



**FOOTPRINT
ECOLOGY**



South Tyneside Interim Habitats Regulations Assessment and Supplementary Planning Document

Report 2: Recreation Mitigation Strategy

Authors Rachel Hoskin, Durwyn Liley, Chris Panter, &
John Day

FOOTPRINT ECOLOGY, FOREST OFFICE, BERE
ROAD, WAREHAM, DORSET BH20 7PA
WWW.FOOTPRINT-ECOLOGY.CO.UK
01929 552444



FOOTPRINT ECOLOGY

Footprint Contract Reference: 435

Date: 4th February 2018

Version: Final for consultation

Recommended Citation: Hoskin, R., Liley, D., Panter, C, & Underhill-Day, J. (2017) South Tyneside Interim Habitats Regulations Assessment and Supplementary Planning Document. Report 2: Recreation Mitigation Strategy. Unpublished report for South Tyneside Council.

Summary

This report is a recreation mitigation strategy, prepared in response to an interim Habitats Regulations Assessment (HRA) of the emerging growth scenarios and options for the South Tyneside Borough. The HRA has 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. This strategy report provides the technical information necessary to determine what measures need to be put in place in order to protect European wildlife sites. An interim Supplementary Planning Document (SPD) provides guidance to implement the interim mitigation strategy, and the SPD is a concise version of this full strategy.

This mitigation strategy is an interim approach, setting the foundations for a refined strategy once the Local Plan has been prepared. Using the visitor data from surveys commissioned by South Tyneside Council, and working on the SLR data to give a rough estimate of forthcoming housing in the new plan period, we estimate 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. For the purposes of this mitigation strategy, an overall figure of 7,200 new houses across the Borough is being assumed.

This strategy identifies the following interventions:

- Delivery officer role with a remit to talk to visitors, raise awareness of issues and influence behaviour
- Delivery officer role with a remit to undertake education work to raise awareness of nature conservation interest
- A dog project to raise awareness of issues/engage dog walkers
- Enhancement of existing greenspace sites to draw access away from the European sites
- Interpretation & signage
- Review of car-parking
- Monitoring

These will be funded through developer contributions, with the application of a legal agreement for any development comprising of 10 houses or more. The tariff for each net increase in houses have been calculated, and then weighted to be applicable to all schemes of 10 houses or more. This removes the burden of applying the developer contributions to all planning permissions, but only makes a very marginal difference to the per house tariff for the larger developments. The per house tariff is calculated to be £484 per house for all developments of 10 houses or more, within 6km of the European sites. Monitoring will inform a review of the strategy in approximately 5 years' time, as the South Tyneside Local Plan is in the latter stages of preparation.

Contents

Acknowledgements.....	5
1. Introduction.....	6
Habitats Regulations Assessment.....	7
European sites	8
What the strategy does not cover.....	8
The structure of this report.....	9
2. Part 1 – Evidence and Analysis	12
Growth evidence.....	12
<i>Strategic Land Review.....</i>	<i>12</i>
Ecological evidence	13
<i>Northumbria Coast SPA and Ramsar site</i>	<i>13</i>
<i>Durham Coast SAC.....</i>	<i>15</i>
Establishing a zone of influence.....	15
3. Part 2 – Establishing appropriate avoidance and mitigation measures.....	19
Avoidance and mitigation principles	19
Natural England’s advice.....	22
Drawing on local expertise.....	22
Recommendations for avoidance and mitigation measures for recreation..	23
<i>Delivery officer – on site visitor liaison.....</i>	<i>28</i>
<i>Delivery officer - education focus</i>	<i>29</i>
<i>A dog project to raise awareness of issues and engage with dog walkers.....</i>	<i>29</i>
<i>Enhancement of existing greenspace sites</i>	<i>31</i>
<i>Interpretation and signage.....</i>	<i>31</i>
<i>Review of car-parking.....</i>	<i>33</i>
<i>Monitoring</i>	<i>33</i>
Summary of mitigation measures and per dwelling tariff.....	34

Complementary measures and partnership working.....	38
Projects that may be beneficial to add at strategy review	38
4. Part 3 – Implementation.....	39
The process of obtaining developer contributions.....	39
Streamlining the developer contribution to developments of 10 plus houses	41
Dwelling types	42
Governance and transparency	43
Phasing delivery.....	44
Planning for strategy review.....	45
5. References	46
Appendix 1 – Developer contributions process	48

Acknowledgements

We are grateful for the assistance provided by Vikki Van Sylvan, Rachel Cooper, Clare Rawcliffe, Tony Purcell and Andrew Tracey of South Tyneside Council.

Cover image of a Turnstone by Andreas Trepte sourced via [Wikimedia Commons](#) with use licenced through creative commons (2.5).

1. Introduction

- 1.1 This report is a recreation mitigation strategy, prepared in response to an interim Habitats Regulations Assessment (HRA) of the emerging growth scenarios and options for the South Tyneside Borough. The HRA has 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. The HRA report provides the background and justifications for the preparation of this recreation mitigation strategy.
- 1.2 The objectives of this report are as follows:
- To establish the measures necessary to either avoid or mitigate for increased recreation pressure that would otherwise occur as a result of new growth within the South Tyneside Borough.
 - To ensure that the measures accord with legislation, and are justified and appropriate to requirements.
 - To set out how the 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.
 - To provide an interim mitigation approach, that can then be refined as the new South Tyneside Local Plan is finalised and adopted.
 - To recommend additional steps and data gathering that would be beneficial to inform the future revisions to the strategy, and policy approach within the South Tyneside Local Plan.
- 1.3 The interim HRA report concluded that in order to take forward residential growth in the Borough, a strategy to protect the European wildlife sites on the South Tyneside coast from the impact of increased recreation pressure is required. This strategy 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.
- 1.4 This strategy report provides the technical information necessary to determine what measures need to be put in place in order to protect European wildlife sites from harm as a result of development coming forward for planning permission prior to the adoption of the new Local Plan. This strategy report has detail in relation to evidence, technical explanations and justifications for the strategy being applied. It is accompanied by a short document to be adopted as Supplementary Planning Guidance that will be used by development management staff and developers to understand how they can adhere to the strategy.

- 1.5 This strategy report is therefore the second in a series of three reports being prepared by Footprint Ecology for South Tyneside Council. The three reports are:
- An interim HRA assessing the potential impact of residential growth in the South Tyneside Borough, as an early HRA using Local Plan evidence in the absence of a full plan to assess.
 - An interim mitigation strategy and charging schedule to set out the measures needed to protect European sites, with a charging schedule to be applied to relevant development (this report).
 - An interim Supplementary Planning Document (SPD) to provide policy and guidance to implement the interim mitigation strategy.
- 1.6 These three reports will provide South Tyneside Council with the evidence, justification, mitigation measures and implementation mechanism for protecting European sites prior to the adoption of the new Local Plan. This interim approach will be revisited and updated as part of the HRA of the South Tyneside Local Plan once preparation of the plan is underway. The new Local Plan will then embed European site protection within its policies. The mitigation strategy will be reviewed and updated, and secured within the new Local Plan.
- 1.7 It is therefore currently anticipated that the interim approach set out within the three reports will be in place for up to five years, and the three reports have been prepared on that basis.

Habitats Regulations Assessment

- 1.8 A HRA is the step by step process of ensuring that a plan or project being undertaken by, or permitted by a public body, will not adversely affect the ecological integrity of a European wildlife site. Where it is deemed that adverse effects cannot be ruled out, a plan or project must not proceed, unless exception tests are met. This is because European legislation, which is transposed into domestic legislation and policy, affords European sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.
- 1.9 The duties set out within the Habitats Regulations apply to any public body or individual holding public office with a statutory remit and function, referred to as 'competent authorities.' The requirements are applicable in situations where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. A more detailed guide to the step by step process of HRA is provided in the first report – the interim HRA.
- 1.10 South Tyneside Council, as competent authority, has recognised the risks posed to the coastal European sites as a result of new residential growth. It is the responsibility of

the Council to secure measures to prevent those risks coming to fruition, i.e. to prevent adverse effects on the integrity of the European sites.

