal mitigation. The contribution will be revised on an annual basis from the date of adoption of this SPD to account for inflation and to ensure the delivery of a fair and effective approach to mitigation.
- 5.10 There will be other types of development such as leisure facilities and food and drink outlets, that when developed on or close to the coast, may play a role in attracting visitors and thus contribute to recreational disturbance. Such developments should contribute to mitigate any adverse impacts they could cause, but because of the unknown and variable nature of these types of development it is not possible to set a tariff. The required contribution should be determined in discussion between applicant and North Tyneside Council before a planning application is submitted. The amount of contribution will be commensurate with the nature and size of the development and degree of negative impact.

6) How will the contributions be made?

- 6.1 For developments where there will be a Section 106 Agreement, contributions will be secured through a Schedule in that Agreement.

- 6.2 For developments that would not otherwise be subject to a Section 106 Agreement, contributions will be secured through a unilateral undertaking. If the developer prefers, a contribution to be secured by unilateral undertaking can be paid in advance, so that it does not become a land charge and so there is no need for it to be signed by a mortgage company.

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7) Appendix A

European Site	Qualifying Features	Conservation Objectives
Berwickshire and North Northumberland Coast SAC	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide • Large shallow inlets and bays • Reefs • Submerged or partially submerged sea caves • Grey seal 	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species, • The structure and function (including typical species) of qualifying natural habitats, • The structure and function of the habitats of qualifying species, • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely, • The populations of qualifying species, and, • The distribution of qualifying species within the site.
Durham Coast SAC	<ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts 	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats, • The structure and function (including typical species) of qualifying natural habitats, and • The supporting processes on which the qualifying natural habitats rely.
North Northumberland Dunes SAC	<ul style="list-style-type: none"> • Embryonic shifting dunes • Shifting dunes along the shoreline with marram grass (<i>Ammophila arenaria</i>) • Shifting dunes with 	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species,

	<ul style="list-style-type: none"> • marram • Fixed dunes with herbaceous vegetation • Dune grassland • Dunes with creeping willow (<i>Salix repens</i>) • Humid dune slacks • Petalwort 	<ul style="list-style-type: none"> • The structure and function (including typical species) of qualifying natural habitats, • The structure and function of the habitats of qualifying species, • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely, • The populations of qualifying species, and, • The distribution of qualifying species within the site.
<p>Northumbria Coast SPA / Ramsar</p>	<ul style="list-style-type: none"> • Purple sandpiper (<i>Calidris maritima</i>) (non-breeding) • Ruddy turnstone (<i>Arenaria interpres</i>) (non-breeding) • Little tern (<i>Sterna albifrons</i>) (breeding) 	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of qualifying natural habitats and habitats of qualifying species, • The structure and function (including typical species) of qualifying natural habitats, • The structure and function of the habitats of qualifying species, • The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely, • The populations of qualifying species, and, • The distribution of qualifying species within the site.

8) Appendix B

8.1 The types of development that are included are described as follows against the relevant use classes:

C1 Hotels

The coastal mitigation contribution will apply to purpose built hotels, staff accommodation, boarding and guest houses and the change of use to such where levels of guest accommodation are considered by the Council to increase upon any previous levels of accommodation provided. The coastal mitigation contribution will also apply to extensions to existing C1 uses that would increase levels of accommodation. The contribution for new tourist accommodation is based upon the calculated contributions for new residential units, adjusted for the difference in number of guests compared to average household size, and for accommodation occupancy rate.

C2 Residential Institutions

The coastal mitigation contribution will be applied to developments within the C2 use class (i.e. residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres) on a case by case basis. In general, developments such as hospitals and residential care/nursing homes will not be considered to have a likely significant effect with regard to recreational impacts but will be considered on a case by case basis taking into account potential “in combination” effects and any associated net change in residential occupancy for carers residing on the site.

Certain types of C2 residential accommodation may also be considered to have little to no recreational impacts, including:

- Purpose built schemes for the frail elderly where there is an element of close care provided on site 24 hours a day. This level of care is above that of provision of an on-site warden service provided for sheltered accommodation. It would be expected that there would normally be an

age restriction of 60+years for the occupants of the units and that the planning permission would be conditioned in such a way that the units could not become open market housing.

- Purpose built schemes for the accommodation of disabled people, where by the nature of the residents' disabilities, they are unlikely to have any impact on the coastal protected sites.

Relevant conditions may need to be attached to any planning permission to ensure that no significant effects can arise for the lifetime of the development including for example, preventing further changes of use within the C2 use class and ensuring that units will not become open market housing.

