

# North Tyneside Council

## Report to Head of Environment, Housing and Leisure

**DATE: 1 May 2019**

**Title:** Approval for consultation on a Draft Coastal Mitigation Supplementary Planning Document

**Portfolio:** Deputy Mayor

**Cabinet Member:**

**Councillor Bruce Pickard**

**Report from Service Area:**

**Environment, Housing and Leisure**

**Responsible Officer:**

**Laura Craddock, Principal Planner**

**Tel: (0191) 643 6310**

**Wards affected:**

**All Wards**

### **PART 1**

#### **1.1 Executive Summary:**

This report outlines a proposed Coastal Mitigation Supplementary Planning Document (SPD). This SPD is required to support implementation of policy DM5.6 *Management of International Sites* within the North Tyneside Local Plan adopted by Full Council in July 2017. Local Plan policy DM5.6 sets out a range of criteria to ensure that planning applications in North Tyneside do not lead to adverse effects upon international sites.

International sites of relevance to North Tyneside are sections of the north east coast that provide important habitat for protected bird species. These areas of the coast are protected as European sites of biodiversity importance and include the Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC). The Authority has a duty under the Conservation of Habitats and Species Regulations 2017 to ensure that it does not give consent, such as through a planning application, to any plan or project that could have an adverse effect upon the integrity of a SPA or SAC.

The potential effects of development upon European sites was identified through a Habitats Regulations Assessment (HRA) which was produced as an information document in preparation of the North Tyneside Local Plan, and following advice of Natural England. This identified any development that potentially increases the number of visitors to the coast, such as new homes or visitor accommodation, could have a potential adverse effect upon European sites.

The Draft SPD set out in this report has been prepared to provide clear guidance for applicants on the likely impact of their proposals upon European sites and potential mitigation.

The Draft SPD identifies that the most appropriate mitigation for most planning applications is regular on-site monitoring and management of the European sites.

The most effective means of providing such mitigation is through a dedicated warden service and the delivery of targeted and coordinated physical projects funded through planning obligations secured from development.

Reflecting this, the Draft SPD identifies for consultation, a proposed standard charge for new development and identifies the creation of a Coastal Warden Service and delivery of physical projects as the primary form of mitigation against potential adverse effects.

## **1.2 Recommendation:**

It is recommended that the Head of Environment, Housing and Leisure:

- (1) Approve publication of the Draft Coastal Mitigation SPD for public consultation.

## **1.3 Forward Plan:**

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 22 February 2019.

## **1.4 Council Plan and Policy Framework**

This report presents a Draft Supplementary Planning Document (SPD) based upon the North Tyneside Local Plan for consultation and contributes to a number of the objectives of the Our North Tyneside Plan 2018-20, including:

- Our places will be great places to live, offer a good choice of quality housing, provide a clean, green, healthy, attractive, safe and sustainable environment, be a thriving place of choice for visitors, be great places to live;

The Draft SPD provides guidance that supports the Local Plan's objectives specifically to support protection of the environment and environmental value. The key policies are:

- S5.4 *Biodiversity and Geodiversity*
- DM5.5 *Managing effects on Biodiversity and Geodiversity*
- DM5.6 *Management of International Sites*

These policies commit the authority to the protection, enhancement, management and creation of biodiversity where appropriate through the development process. This is in line with national planning policy as set out in Chapter 15 *Conserving and enhancing the natural environment* of the National Planning Policy Framework (NPPF), and particularly paragraphs 171 and 174 to 177.

## **1.5 Information:**

### **1.5.1 Requirement for the Coastal Mitigation Supplementary Planning Document**

1.5.2 This Draft 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 effects on the habitats and species along our internationally protected coastline.

1.5.3 The Council has a duty to protect European Sites from adverse effects under European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the "Habitats Directive") and the Conservation of Habitats and Species Regulations 2017.