European sites

- 1.11 The European sites of relevance to this HRA 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 (which shows the entire extent of these European sites) and Map 2 (which shows the South Tyneside area in more detail).
- 1.12 The Durham Coast SAC runs from South Shields down to Blackhall Rocks along a 20km stretch of coastline, as illustrated on Map 2. The citation for the site explains that this 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 are 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.
- 1.13 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.
- 1.14 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*.
- 1.15 Within South Tyneside, Turnstone in particular are known to use other locations outside the SPA, and the use of these other areas by the SPA interest potentially means these other locations are functionally-linked. Various locations were surveyed in 2015-16 by BSG Ecology (Beamsley 2016a; b) and the key locations where Turnstone were recorded are indicated on Map 2.
- 1.16 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.

What the strategy does not cover

- 1.17 The Strategy has been prepared to specifically resolve the need to avoid and mitigate for additional recreation pressure on the coastal European sites that might otherwise

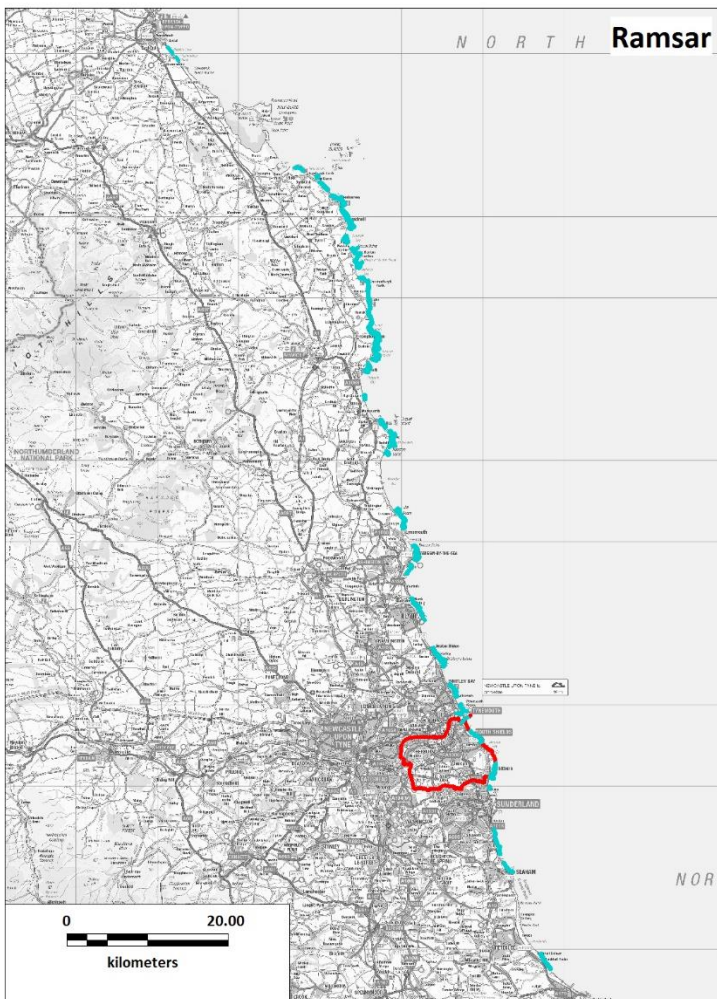
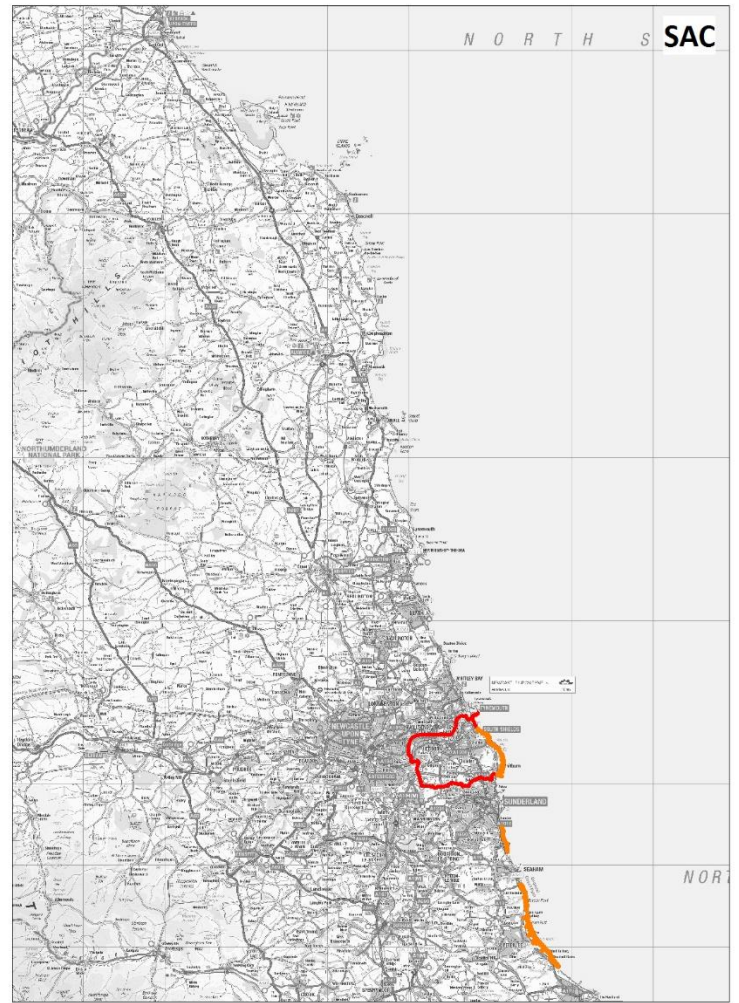
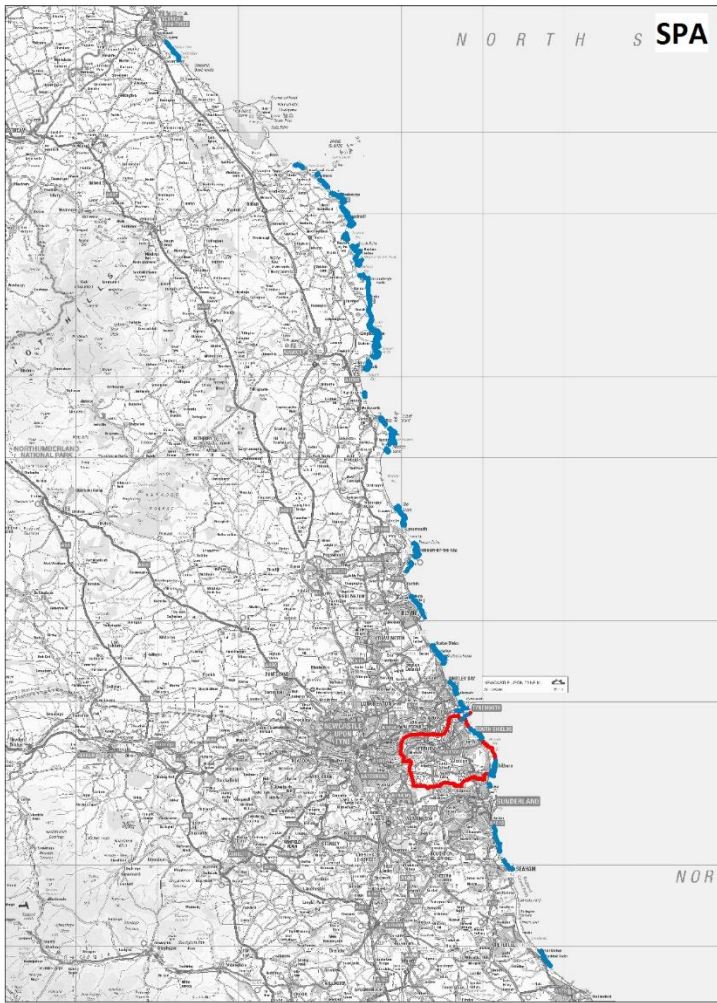
result from housing growth. The European site boundaries extend outside the South Tyneside administrative area, and this strategy does not currently provide a strategic approach for other local authority areas that need to avoid and mitigate for additional recreation pressure on the same sites. It has however been prepared to complement approaches where in place outside the South Tyneside boundary.

