

South Tyneside Local Plan

Hello Tomorrow Change is Happening: The New Development Plan for Your
Borough

Interim Supplementary Planning Document 23: Mitigation Strategy for
European Sites (Recreational Pressure from Residential Development)

March 2018 



South Tyneside Council

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1. What is the purpose of this interim SPD?

- 1.1 This report is an interim Supplementary Planning Document (SPD), prepared following an interim Habitats Regulations Assessment (HRA) of the emerging growth scenarios and options for the South Tyneside Borough, and subsequent development of a recreation mitigation strategy in response to an identified risk of increased recreation pressure on European wildlife sites as a result of new housing growth. The emerging South Tyneside Local Plan is in the early stages of production. However, it is recognised that new growth coming forward in the interim may pose a risk to the European sites. This interim SPD enables South Tyneside Council to adequately protect the 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).
- 1.2 South Tyneside Council and partners have a 20-year vision that South Tyneside will be an outstanding place to live, invest and bring up families. This includes the long-term protection of the natural environment. This interim SPD sets out the process for protecting our most valued coastal wildlife, by ensuring that new housing growth adequately mitigates for its potential effects on the European wildlife sites located on the South Tyneside coast. It provides guidance for the consideration of residential development proposals.
- 1.3 SPDs are in place to expand on policy and planning processes, in order to guide development management officers, developers and development site land owners, and their professional consultants. It may also be of interest to the general public, and specific wildlife organisations. The HRA and recreation mitigation strategy have been undertaken in the early stages of the preparation of the new Local Plan for South Tyneside, in recognition of the risks posed to European wildlife sites as a result of new growth in the Borough.
- 1.4 The interim HRA and recreation mitigation strategy have been prepared by Footprint Ecology, ecological consultants commissioned by South Tyneside Council to look at the issue of recreation pressure at the coast. Those documents provide the background and justifications for this interim SPD and the requirement for developer contributions from residential development.
- 1.5 This interim SPD provides a mechanism for implementing a package of mitigation measures to avoid or mitigate for increased recreation pressure that would otherwise occur as a result of new growth within the South Tyneside Borough. It provides the process by which measures can be implemented as part of the spatial planning and development management functions of South Tyneside Council, having regard for the level, type and spread of growth that is likely to be promoted within the Local Plan. This interim SPD is therefore a mechanism that can be applied to enable sustainable housing growth to be delivered to meet need, whilst also protecting and maintaining the wildlife interest of the European sites into the long term. Mitigating for potential adverse effects on European sites is a legal requirement and fulfilling this legal requirement therefore cannot be negotiated on the basis of any other development requirements that need to be met.
- 1.6 This strategy focuses on recreation pressure from residential development and therefore does not cover additional potential effects that may occur because of residential development, such as changes to air and water quality and water resources. It also does not cover potential effects arising from non-residential development, such as tourism development, employment growth or