- 1.5.4 A Habitats Regulation Assessment (HRA) concluded that implementation of the Local Plan could cause adverse effects to European Sites through increased recreational disturbance at the coast. This would arise from development particularly within a 6km buffer zone of the coast, but also with some impacts from a wider catchment.
- 1.5.5 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 effects 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. To be most effective over the longer term, a strategic approach is required where Coastal Wardens would undertake many activities encompassing the recommended mitigation. This could include awareness-raising, monitoring and identifying potential mitigation projects at the coast that could be implemented by the Authority. These projects could include installation of fencing and provision of new footpaths, or other initiatives that could assist in protecting the coast's most sensitive locations from the cumulative impacts of development.
- 1.5.6 The Coastal Warden Service and delivery of physical projects 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 approach to mitigation will be the most effective way to avoid likely adverse effects for most schemes within North Tyneside. Natural England, a statutory consultee on matters affecting European Sites, has indicated they would support such an approach. Without such an SPD in place it is expected that applications for development will continue to face difficulties in satisfying the requirements for appropriate mitigation of their impacts.
- 1.5.7 Delivery of Coastal Mitigation
- 1.5.8 To secure delivery of the approach outlined in the Coastal Mitigation SPD it is recommended that applicants make a financial contribution through a planning obligation connected to the grant of planning permission.
- 1.5.9 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.
- 1.5.10 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 and a tariff based approach is not considered effective. 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.
- 1.5.11 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.

#### 1.5.12 Calculation of Contribution

- 1.5.13 The level of financial contribution from each planning application required to support the Coastal Mitigation Service and delivery of physical projects is informed by an estimate of the cost of providing a viable and effective service and the amount of development anticipated to come forward up to 2032 (the life of the North Tyneside Local Plan).
- 1.5.14 The financial cost of delivery of the identified coastal mitigation is comprised of a budget for the delivery of physical projects at the coast, salaries for Coastal Wardens, associated costs and overheads to enable the Coastal Wardens to undertake their day to day activities, and a contingency to allow for continued maintenance should the level of new development decline.
- 1.5.15 The overall cost of delivering the identified mitigation over the Local Plan period to 2032 is £2,231,044.
- 1.5.16 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. 4,963 of these potential additional dwellings would be located within 6km of the coast and 3,691 would be in other parts of the borough.
- 1.5.17 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 unit created, proportionate to the impact that could arise from each additional new home, is considered appropriate.
- 1.5.18 The proposed tariff is:
- Residential development within the 6km buffer zone  
£337 for each net additional dwelling/ unit
  - Residential development beyond the 6km buffer zone  
£151 for each net additional dwelling/ unit
  - Tourist accommodation within the 6km buffer zone, e.g. caravan parks and hotels  
£153 for each net additional unit of accommodation
  - Tourist accommodation beyond the 6km buffer zone, e.g. caravan parks and hotels  
£69 for each net additional unit of accommodation

#### 1.5.19 Monitoring and updating the Supplementary Planning Document

- 1.5.20 Actual housing delivery will inevitably vary to some extent from the projections set out in the Local Plan. The Council will monitor coastal mitigation contributions and review the level of contributions regularly to ensure that they remain fairly and reasonably related in scale to the developments from which they arise.
- 1.5.21 A key aim of the Warden Service would be to monitor the amount and condition of the European Sites and the level of disturbance they experience. Monitoring data will be reported annually in the Council's Authority Monitoring Report. Wardens will also regularly

report to a Steering Group attended by Officers from both North Tyneside Council and Northumberland County Council and by relevant stakeholders including Natural England.

1.5.22 The above calculations are based on current costs. It is proposed to update the SPD on an annual basis following adoption, to adjust the tariff in line with inflation.

#### 1.5.23 Requirements for applicants

1.5.24 Contributions set out in the Coastal Mitigation SPD are 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 effects upon European Sites; and,
- benefit from greater certainty that their proposal is in accordance with policy DM5.6 *Management of International Sites*.

1.5.25 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 to demonstrate to the satisfaction of the Council and Natural England that the proposed development would have no adverse impact upon European Site, either alone or in-combination; and
- provide necessary mitigation, alternatives, imperative reasons of overriding public interest or compensation to the enable the Council in consultation with Natural England to conclude that adverse effects on European Site integrity have been prevented.

1.5.26 Contributions set out in the Coastal Mitigation SPD relate to the mitigation of adverse effects 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.

#### 1.5.27 Next Steps

1.5.28 In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, draft SPDs must be consulted upon for a period of at least 4 weeks. More details about the proposed consultation on this Draft SPD are outlined under section 2.3 of this report. Following the end of the consultation period, all representations will be considered and revisions will be made to the SPD where required.