- 1.18 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.
- 1.19 The strategy does not automatically provide mitigation measures for other plans or projects relating to recreation. Each should be assessed in accordance with the Habitats Regulations.
- 1.20 This strategy does not provide advice for individual developers who do not wish to adhere to it in order to demonstrate that their project is compliant with the Habitats Regulations. The strategy and accompanying SPD provide 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.

The structure of this report

- 1.21 This strategy comprises three main parts:
- Evidence and analysis
 - Establishing appropriate avoidance and mitigation measures
 - Implementation advice
- 1.22 Each of these three parts is set out in turn in the following sections of this report.

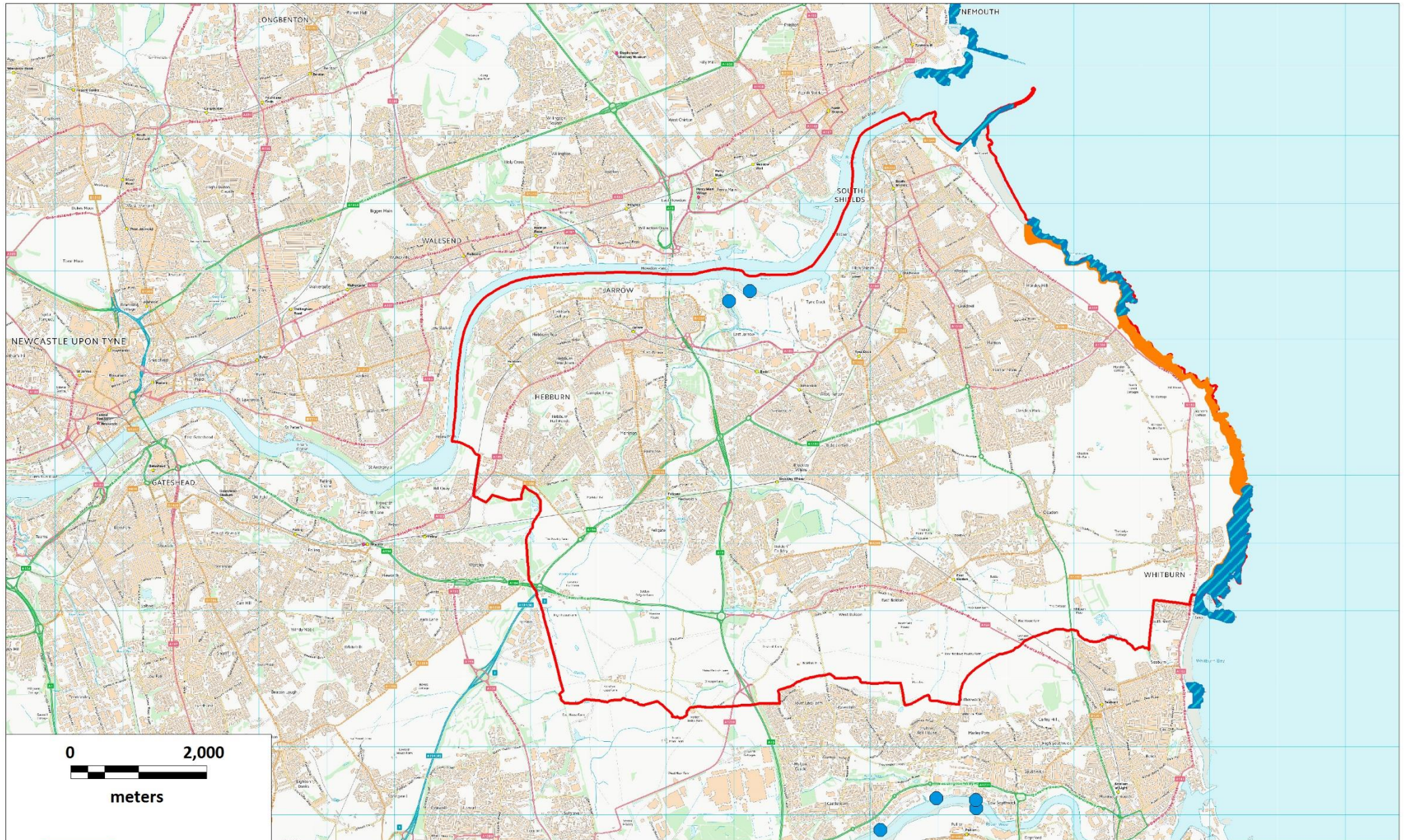
Map 1: Relevant European Sites



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


Contains Ordnance Survey Data.
 © Crown copyright and database right 2017.
 Designated site boundaries downloaded from the Natural England website.
 © Natural England.


Map 2: Relevant European Sites



 South Tyneside

 Northumbria Coast SPA

 Indicative locations outside SPA where interest features known to occur

 Northumbria Coast Ramsar (contiguous with SPA)

 Durham Coast SAC

Contains Ordnance Survey Data.
 © Crown copyright and database right 2017.
 Designated site boundaries downloaded from the Natural England website.
 © Natural England.

2. Part 1 – Evidence and Analysis

2.1 This part of the strategy sets out the background evidence, and analysis of that evidence, that has been used to inform the strategy. Evidence is presented under the following headings:

- Growth evidence – levels of current and future housing
- Ecological evidence – current status of wildlife interest and sensitivity to recreation
- Establishing a zone of influence within which mitigation is required

2.2 Each of these types of evidence used to inform the mitigation strategy are explained and analysed in turn below.

Growth evidence

2.3 The work being undertaken to develop the new South Tyneside Local Plan is set out within the interim HRA report. This section focuses on the particular Local Plan evidence that is now being used to inform this strategy. The interim HRA should be referred to for a more comprehensive review of all the relevant housing need information, analysis and evidence gathering work for the forthcoming Local Plan.

Strategic Land Review

2.4 This Issues and Options consultation suggested that the housing need for the South Tyneside Borough over the new plan period may amount to between 10,000 and 12,000 new homes. The recently finalised Strategic Land Review (SLR) is the assessment of development potential across the Borough, determining which potential development sites are either suitable, potentially suitable, or can be discounted due to their unsuitability. Collectively, the sites identified as either suitable or potentially suitable provide for approximately 10,000 new homes and the equivalent of 12,000 jobs in employment development opportunities. The SLR is the first step in establishing a set of development allocations for the Local Plan in due course. The suitable and potentially suitable sites may not all progress to an allocation within the Local Plan.

2.5 The interim HRA based its assessment on the inclusion of the full suite of suitable and potentially suitable sites, with the assumption that all suitable and potentially suitable sites will become allocations in the South Tyneside Local Plan, and therefore taking a precautionary approach in the absence of more refined information in the

forthcoming South Tyneside Local Plan. The interim HRA recognises that the Local Plan may not include all of the SLR suitable or potentially suitable sites.

- 2.6 In Autumn 2017 the Government ran a consultation on proposals to reform the planning system in terms of the housing numbers being planned within each local authority area. The consultation set out a standard methodology for calculating housing need, and this therefore provides an up to date indication of the housing requirements for the South Tyneside Borough. Since the preparation of the interim HRA, the South Tyneside planning officers have considered the national objectively assessed need figures alongside their local evidence and their housing need and land supply assessment work to date. Based on the new draft calculation method, South Tyneside Borough will now select appropriate SLR sites to provide a housing land supply for 360 houses per annum over the 20-year plan period, therefore equating to at least 7,200 houses.
- 2.7 For the purposes of this mitigation strategy for recreation pressure, an overall figure of 7,200 new houses across the Borough is therefore being assumed. This mitigation strategy is an interim approach, setting the foundations for a refined strategy once the Local Plan has been prepared. In order to develop an interim strategy, an overall housing figure is required. This strategy therefore uses the 7,200 new houses figure as a basis for the calculations set out in part 2. The housing need figure for the Borough may change over time as the Local Plan is developed. This may therefore trigger the need to refine the calculations presented in part 2 as part of the review of this interim approach.