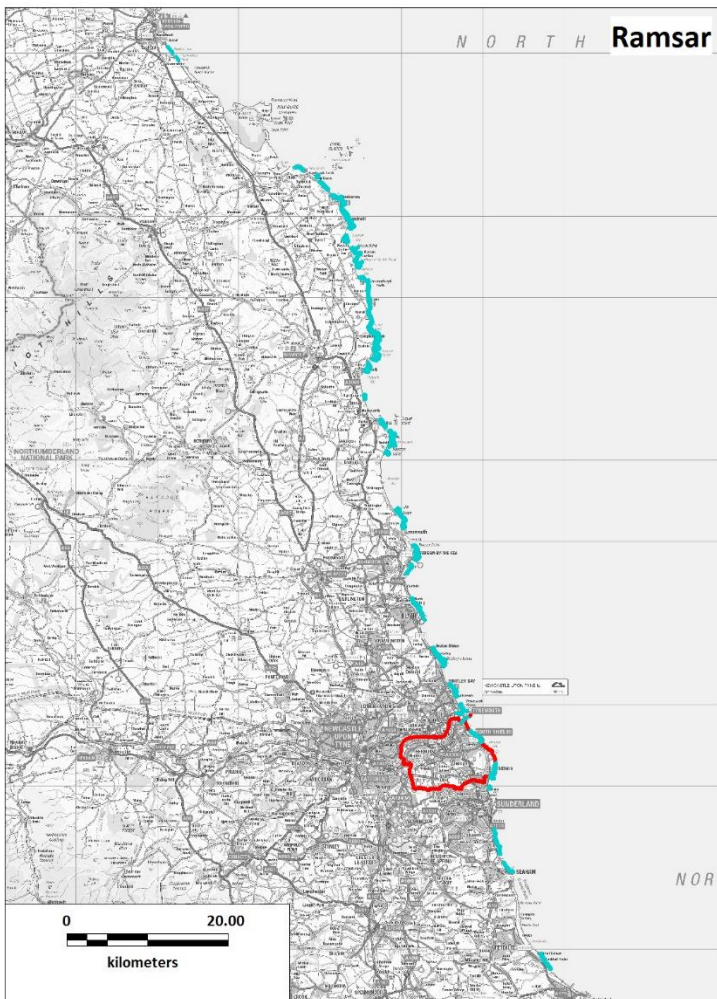
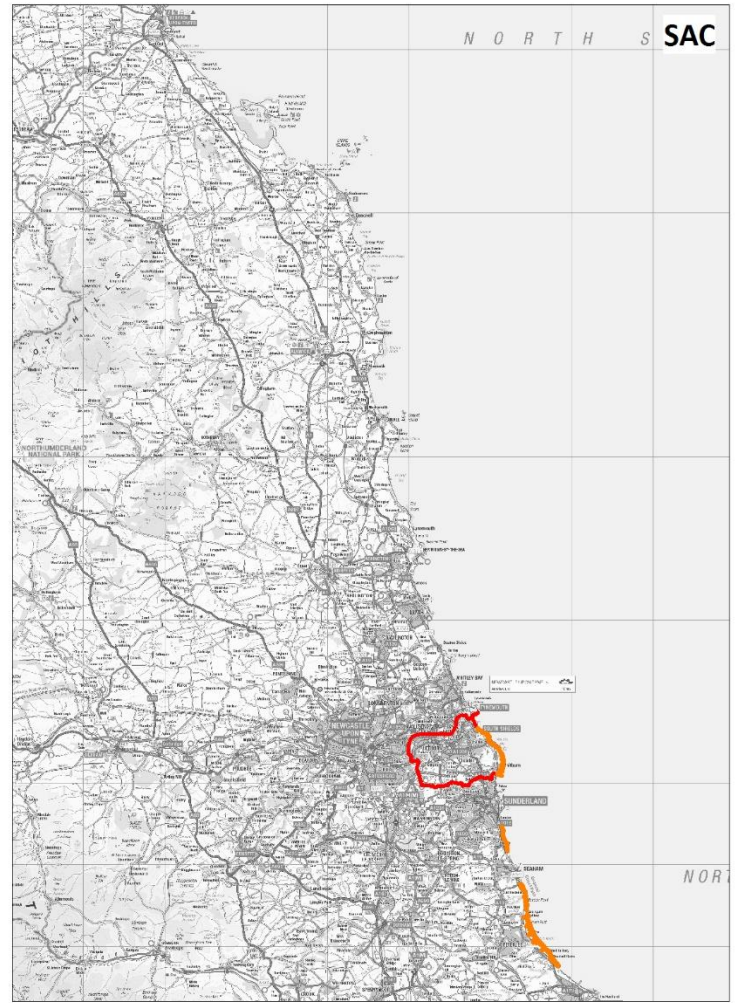
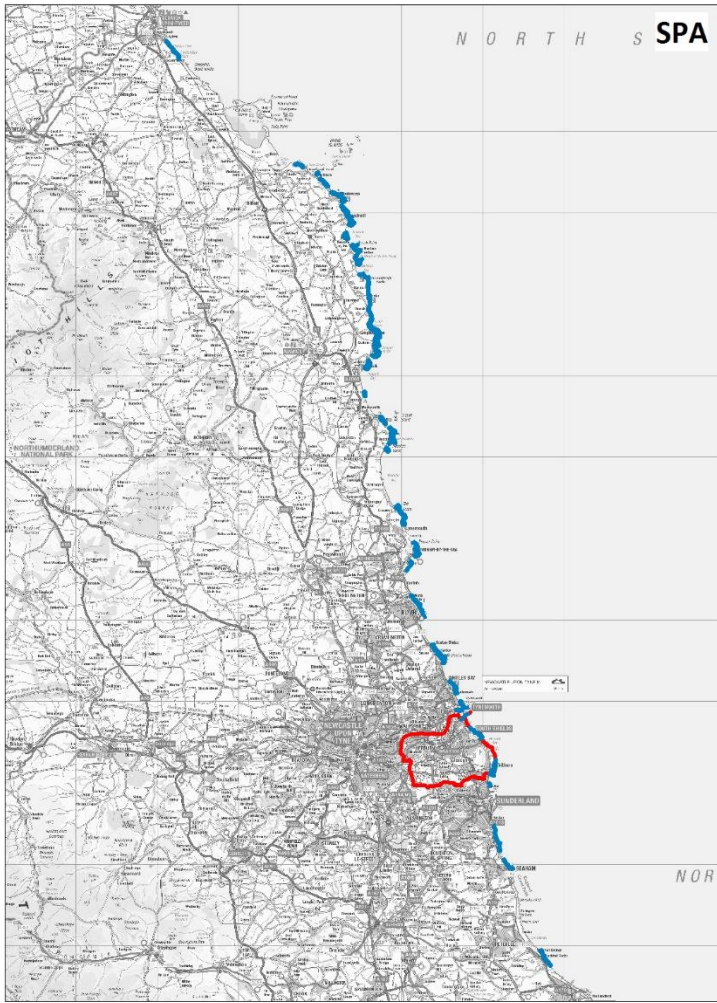
infrastructure improvements. Further HRA work will be required to understand the extent of other, non-recreation impacts and the mitigation that may be required for such impacts.