1.5.29 The final proposed SPD will be presented at Cabinet for adoption.

1.5.30 Contributions will be sought on relevant planning applications immediately following the adoption of the SPD. Collected funds will enable the inception and delivery of the Coastal Warden Service and the delivery of physical projects at the coast.

1.5.31 The process for creation and future governance of the Coastal Warden Service and the delivery of physical projects will be a matter for the Authority to progress in accordance with its established processes. As the proposed SPD will secure s106 planning obligations it is expected that this will include the governance arrangements following Cabinet's decision of 14 May 2018.

## **1.6 Decision options:**

The following decision options are available for consideration by Cabinet:

### Option 1

Agree with the recommendations as set out at paragraph 1.2 of this report.

### Option 2

Do not agree the recommendations as set out at paragraph 1.2 of this report.

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

- The preparation of a SPD will allow for the authority to fulfil the requirements of international and national legislation, and local and national planning policy, ensuring that adverse effects upon European Sites are avoided.
- It is a statutory requirement that SPDs are subject to consultation with relevant stakeholders.
- Other stakeholders such as housing and other developers will also have a direct interest in the document and should be given the opportunity to comment accordingly.

## **1.8 Appendices:**

Appendix 1: Draft Coastal Mitigation Supplementary Planning Document, March 2019

## **1.9 Contact officers:**

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Jackie Palmer, Planning Manager (0191) 643 6336

Jackie Hunter, Biodiversity Officer (0191) 643 7279

Colin MacDonald, Senior Manager, Technical & Regulatory Services (0191) 643 6620

Cathy Davison, Principal Accountant, Investment (Capital) and Revenue (0191) 643 5727

## **1.10 Background information:**

The following background information has been used in the compilation of this report and is available at the office of the author:

1. [Planning and Compulsory Purchase Act 2004](#)
2. [Planning Act 2008](#)
3. [Town & Country Planning \(Local Planning\)\(England\) Regulations 2012](#)
4. [National Planning Policy Framework \(2019\)](#)
5. [Conservation of Habitats and Species Regulations 2017](#)
6. [European Directive 92/43/EEC](#)
7. [Statement of Community Involvement 2013](#)
8. [North Tyneside Local Plan \(2017\)](#)
9. [Habitat Regulations Assessment and Appropriate Assessment 2017](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

The staff, printing and other costs to consult on the draft Coastal Mitigation SPD will be met from within the existing Authority budgets.

Funding for the projects and warden service identified as mitigation through the Coastal Mitigation SPD will be secured through developer contributions as Section 106 agreements or Unilateral Undertakings. This process will be managed through the developer contributions governance arrangements agreed by Cabinet at its meeting of 14 May 2018.

### **2.2 Legal**

The Coastal Mitigation SPD is an issue to be considered during the planning process.

In accordance with the Local Government Act 2000 and Regulations made under that Act, responsibility for adoption of the SPD following consultation is the responsibility of Cabinet.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

Internal consultation was undertaken throughout late 2018 and 2019. The matter has been subject to engagement with the Deputy Mayor, Cabinet Member for Finance, the Chief Finance Officer and the Head of Law and Governance. The Draft SPD has been prepared in consultation with the Council's Biodiversity Officer.

#### **2.3.2 External Consultation/Engagement**

SPDs must be subject to statutory consultation. If agreed, the Council will begin a six week consultation on the Draft SPD. As part of this, the Draft SPD will be made available on the Council's consultation portal. Statutory consultees (Natural England, the Environment Agency and Historic England) and other relevant non-statutory consultees (for example, the Northumberland Wildlife Trust, adjacent authorities) will be directly consulted.

The consultation methods will comply with both the statutory consultation requirements and the requirements of the Council's adopted Statement of Community Involvement. Further details of this process and the feedback received will be included within a Consultation Statement.

Following consultation a summary of the responses received and the final proposed Coastal Mitigation SPD will be presented to Cabinet to consider for adoption.

### **2.4 Human rights**

There are no human rights implications directly arising from this report.

### **2.5 Equalities and diversity**

There are no direct implications arising from this report.

## 2.6 Risk management

The Cabinet Member has been involved in dialogue relating to Draft SPD and is aware of the risks identified. The risks associated with the preparation and engagement of a Draft SPD have previously been assessed.

## 2.7 Crime and disorder

There are no direct implications arising from this report.

## 2.8 Environment and sustainability

The SPD enables the protection of the natural environment.