Ecological evidence

- 2.8 An analysis of available ecological information to determine potential sensitivity of the European site to recreation is provided within the interim HRA report. This section summarises the relevant information that now informs the measures being proposed within this strategy to avoid and mitigate for recreation pressure arising from new residential development.

Northumbria Coast SPA and Ramsar site

- 2.9 The breeding bird interest for the SPA is Little Tern. These tend to nest in colonies on open beaches, either sand or shingle, or a combination of both. Within the Northumbria Coast SPA, there is limited habitat for Little Terns to nest and the key location for the species is Beadnell Bay, which is considerably to the north of the South Tyneside Borough. A further colony at Crimdon Dene to the south forms part of the Little Tern interest for the Teesmouth and Cleveland Coast SPA, which continues along the coast to the south of the Northumbria Coast SPA.

- 2.10 Consideration of the available habitat on the South Tyneside Coast leads to a conclusion that Little Tern is unlikely to establish a nesting colony due to lack of open beach that has a low level of surrounding urbanisation and recreational use. This mitigation strategy does not therefore include any measures relating to the Little Tern interest for the Northumbria Coast SPA.
- 2.11 However, discussions with the National Trust have highlighted that there may be merit in looking at options to create artificial breeding habitat for Little Tern. This could be in a location that is slightly landward, creating an artificial beach area at a site where disturbance can be effectively managed. If successful this would be of notable benefit for the SPA, which currently has breeding colonies spread at some distance from each other along the coast, with colonies continually at risk of coastal change, food resource fluctuations, and new disturbance or predator pressures.
- 2.12 The Northumbria Coast is very long and thin and is predominantly open coast rather than estuary. Its overwintering bird species are therefore found in close proximity to human disturbance and urbanisation along the coastline. The Northumbria Coast SPA is designated for two species of wintering waterbirds; Turnstone and Purple Sandpiper, both associated with rocky habitats, and sometimes areas of seaweed washed up on beaches. Whilst close to urbanisation and coastal paths at the top of the cliffs, these habitats themselves are potentially less accessible to people, being at the base of cliffs and island outcrops. Purposeful exploration of these areas can take place, and dogs off lead can get down to these parts of the coast. Activity at the top of the cliffs can in some places still be in very close proximity.
- 2.13 Disturbance to wintering and passage waterfowl can result in:
- A reduction in the time spent feeding due to repeated flushing/increased vigilance (Fitzpatrick & Bouchez 1998; Stillman & Goss-Custard 2002; Bright *et al.* 2003; Thomas, Kvitek & Bretz 2003; Yasué 2005)
 - Increased energetic costs (Stock & Hofeditz 1997; Nolet *et al.* 2002)
 - Avoidance of areas of otherwise suitable habitat, potentially using poorer quality feeding/roosting sites instead (Cryer *et al.* 1987; Gill 1996; Burton *et al.* 2002; Burton, Rehfisch & Clark 2002)
 - Increased stress (Regel & Putz 1997; Weimerskirch *et al.* 2002; Walker, Dee Boersma & Wingfield 2006; Thiel *et al.* 2011)
- 2.14 There have been declines in Turnstone and Purple Sandpiper along the Northumbria Coast, which have been picked up through the long-term Wetland Bird Surveys (WeBS), (Cook *et al.* 2013). These declines appear to span relatively long time periods. Further analysis of disturbance data from around the UK, and the bird survey reports for the Northumbria Coast, is set out within the interim HRA. From the recent local planning authority commissioned survey reports, it is evident that both species occur along the

majority of the coastline with the exception of the main expanse of sandy beach at South Shields.

Durham Coast SAC

- 2.15 The Durham Coast SAC is designated for vegetated sea cliffs; it is the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. As such the vegetation is unique in the British Isles and is comprised of a mosaic of grassland types, tall-herb fen, seepages and flushes. The cliffs stretch along the coast for many miles along the North Sea and the vegetation communities are largely maintained by natural processes that include exposure to sea spray, slippage of soft limestone bedrock and localised flushing.
- 2.16 Key current pressures and threats to the SAC are set out in Natural England's Site Improvement Plan¹ and include (in prioritised order): natural changes to site conditions; inappropriate coastal management; invasive species; fertilizer use; illicit use by vehicles; changes to site conditions and public access/disturbance. The illicit vehicles relates to the illegal use of motorbikes, quadbikes and 4x4s in specific areas along the coast, especially around soft cliffs and dunes, causing erosion and damage to vegetation. Public access/disturbance is a pressure and the issue relates to dog fouling, which results in increased nutrient levels which can lead to a change in vegetation communities present.

Establishing a zone of influence

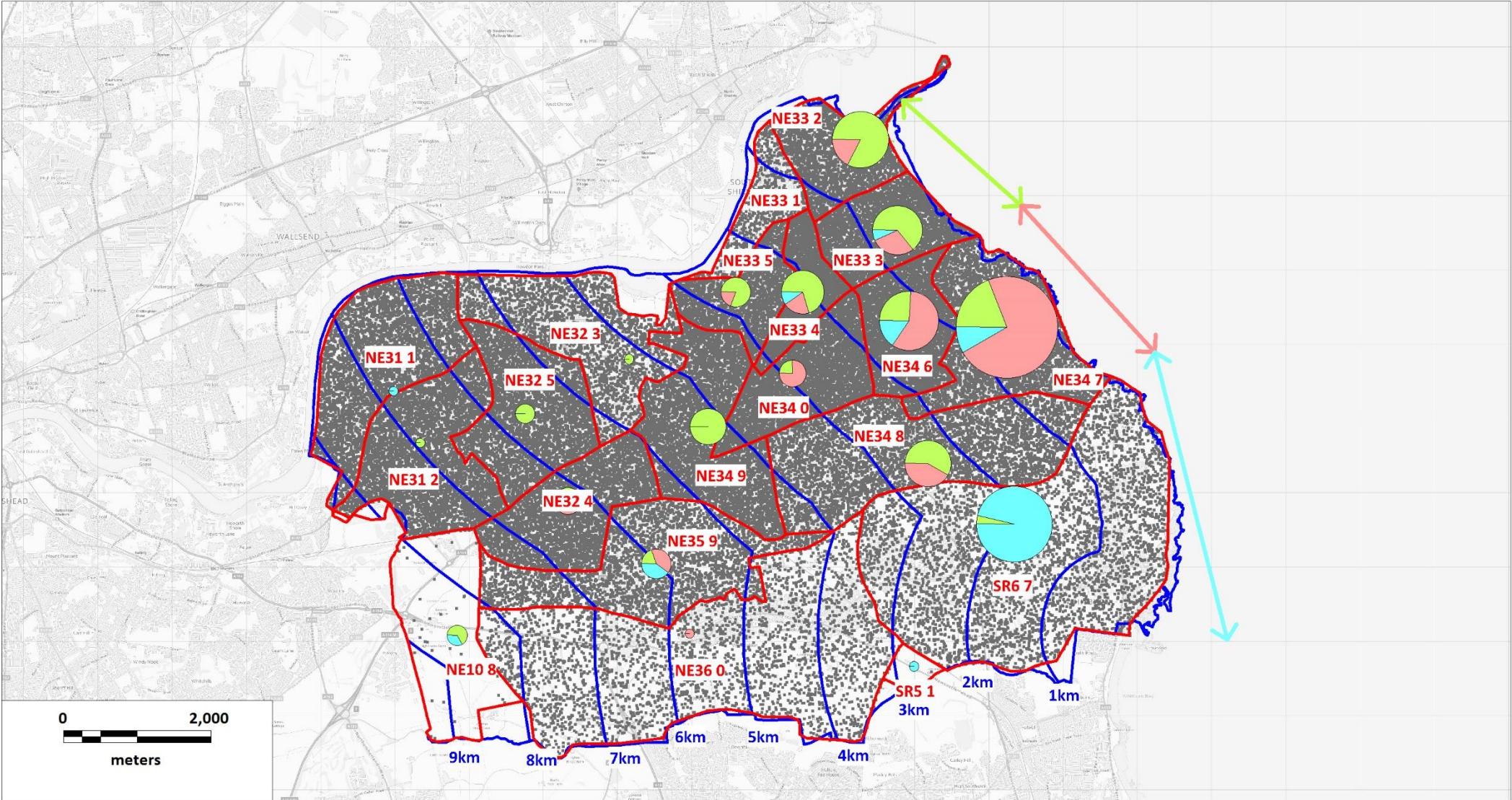
- 2.17 The interim HRA provides an analysis of visitor data from surveys undertaken over two years (2014/5 and 2015/6), commissioned by South Tyneside Council. The data was used by the interim HRA to establish visitor numbers originating from different postcode sectors within South Tyneside. Data are summarised in Map 3 with the red lines on the map representing the different postcode sectors (which are also labelled in red) and the pie charts showing the number of interviewees to each of three sections of coast. The size of the pie chart reflects the overall number of interviewees that visited the coast. In total 186 interviews are represented on the map. Map 3 also uses the stippled shading to indicate housing density. The dots are distributed at random, but each dot is equivalent to a single dwelling and therefore the intensity of the shading broadly reflects housing density within the postcode sector.
- 2.18 As explained in the Interim HRA report, ideally the data would be in the form of unique, full postcodes, which would allow better data analysis and a more informed