- 1.7 This interim SPD provides a means by which developers can demonstrate compliance, but it is not mandatory. If a developer chooses to present a proposal with individual measures to avoid and mitigate for recreation pressure, they will need to provide enough evidence to enable South Tyneside Council to conclude that adverse effects on European site integrity have been prevented. It should be recognised that the package of measures funded by implementation of this interim SPD are designed to work together to give certainty that adverse effects will be prevented into the long term. A development specific approach will need to demonstrate the same level of certainty. If a developer chooses to follow this interim SPD, the requirements are not negotiable, and adherence to the requirements must be demonstrated in full.

European sites

- 1.8 The European sites of relevance to this interim SPD are the Durham Coast SAC and Northumbria Coast SPA/Ramsar site. These extend along the coast both north and south of South Tyneside, and are shown in Map 1.
- 1.9 The Durham Coast SAC protects the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. The species rich vegetation community of the cliffs is therefore not found anywhere else in the UK and is reliant upon the combination of sea spray, coastal winds, calcareous flushes and the dynamic nature of the cliffs with slippage of the soft limestone bedrock and overlying glacial drifts. The habitat type is a complex mosaic of grassland, fen, flushes and scrub. It is highly sensitive to impacts that change the conditions of the site, including nutrient enrichment and direct habitat damage.
- 1.10 The Northumbria Coast is classified as an SPA and listed as a Ramsar site for its wading bird species. The rocky shoreline and sandy beaches provide both breeding and overwintering habitat for species of European importance.
- 1.11 The citation for the site states that it qualifies for its breeding population of Little Tern *Sterna albifrons*, and overwintering populations of Purple Sandpiper *Calidris maritima* and Turnstone *Arenaria interpres*. Little Tern currently do not breed within the South Tyneside area, and are therefore not currently considered within the recreation mitigation strategy.
- 1.12 The Northumbria Coast Ramsar site is listed for the same interest features as the SPA, qualifying for its populations of international importance of Little Tern, Purple Sandpiper and Turnstone.

Map 1: Relevant European Sites



-  South Tyneside
-  Northumbria Coast SPA
-  Durham Coast SAC
-  Northumbria Coast Ramsar

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 Designated site boundaries downloaded from the Natural England website.
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2. Where and when does the SPD apply?