A Strategic Environmental Assessment Screening Report draft concludes that the impact of the Draft SPD, through responses to the SEA Directive Criteria, would not result in any significant environmental effects beyond those already assessed as part of the preparation of the Local Plan. A full Strategic Environmental Assessment is therefore not required.

### PART 3 - SIGN OFF

- Chief Executive
- Head(s) of Service
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy and Customer Service



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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).**

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

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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 Plan<sup>1</sup> 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 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

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<sup>1</sup> 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>

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 unit<sup>2</sup> 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 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.

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<sup>2</sup> 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.



- 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.

7) Appendix A

European Site	Qualifying Features	Conservation Objectives
Berwickshire and North Northumberland Coast SAC	<ul style="list-style-type: none"> <li>• <b>Mudflats and sandflats not covered by seawater at low tide</b></li> <li>• <b>Large shallow inlets and bays</b></li> <li>• <b>Reefs</b></li> <li>• <b>Submerged or partially submerged sea caves</b></li> <li>• <b>Grey seal</b></li> </ul>	<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"> <li>• <b>The extent and distribution of qualifying natural habitats and habitats of qualifying species,</b></li> <li>• <b>The structure and function (including typical species) of qualifying natural habitats,</b></li> <li>• <b>The structure and function of the habitats of qualifying species,</b></li> <li>• <b>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely,</b></li> <li>• <b>The populations of qualifying species, and,</b></li> <li>• <b>The distribution of qualifying species within the site.</b></li> </ul>
Durham Coast SAC	<ul style="list-style-type: none"> <li>• <b>Vegetated sea cliffs of the Atlantic and Baltic coasts</b></li> </ul>	<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"> <li>• <b>The extent and distribution of qualifying natural habitats,</b></li> <li>• <b>The structure and function (including typical species) of qualifying natural habitats, and</b></li> <li>• <b>The supporting processes on which the qualifying natural habitats rely.</b></li> </ul>
North Northumberland Dunes SAC	<ul style="list-style-type: none"> <li>• <b>Embryonic shifting dunes</b></li> <li>• <b>Shifting dunes along the shoreline with marram grass (<i>Ammophila arenaria</i>)</b></li> <li>• <b>Shifting dunes with marram</b></li> <li>• <b>Fixed dunes with herbaceous vegetation</b></li> <li>• <b>Dune grassland</b></li> <li>• <b>Dunes with creeping willow</b></li> </ul>	<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"> <li>• <b>The extent and distribution of qualifying natural habitats and habitats of qualifying species,</b></li> <li>• <b>The structure and function (including typical species) of qualifying natural habitats,</b></li> <li>• <b>The structure and function of the habitats of qualifying species,</b></li> <li>• <b>The supporting processes on which qualifying natural habitats and the</b></li> </ul>

	<p><b>(<i>Salix repens</i>)</b></p> <ul style="list-style-type: none"> <li>• Humid dune slacks</li> <li>• Petalwort</li> </ul>	<p>habitats of qualifying species rely,</p> <ul style="list-style-type: none"> <li>• The populations of qualifying species, and,</li> <li>• The distribution of qualifying species within the site.</li> </ul>
<p><b>Northumbria Coast SPA / Ramsar</b></p>	<ul style="list-style-type: none"> <li>• Purple sandpiper (<i>Calidris maritime</i>) (non-breeding)</li> <li>• Ruddy turnstone (<i>Arenaria interpres</i>) (non-breeding)</li> <li>• Little tern (<i>Sterna albifrons</i>) (breeding)</li> </ul>	<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"> <li>• The extent and distribution of qualifying natural habitats and habitats of qualifying species,</li> <li>• The structure and function (including typical species) of qualifying natural habitats,</li> <li>• The structure and function of the habitats of qualifying species,</li> <li>• The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely,</li> <li>• The populations of qualifying species, and,</li> <li>• The distribution of qualifying species within the site.</li> </ul>

## 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:**

$$\begin{aligned} & (\text{£}2,231,044 \times 0.75) / 4,963 \\ & = \\ & \text{£}337 \text{ per net new residential unit} \end{aligned}$$

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

$$\begin{aligned} & (\text{£}2,231,044 \times 0.25) / 3,691 \\ & = \\ & \text{£}151 \text{ per net new residential unit} \end{aligned}$$

## 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