¹ <http://publications.naturalengland.org.uk/file/5185664152764416>


approach to determining how many interviewees came from different distance bands away from the coast. The postcode information from the visitor data provides a partial post code, but not a specific location. However, the data clearly shows a pattern whereby there are more visitors from the sectors closer to the coast.

- 2.19 The plots of the data in Figure 1 show a clear pattern whereby visits per property declines with distance. It can be seen that there is a clear tail off at around 6 to 7km.
- 2.20 The interim HRA includes detailed analysis of the visitor data in combination with the housing evidence base, in order to predict potential changes in recreation. The interim HRA, using the visitor data and working on the SLR data to give a rough estimate of forthcoming housing in the new plan period, 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. The initial conclusion of the interim HRA was that a zone of influence of 6km should be established for the interim mitigation strategy. This had regard for the normal practice of using a tail off distance of 75% of visits within survey data, and making a best fit of this approach for South Tyneside where the postcodes are not provided in full. Whilst this approach makes best use of available data, it is recommended that repeat visitor surveys, designed to obtain full visitor postcodes, will be an important data gap to fill as part of the interim strategy, to then inform a revised approach after the 5-year period.

Map 3: Housing data and visitor interviews



Postcode sections
 1km buffers from coast
Current housing density (2017)
 Dots randomly distributed to indicate density
 1 Dot = 1 dwelling

Number of interviewees from each postcode sector

 Visiting Tyneside to Frenchman's Bay
 Visiting Frenchman's Bay to Lizard Point
 Visiting Lizard Point to South Bents

Pie charts show data from 186 visitor interviews where interviewee gave postcode sector within South Tyneside.

South Tyneside Interim HRA and SPD Report 2: Recreation Mitigation Strategy

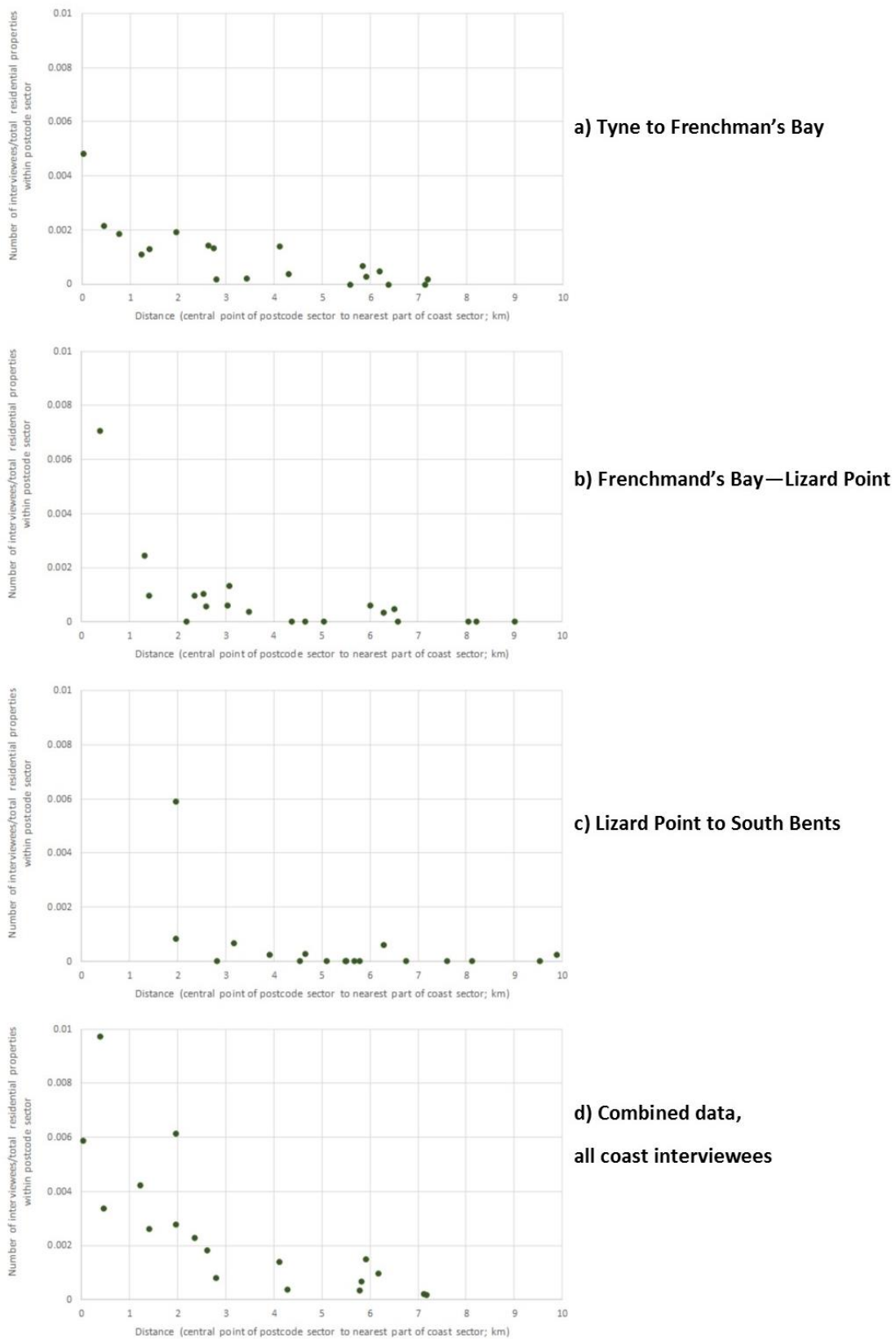


Figure 1: Number of interviewees per residential property in relation to distance from the coast (distance measured from the centre of the sector to the nearest part of the coast). Sectors NE10 8 and SR5 1 are not shown/included in the plots as there were so few houses, and therefore potentially spurious results.

3. Part 2 – Establishing appropriate avoidance and mitigation measures

3.1 This section explains the rationale behind the avoidance and mitigation measures selected as being most appropriate for this interim strategy.

Avoidance and mitigation principles

3.2 Avoidance and mitigation measures are those that prevent adverse effects on European site integrity. Avoidance blocks or redirects effects on European sites i.e. the risk is completely removed. Mitigation measures are those that reduce or manage the risk, or negate a risk through action that counterbalances the effect. When such measures are applied, they can reduce an effect to an acceptable level but may not completely eliminate it. Both are used, often together with a suite of measures within a strategic approach.

3.3 The National Planning Policy Framework provides a framework for planning bodies to work within when planning for sustainable growth in their local area, and then managing that growth in accordance with the plans in place. Any avoidance and mitigation strategy necessary to protect European sites from impacts arising from development should be designed in accordance with principles embedded within the National Planning Policy Framework and its associated National Planning Practice Guidance. This Strategy is prepared on the basis that it is evidence based, fair, cost efficient and effective, whilst recognising the need for precaution where necessary, and the review that will take place after 5 years.