- 2.1 The interim HRA estimated that the coastal European sites may see an 8% increase in the level of visits as a result of housing growth over the new plan period. Analysis of visitor data from surveys undertaken over two years (2014/5 and 2015/6), commissioned by South Tyneside Council, along with ecological data for the European sites has been used to inform the interim HRA and recreation mitigation strategy. This analysis concluded that there is a likely significant effect arising from increased residential development out to 6 km from the coastal sites. As the statutory nature conservation body, Natural England has confirmed that a strategic approach to mitigating for increased recreation pressure at the coast is the most favourable way forward.
- 2.2 Section 106 of the Town and Country Planning Act allows for legal agreements to be drawn up, setting out the obligations that must be fulfilled as part of a planning permission. The current National Planning Practice Guidance advises that obligations must be “*necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.*” The interim HRA and the recreation mitigation strategy provide the necessary information to confirm that the developer contribution is necessary to make the development acceptable in planning terms.
- 2.3 This interim SPD is applicable to residential development, where the development proposal is for 10 units or more.
- 2.4 Whilst the mitigation need applies to every net increase in one or more dwellings, for the South Tyneside Borough there is likely to be a small proportion of the housing need delivered by minor development. Analysis of recent housing completions shows that minor development accounts for less than 4% of new dwellings when all residential permissions are taken into account. The vast majority of housing delivery has been through permissions for 10 or more dwellings.
- 2.5 Whilst the percentage of actual housing delivery from minor development is small, these development types account for over 70% of all residential planning applications within South Tyneside. The administrative burden of applying a developer contribution to all such applications is significant. Applying a tariff to developments of 10 dwellings or more adds a small weighting of approximately 4% to the per dwelling tariff for major developments.
- 2.6 The interim SPD therefore applies to all residential development proposals of 10 dwellings or more, within 6km of the European sites. Map 2 illustrates the 6km zone. It is possible that a development site may come forward for approval that is located partially within and partially outside the 6km zone. In such circumstances the Council will advise on a proportional contribution to be made in accordance with the area covered by the zone. Where a development site is divided into phases and separate permissions are sought for each, the requirements of this SPD and associated tariff will apply at the time of each permission given. Any future changes to the SPD requirements and tariff will not be retrospectively applied once a S106 is in place.

Map 2 : 6 km Zone of Influence



- Legend**
- 6 km Zone of Influence around European Sites
 - Northumbria Coast Ramsar (contiguous with SPA)
 - Northumbria Coast SPA
 - Durham Coast SAC
 - South Tyneside Boundary

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3. How much is the developer contribution?

- 3.1 The tariff for an initial period of the next five years is calculated as a per dwelling contribution, as detailed in Appendix 1. This will be reviewed and informed by monitoring over the initial strategy period.
- 3.2 The requirement includes all residential dwelling types under the Use Classes C3 and C4. This would therefore include houses, flats, gypsy and traveller pitches, student accommodation, warden controlled accommodation and residential homes, for example.
- 3.3 There may be exceptional circumstances where, on a case by case basis, exceptions to the requirement are considered. Nursing homes for example, where the residents will only be those in need of daily nursing care may be excluded. The requirement excludes residential annexes, as these cannot be separated from residential extensions, which do not constitute a net increase in dwellings.
- 3.4 A legal agreement, known as a Section 106 agreement, will require full payment on commencement of development. This will provide funding that can be appropriately allocated for mitigation prior to housing completion, and therefore prior to the recreational effect. Importantly, contributions need to be stated as being Index Linked, i.e. an increase in the Index between the date of agreement and date of payment would increase the amount payable.

4. What will the money be used for?

- 4.1 The package of mitigation measures has been designed with regard for good practice elsewhere, including emerging monitoring outcomes, and through discussion with local stakeholders and South Tyneside officers.
- 4.2 A suite of mitigation measures should function together to have confidence that adverse effects arising from recreation have been prevented. A combination of measures working together reduces risk and builds in contingency.
- 4.3 Analysis undertaken in the HRA and recreation mitigation strategy identifies that measures relevant to South Tyneside are the following:
- Delivery officer role with a remit to talk to visitors, raise awareness of issues and influence behaviour (1 FTE)
 - Delivery officer role with a remit to undertake education work to raise awareness of nature conservation interest (0.5 FTE)
 - A dog project to raise awareness of issues and engage with dog walkers
 - Enhancement of existing greenspace sites to draw access away from the European sites
 - Interpretation & signage
 - Review of car-parking
 - Monitoring

- 4.4 Monitoring is an important component of the strategy as the distribution of the nature conservation interest can change over time and the recreational use of sites will also change. Monitoring is necessary to ensure the mitigation is effectively targeted, and to highlight where changes are necessary to prevent future adverse effects on the European sites. A summary of mitigation measures is provided at Appendix 2, and each measure is discussed in more detail within the recreation mitigation strategy document.