C3 Dwelling Houses

The coastal mitigation contribution will apply to dwelling housings, including affordable houses, flats, annexes, retirement and age restricted properties and the change of use to such.

C4 Houses in Multiple Occupation (HMO)

The coastal mitigation contribution will apply to purpose built HMOs, including proposals for large HMOs (i.e. 6 or more people sharing) that are unclassified by the Use Classes Order and are 'sui generis'. The coastal mitigation contribution will also apply to the extension of existing HMOs where they are considered by the Council to provide additional levels of occupancy. The coastal mitigation contribution will apply to the change of use from C3 to C4 where levels of occupancy increase.

Other Types of Development (Sui Generis)

Camp and caravan sites -The coastal mitigation contribution will apply to proposals for temporary, seasonal and permanent camp and caravan sites and extensions to such where the number of pitches or guest accommodation increases. This includes applications to extend temporary planning consent. If subsequently made permanent, no additional contribution will be sought. The contribution for new tourist accommodation is based upon the calculated contributions for new residential units,

adjusted for the difference in number of guests compared to average household size, and for accommodation occupancy rate.

Mobile and temporary dwellings - The coastal mitigation contribution will apply to proposals for mobile or temporary dwellings. If subsequently made permanent no additional contribution will be sought.

Temporary and permanent gypsy and traveller pitches - The coastal mitigation contribution will apply to proposals for temporary and permanent gypsy and traveller pitches and the extension of sites for such. If subsequently made permanent no additional contribution will be sought.

The coastal mitigation contribution will apply to proposals that are considered likely to increase the visitor draw and appeal of the coast.

Changes of Use or Replacement Development

The coastal mitigation contribution will apply depending on the net increase in units, the difference in levels of disturbance created between the previous/existing and proposed use, and when a previous use ended. If demolition has occurred or a building has been empty, it needs to be considered whether the previous use was recent or not. For example, if evidence on levels of disturbance was collated after a previous use ceased, the evidence will not have taken this use into account. Therefore, any application for new use should be considered to create additional disturbance and the coastal mitigation contribution will apply.

9) Appendix C

Annual cost of coastal mitigation, including:

- Full time senior warden
- Full time assistant warden
- Van and fuel
- Equipment
- Training
- Project budget
- Contingency for periods of low housing delivery

Total annual cost of coastal mitigation = £159,360

Local Plan period from 2019 to 2032 = 14 years

Total cost of coastal mitigation over Local Plan period:

£159,360 p.a. x 14 years

=

£2,231,044

10) Appendix D

Calculation of contribution per net new dwelling

Total cost of coastal mitigation over Local Plan period:

£2,231,044

Number of dwellings proposed over Local Plan period within 6km of the coast:

4,963 homes

Number of dwellings proposed over Local Plan period beyond 6km of the coast:

3,691 homes

- New residential units within 6km of the coast to contribute 75% of total cost of coastal mitigation:

$$(\text{£}2,231,044 \times 0.75) / 4,963$$

=

£337 per net new residential unit

- New residential units beyond 6km of the coast to contribute 25% of total cost of coastal mitigation:

$$(\text{£}2,231,044 \times 0.25) / 3,691$$

=

£151 per net new residential unit

11) Appendix E

Calculation of contribution per net new accommodation unit

The contribution for new tourist accommodation is based upon the calculated contributions for new residential units, adjusted for the difference in number of guests compared to average household size, and for accommodation occupancy rate.

The calculation uses:

- The North Tyneside average household size of 2.2 persons,
- An anticipated average of two guests within an accommodation unit, and
- An anticipated average of an annual occupancy rate of 50%.

The calculation is:

$$\begin{aligned} & ((\text{Number of guests per unit} / \text{average household size}) \\ & \quad \times \\ & \quad \text{contribution per net new residential unit}) \\ & \quad / \\ & \quad \text{Occupancy rate} \end{aligned}$$

For new accommodation units within 6km of the coast:

$$\begin{aligned} & ((2 / 2.2) \\ & \quad \times \\ & \quad \text{£337}) \\ & \quad / \\ & \quad 0.5 \\ & \quad = \end{aligned}$$

£153 per net new accommodation unit

For new accommodation units beyond 6km of the coast:

$$\begin{aligned} & ((2/2.2) \\ & \quad \times \\ & \quad \text{£151}) \\ & \quad / \\ & \quad 0.5 \\ & \quad = \end{aligned}$$

£69 per net new accommodation unit

12) Appendix F