3.4 The following principles have been adapted and expanded from those used to shape the strategic mitigation strategy for the Solent (Liley & Tyldesley 2013) and the strategic approach to mitigating for impacts at estuarine sites (Ross *et al.* 2014):

- **Necessary:** the measures within the strategy should be essential in order to enable planning permission to be granted in light of the requirements of the Habitats Regulations, the Community Infrastructure Levy Regulations and paragraph 204 of the NPPF (which relates to planning conditions and obligations).
- **Relevant to planning:** the measures should not constitute those which are required irrespective of new growth in order to meet duties relating

to the maintenance and restoration of European sites, as required by Article 6(2) of the Habitats Directive or Article 4(4) of the Birds Directive.

- **Relevant to the development:** the Strategy should be applied to all developments of a kind, scale and location that have the potential to affect the European sites (alone or in combination with other plans or projects), again in accordance with the Community Infrastructure Levy Regulations and paragraph 204 of the NPPF.
- **Effective:** the Strategy should provide certainty that development can proceed without adverse effects on the European sites arising from recreation. Measures should avoid impacts, or reduce the effects to levels which could not possibly undermine the conservation objectives of the European sites, thus meeting the requirements throughout Section 11 of the NPPF.
- **Cost efficient:** the Strategy should be cost effective in terms of management, collection, fund-holding, distribution and accounting. It should seek to put in place measures that are fit for purpose to achieve the required objectives, but not those that are over and above that which is necessary to give certainty that the European sites will be adequately protected, and not those that deliver other objectives for the local area. Requirements should be fairly and reasonably related in scale and kind to the development, as required by paragraphs 204 and 206 of the NPPF.
- **Flexible:** the Strategy should be robust enough to give certainty that European site interest will be protected, but at the same time flexible enough to be reviewed and modified over time, as may be indicated by monitoring. The strategy should be sufficiently flexible to ensure that planned development that is capable of being mitigated for is not impeded by the implementation of the strategy, in accordance with paragraphs 19, 190 and 205 of the NPPF. The strategy should be designed with a view that it is adaptable over time to give it greater longevity.
- **Fair:** the Strategy should be applied fairly to development, proportionate to the potential impact that will be generated. Measures should not target particular types of development and leave other types free to proceed without adequately contributing to the mitigation for their impacts. Equally, the measures should be fair in respect of the sources of increased recreational pressure. It is important to note that the local

planning authorities, as competent authorities, are responsible for securing the necessary mitigation, and funding for some measures may need to be raised from other sources if it is not possible to obtain adequate funding from the development itself (this accords with the solutions focused approach advocated in paragraph 187 of the NPPF).

- **Evidence-based:** the measures within the strategy should be included on the basis of evidence to justify their need and appropriateness, and to confirm their likely effectiveness, and therefore be in accordance with the requirements of paragraph 158 of the NPPF. The Strategy should not include measures that are unjustified or unproven, or that are desirable to achieve other objectives.
- **Timely and implementable:** the Strategy should be implementable with a good degree of certainty that the required measures can be delivered in a timescale that is related to the commencement of the development and the avoidance of potential impacts, taking account of the gradual change in recreational use over time. This will require considerable forward planning for the strategy to be implemented in a timely manner. Some measures will need to be secured in-perpetuity to ensure that impacts are avoided into the long term.
- **Compliant:** with planning law and policy, including the Habitats Regulations and parent European Directives, the NPPF, the Community Infrastructure Levy Regulations and the planning legislation and policy relating to the use of Section 106 Planning Obligations.

3.5 From these principles, it is considered particularly important for this Strategy to focus on being evidence based, fair, cost efficient and effective.

3.6 The term 'in-perpetuity' is often referred to when thinking about the requirements to avoid, mitigate or compensate for impacts that have a negative effect on the natural environment. It is a term that has been taken from a legal definition provided in the Perpetuities and Accumulations Act 1964, updated in 2009, where a need to define a period that equates to forever is necessary when dealing with wills and trusts. The 2009 Act defines this as 125 years, formerly 80 years in the 1964 Act. This legal definition is often applied to wider requirements where a stated definition of in-perpetuity is required, and has been accepted in strategic mitigation schemes for European sites such as those in place for the Thames Basin Heaths and Dorset Heathlands.

- 3.7 As new residential development is permanent in nature, the avoidance and mitigation measures secured should equally provide lasting protection for the European site interest features. South Tyneside Council will need to ensure that the strategy remains forward thinking, whilst at the same time being applicable to each Local Plan cycle. At this point in time, this strategy has struck a balance between the interim nature of this initial strategy before the 5 year review, whilst at the same time having regard for the full quantum of housing coming forward in the forthcoming Local Plan. Avoidance and mitigation measures should function for the lifetime of the development for which they are protecting the European sites. If this is not secured directly, there should at least be a commitment from the competent authority to that permanent coverage, with strategy reviews informing a repeated or modified mitigation package to provide continual mitigation whilst it remains necessary. This requires commitment to in-perpetuity unless evidence demonstrates otherwise. As such, the way in which avoidance and mitigation measures are funded over a long-term basis is important for the strategy to continue to have regard for. The long term commitment should be detailed in the forthcoming Local Plan, and this point should therefore be picked up again in the Local Plan HRA.
- 3.8 Measures within this strategy are primarily focussed on 'on-site' measures, i.e. those that take place at the European site. These manage recreation, influence behaviour, provide information and facilities to reduce impacts. Additionally, 'off-site' measures are those that function away from the European sites, by providing an alternative recreation experience that may reduce the number of visits to the coast.

Natural England's advice

- 3.9 The recommendations made here within this interim strategy are in alignment with the advice recently provided by Natural England. As the statutory nature conservation body, Natural England has provided formal comment at both the plan and project level. Natural England has strongly encouraged the development of a strategic approach, and advised that this needs to be undertaken to enable measures to be in place for residential development coming forward prior to the adoption of the Local Plan. At the recent workshop described below, Natural England was maintaining encouragement of a strategic approach.

Drawing on local expertise

- 3.10 In developing this strategy, Footprint Ecology held discussions at two workshops held at the South Tyneside Council offices. The first included invitees from

Natural England, the National Trust, RSPB and neighbouring planning authorities. The second included planning officers and managers (involved in both forward planning and development management), legal officers and the countryside officer. The first event helped to shape ideas on the types of mitigation measures that may or may not work on the South Tyneside coast, and to confirm priorities for the interim period. The second helped to identify issues and opportunities within the practical application and administration of the strategy.

Recommendations for avoidance and mitigation measures for recreation

- 3.11 An overview of potential mitigation measures is provided in Table 1. This summarises the range of different mitigation options relevant to coastal SPA sites with intertidal habitat. The exploration and refinement of mitigation options should be informed by good practice elsewhere, including emerging monitoring outcomes from more mature strategic mitigation schemes elsewhere.
- 3.12 This table is collated from European site mitigation approaches across the country. It is a collation of data from good practice, lessons learnt and monitoring data from Footprint Ecology's work across a range of strategic mitigation schemes. The table indicates where a measure is suitable for general application to all sites at a strategic level, and where it would need to be designed to suit a local and specific situation.
- 3.13 A suite of mitigation measures should function together to have confidence that adverse effects arising from recreation have been prevented. In most instances when developing a strategy for development, each measure taken alone is unlikely to give that certainty. A combination of measures, developed and targeted after analysis of available information, gives greater certainty. This is because the combination of measures working together reduces risk and builds in contingency for amending the strategy if some measures do not perform as well once implemented. Other measures can still be functioning in the short term whilst some are revised.

South Tyneside Interim HRA and SPD
Report 2: Recreation Mitigation Strategy

Table 1: Potential mitigation measures relevant to intertidal SPA sites, adapted from Ross *et al.* (2014). The order measures are listed in reflects their perceived effectiveness, based on expert scores, with the more effective measures at the top (see Ross *et al.* 2014 for details). Relevant activities and spatial scale columns are indicative and measures will vary markedly between sites.