5. How will the strategy be overseen?

- 5.1 The day to day project management of the strategy will be undertaken by the dedicated staff employed as part of the strategy. A system of decision making and accounting is in place with an executive group, which has been established with appropriate Council and external members. The delivery staff funded by the strategy report to the group, providing progress reports and audits, and seeking decisions on project expenditure above their delegated responsibility.
- 5.2 An audit trail of funds being used as part of the programme of measures gives high level confirmation that funding is allocated in line with housing delivery.
- 5.3 Council planning staff work closely with the project delivery staff to secure up to date information on section 106 agreements made, when those dwellings are due for completion, and include this information with project delivery progress when reporting to the executive group. The flow diagram in Appendix 1 illustrates this process.
- 5.4 The total costs and per dwelling tariff have been calculated based on an estimated set of measures for the plan period. Within the first 5 years, the recreation mitigation strategy for the South Tyneside Local Plan will be reviewed and will respond to any new evidence. Changes to the strategy may be made where there is an identified risk to effective delivery of mitigation in line with housing coming forward. This may include changes to mitigation measures, and/or changes to the per dwelling tariff. It may also include changes to the development to which the interim SPD applies. Changes to Government planning policy and guidance may also inform changes to the approach.

6. Appendix 1 - Per dwelling tariff

6.1 The tariff set out below will be in place for the interim strategy period of up to 5 years. The tariff is calculated on the basis of net increase in residential units, using the following figures:

- Total cost for mitigation measures of the 20 year plan period = **£1,673,151**
- Currently estimated potential number of dwellings within 6km of the coastal European sites = **4,320**. This is based on the current Government OAN figure for South Tyneside, and the proportion of that figure that accounts for anticipated housing within 6km of the European sites.

6.2 The **per residential unit cost of £403** is applied to all major residential development of 10 dwellings or more, proposed for the interim strategy period of 5 years. A small weighting of 4% has been added to account for anticipated residential proposals of 9 dwellings or less. The total cost of developer contributions, to be required by way of a section 106 legal agreement for any residential development of 10 dwellings or more is:

- **Total net increase in residential units x £403**

6.3 Any development proposal with combined living areas, such as residential care homes, and student accommodation, will be calculated on a per bedroom basis (including both residential and residential staff).

7. Appendix 2 - Costed Recreation Mitigation Measures

- 7.1 The measures are costed for application over the 20 year plan period. They are proposed for review after the interim strategy period of 5 years.

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Table 1: Summary of mitigation measures with indicative costs. Costs are approximate and have not been based on detailed quotes.

	One-off/capital cost	Annual cost	Length of time funding to cover (years)	Total cost	Notes on how cost calculated
1 FTE Delivery Officer	£4,500	£40,640	20	£816,292	Band 6 salary £31,205 (24,964 + 25% NI & superan), + 12% per annum = £3,744.60 (overheads & training budget), + 1 x vehicle £5,640 per annum (inc fuel). Capital costs for recruitment, IT equipment, PPE, uniform etc.
0.5 FTE Delivery Officer	£4,500	£14,463	20	£293,755	Band 5 salary £12,913.13 (Half of FTE 20,661 + 25% NI & superan), + 12% per annum = £1,549.58 (overheads & training budget). Capital costs for recruitment, IT equipment, PPE, uniform etc.
Delivery budget		£15,000	20	£300,000	Indicative costs when taking into account typical costs for interpretation boards, marker posts and waymarking discs, and typical capital costs for education event materials and equipment. Also with some funding added in for offsite infrastructure such as dog agility equipment, fencing etc.
Dog Project	£26,500	£2,500	10	£51,500	Website design estimated at £10,000 with a further £10k during the plan period for update/refresh and new material and £5,000 for specialist consultant support. Capital costs also include £1,500 to cover initial purchase of gazebo, merchandise etc, plus annual costs to help with specialist/consultants at events etc. (Delivery officer time required too).
Review of parking	£10,000			£10,000	Contribution to review undertaken, potentially scheduled to coincide with update/replacement of existing parking machines or similar opportunity
Monitoring	£49,500			£49,500	Based on 4 x bird surveys @£12,000 per survey over 20 years. Additional £1,500 to cover installation of automated counter on coast (and enhanced local greenspace if appropriate).
Contingency				£152,104	10% cost to cover inflation, consultancy support if necessary for different elements and additional/unforeseen costs.
Total	£95,000	£72,603		£1,673,151	

8. Appendix 3 – Developer Contributions Process