Key:	Measures most relevant to estuary wide approaches	Complex measures potentially difficult to deliver; Estuary-wide strategic schemes only/careful consideration necessary	More localised measures, relevant within estuary wide schemes or for localised mitigation
-------------	---	--	---

Measure	Type of activity relevant to			Spatial scale		Can be off-site	Very Site Specific	Temporal scale		
	Shore-based	Water-based	Dogs	Local	Strategic			Short term measures: can be established quickly and likely to be effective quickly	Medium term measures	Major long-term projects/ large infrastructure
Lagoon and wetland creation	✓	✓	✓	✓	(✓)	✓				✓
Hides	✓			✓				✓	✓	
On-site visitor engagement	✓	✓	✓	✓	(✓)			(✓)	✓	
Screening	✓		✓	✓				✓	✓	
Development exclusion zones	✓	✓	✓		✓	✓			✓	
Artificial roosts	✓	✓	✓	✓		✓			✓	✓
Closing car parks	✓	✓	✓	✓	(✓)			✓	✓	
Re-siting/relocating of car parks	✓	✓	✓	✓	(✓)				✓	✓
Path improvement	✓			✓				✓		
Permits / licences	✓	✓		✓	✓			✓	✓	
Path closure	✓		✓	✓				✓		
Path diversion	✓		✓	✓				✓		
Vehicle restrictions/barriers	✓	✓	✓	✓				✓		

South Tyneside Interim HRA and SPD
Report 2: Recreation Mitigation Strategy

Measure	Type of activity relevant to			Spatial scale		Can be off-site	Very Site Specific	Temporal scale		
	Shore-based	Water-based	Dogs	Local	Strategic			Short term measures: can be established quickly and likely to be effective quickly	Medium term measures	Major long-term projects/ large infrastructure
Direct contact with local clubs/user groups	✓	✓	(✓)	✓	✓	✓	✓		✓	
Alternative routes	✓		✓	✓				✓		
Temporary exclusion fencing	✓		✓	✓				✓		
Managed retreat	✓	✓	✓	✓		✓				✓
Watersports zones		✓			✓				✓	
Alternative sites	✓	✓	✓		✓				✓	✓
DCOs to ban dogs entirely			✓	✓					✓	
Dedicated routes	✓		✓	✓					✓	✓
Limiting/reducing parking provision	✓	✓	✓	✓	✓				✓	
Dog-fenced areas			✓	✓				(✓)	✓	
Planning conditions	✓	✓	✓	✓	✓	✓		✓	✓	
Other byelaws (e.g. fishing, kite surfing, etc.)	✓	✓	✓	✓	✓		✓		✓	
DCOs/byelaws to keep dogs on a lead			✓	✓					✓	
Signs	✓	✓	✓	✓					✓	
Information materials (leaflets, interpretation)	✓	✓	✓	✓	✓				✓	
Codes of conduct	✓	✓	✓		✓	✓			✓	
General off-site information provision	✓	✓	✓		✓	✓			✓	
PSPO to put dogs on a lead when asked			✓	✓					✓	
Changing parking charges	✓	✓	✓	✓	✓	✓			✓	

South Tyneside Interim HRA and SPD
Report 2: Recreation Mitigation Strategy

Measure	Type of activity relevant to			Spatial scale		Can be off-site	Very Site Specific	Temporal scale		
	Shore-based	Water-based	Dogs	Local	Strategic			Short term measures: can be established quickly and likely to be effective quickly	Medium term measures	Major long-term projects/ large infrastructure
PSPO to limit the number of dogs per walker			✓	✓				✓		
PSPO to pick up dog fouling			✓	✓				✓		

3.14 From the list in Table 1, measures that will be relevant to South Tyneside are those that relate to dog walking and other activities around the rocky shores, and those that might address illicit vehicles on SAC habitats. Drawing from Table 1, experience of strategies elsewhere, reviewing all the available evidence and working with local stakeholders through the workshop, it is apparent that the immediate priorities for the interim strategy should focus on the following:

- Delivery staff influencing visitor behaviour on site
- Dog related measures
- Delivery staff promoting education and awareness raising, pride and ownership of the natural assets of the coast.

3.15 This strategy therefore identifies the following interventions:

- Delivery officer role with a remit to talk to visitors, raise awareness of issues and influence behaviour
- Delivery officer role with a remit to undertake education work to raise awareness of nature conservation interest
- 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

3.16 These interventions form a suite of mitigation measures that together will ensure that adverse effects arising from recreation have been prevented. Each measure taken alone is unlikely to give that certainty. A combination of measures, developed and targeted after analysis of available and gathered information has the potential to give the necessary certainty because of the combination of measures working together, reducing risk and building in contingency.

3.17 The delivery officer requirement has two distinct work areas, and it is estimated, from discussion with South Tyneside Council officers and experience elsewhere, that a 1.5 FTE would be required to adequately cover this work, allowing for coverage of weekends as well as weekdays. How this is divided between two members of staff will depend on the skills and capacity of individual staff. For the purposes of this strategy, the need for 1.5 FTE is calculated, and the work areas broadly defined, with flexibility for how these roles are taken forward. It is anticipated that with prioritisation given to staff recruitment early in the delivery period, there will only need to be light touch oversight of the strategy, as described in the governance section, rather than close day to day management. The recommended staff will need to have a broad range of skills,

and some of the projects may also need external specialist input (e.g. web and graphic design).

3.18 Each of the above measures are considered in more detail below.

Delivery officer – on site visitor liaison

3.19 A team of delivery staff, wardens and education officers is a feature of other mitigation schemes such as the Solent, the Thames Basin Heaths and the Dorset Heaths. In these other examples the wardens form a small mobile team that spend the majority of their time outside at sites, talking to visitors, influencing how visitors behave and showing people wildlife. The advantage of such an approach is that the staff can focus their time at particular sites/locations as required. This means that as particular projects are set up, as development comes forward, or if access issues become a concern at a particular location, the staff can be present and target their time accordingly. The roles of the team would also include helping with the delivery of site-specific and local projects and monitoring.

3.20 Given the size and nature of the area, for South Tyneside the recruitment of staff to cover effective delivery of the strategy and undertake warden type duties would be sufficient. The on-site visitor liaison part of the 1.5 FTE posts would be particularly focussed at the European sites during the winter period, from the beginning of September through to the end of March. The role could involve targeting sensitive locations at key times (such as roost sites around high tide) or areas where issues (such as dogs off leads or illicit vehicles) are known to be an issue. Ideally staff could be present at the necessary tide state and in a position where they can point out birds to anyone passing and intercept anyone they believe might flush the roost and ask them to walk round/put dog on lead etc.

3.21 The staff would need to be recognisable and therefore some distinctive branding or clothing will be important, and this should be recognisable to visitors. The use of branded vehicles and even display boards (e.g. sandwich boards or similar that can be put up when staff are standing at a particular location) will help give a recognisable presence to visitors. Ensuring an 'official' look and instantly recognisable identity will help ensure effectiveness.

3.22 The identity and work of the delivery officers should be promoted through social media. The Solent mitigation work, in particular the wardening team, have a 'brand' called birdaware² which has a unique logo, website, leaflets etc. and provides a good example of messages and public communication. The delivery officer roles may be

² See <http://www.birdaware.org>

best being part of an existing team, such as the local authority countryside service/ranger team or National Trust, and further consideration is necessary to explore the best options for hosting.

- 3.23 The new roles would need to fit alongside and supplement existing wardening effort and visitor engagement, for example South Tyneside Council already works with the National Trust and funds management by the National Trust of some of the greenspaces along the coast. We envisage that staff funding would need to be secured for at least 20 years, covering the plan period. There may be merit in funding being secured for longer, given the in-perpetuity impacts of development. However, future plans will potentially deliver further housing which could ensure a rolling programme of staffing and it may also be that the regular on-site presence over a 20-year period is sufficient to shift visitor behaviour, access patterns and raise awareness. As such the on-site visitor liaison aspect of the work may be necessary for a fixed period only. The timescale for staff should therefore be assumed to be permanent in the absence of evidence to show otherwise, but subject to review.

Delivery officer - education focus

- 3.24 Alongside the staff member focussing on the on-site visitor liaison, it is advised that a second delivery officer post should be established with an educational role to raise awareness of the nature conservation interest and special nature of the South Tyneside coast. The post would involve visits to local schools, site visits/guided walks with groups (community groups, schools) and would use social media and the internet to reach as wide an audience as possible.
- 3.25 This post is similarly recommended for a 20-year period, and initial work would be focussed on establishing an annual programme with a range of schools and interact with a range of school children and groups. After 5 years the post should be reviewed, in light of progress during this interim period. It may be possible that the educational work could be scaled back such that any material is available to teachers to use themselves, or it may be apparent that ongoing educational work forms a key part of longer term mitigation delivery as new homes come forward.

A dog project to raise awareness of issues and engage with dog walkers

- 3.26 A dog focused project would provide a means of engaging with dog walkers, and would represent a positive step towards enhancing access and forming links with the dog walking community.
- 3.27 The project should:
- Have a strong web presence, with a dedicated, stand-alone website providing a gazetteer of countryside sites to walk dogs at (where dogs are

welcomed); provide information to dog walkers (e.g. regarding safety issues; temporary closures; changes at popular dog walking sites); provide guidance on conduct and provide other useful information such as directories of local vets, kennels, dog walking services, dog grooming, dog-friendly cafes.

- Have a strong interest and relevance to local dog walkers, for example an area where members can upload photos of their pets.
- Utilise social media to ensure wide contact and extended reach.
- Provide free membership, with membership benefits that include registration of dog's details (in case lost) and access to particular content on the website. Such membership provides a means of gathering people's contact details and establishing regular contact. Membership should also include other incentives, potentially a membership pack that includes the code of conduct, a printed gazeteer etc.

- 3.28 A precedent and useful case study comes from Dorset, where a project called Dorset Dogs¹, has been part funded through developer contributions. It has a clear and well-designed brand, distinctive logo and an up to date and comprehensive website. The project has established a system of consistent signage to indicate sites where dogs are welcome (green paw print), dogs are welcome if on a lead (amber) and no dogs (red). The colours are used on the website and also small circular signs that are used on sites. Membership is free, and members gain an information pack, free gifts (dog tags, dog bags, stickers etc.) and access to information such as directories of local vets etc. Events are held on-site and called 'pit-stops'. The pit stops involve a small gazebo and people on-site to talk to dog walkers and tell them about Dorset Dogs. This provides a means of gathering new members and actively discussing local dog walking issues. The project has won an award from the kennel club and has established a strong presence in Dorset. It works, in terms of mitigation, in that it promotes a code of conduct and provides a means of communicating issues and concerns (both those of dog walkers and those involved in countryside management).
- 3.29 Checking with dog owners exactly what facilities they will and will not use and the size and types of facilities they would like to see will be essential for the success of a dog project, and a focus group may therefore be beneficial. The desire to allow dogs to run off lead must be acknowledged and understood, as this influences the effectiveness of measures. Measures to improve Temple Park (see below) for dog walking could be promoted as part of the project.
- 3.30 The web design and setting up of the project will need some external help, potentially by specialist consultants. Consultants may need to help with the running of events ('pit stops' etc.), which could also be run by the education officer and/or the warden.

Enhancement of existing greenspace sites

- 3.31 As part of the development of this mitigation strategy, Footprint Ecology and South Tyneside Borough Council officers have looked at whether there are any off-site options for the strategy to complement the range of on-site measures being proposed for the coast. An existing greenspace that has some potential for drawing some dog walking activity away from the coast is situated approximately 2.5km from the coast and with good road access and parking. It is a relatively large park, at around 75ha, and while that area includes sports pitches and a leisure centre, there is much semi-natural greenspace that could be enhanced specifically for dog owners. Other planned improvements at the park provide a timely opportunity to enhance the site, particularly to draw dog owners and therefore reduce their visits the coast.
- 3.32 Some visitor survey work or work with a focal group could be beneficial to help identify how the park could be best improved, ideally working with people who visit the coast rather than solely working with existing regular users of the park. Potential measures to make the park a more attractive destination for dog owners include:
- Provision of a fenced area where dogs could be trained. The north-east corner of the site could provide a suitable location, where around 1.5ha north of the small playground area could be provided as an enclosed space for dogs to be trained off-lead.
 - Fencing along edges of the park to prevent dogs running onto busy roads.
 - Provision of a water feature where dogs can play and drink. Signage may be necessary to let users know the pond has been created for dogs to paddle/swim/drink, and the design should be such that there is easy access to the water's edge for dogs.
 - Additional dog bins, for example at the western edge and at the north-eastern corner (adjacent to the training area).

Interpretation and signage

- 3.33 One of the particular challenges at the coast is to communicate to visitors that the site is important for wildlife and not simply a pleasant and convenient recreation space. Not all visitors are likely to realise they are visiting a location sensitive for wildlife or important for nature conservation.
- 3.34 New signage and interpretation, alongside warden presence and other measures will help address this and ensure visitors are aware of the issues. Signs direct people or inform them of how they should behave whereas interpretation provides information about the place being visited. Signs can be simple symbols or waymarkers while interpretation is traditionally on boards. In order to be effective:

- Consistent branding is important, as it allows visitors to recognise where the signs have come from - ensuring visitors recognise that signs are official and not installed by some third-party.
- Signs directing behaviour (e.g. dogs on leads or water sports speed limits) need to ensure a very clear message. A bold graphic (e.g. as a triangle or circle with stylised graphic of dog on lead) is better than lengthy text - there are many standard pictograms for dogs on leads, no entry etc. that can be adapted. Regulatory messages should be clear, bold and authoritative.
- Where signs direct behaviour (such as dogs on leads), signs should also be present to indicate where such restrictions end, so it is clear to visitors.
- Interpretation should not be overly detailed as many people will often not want to stand still for long periods. Simple and bold notices are more effective for clear instructions. Readers can easily be directed to sources of additional information, for example through the use of QR codes.
- Signs and interpretation need to be eye-catching, carefully sited so as to be in the right locations (e.g. perpendicular rather than parallel to pathways).
- Interpretation should use colour, structure, illustrations and potentially flaps, sliding panels etc. to capture people's interest.
- Interpretation should convey consistent messages relating to the importance for wildlife and why it is sensitive to people. They should refrain from too much technical jargon about designations etc.
- Signs that convey key messages relating to changing behaviour are unlikely to be effective if put up in isolation, they should be part of an overall visitor management/engagement strategy (consistent branding ensuring visitors can link signs and interpretation to websites, face-face engagement etc.). Visitors are unlikely to respond if other users are already ignoring messages and effectiveness is likely to be best achieved if put in place alongside other changes such as modification of parking, footpaths, fencing etc.
- Seasonal signage will need to be removed to stay 'fresh' and permanent signage well maintained and cleaned to keep people's attention. Which signs are permanent or seasonal will need to be effectively managed.
- Signs and interpretation in poor condition or not maintained create an impression that the site is not cared for or looked after. Robust design should ensure longevity and regular checks/maintenance may be necessary.

3.35 The Strategy needs to have regard for existing signage and information provision, to ensure compatibility and consistency. The design brief for the signs and interpretation should ensure they fit with the locations and there is flexibility in what could be installed. It is envisaged that the following designs could be commissioned:

- Small, dogs-on leads signs, potentially just a symbol on a disc that can be added to existing infrastructure (e.g. way-posts and gate posts) and promoted via the dog project, by the warden etc. and used across the area where required.
- Signs indicating dogs on leads and explaining why (i.e. disturbance to birds)
- Signs indicating the need to pick up after dogs and explaining why (i.e. including impacts to vegetation)

- Interpretation boards explaining that the area is important for wildlife, that the wildlife is vulnerable to impacts from recreation, these impacts are cumulative as a result of lots of different activities and events. In the areas that are sensitive it is necessary to be aware of the issues and modify behaviour.

3.36 We anticipate the locations for signage and interpretation will primarily be along the coast, but could also include enhanced greenspaces such as Temple Park. We anticipate the warden post could oversee the letting of the contracts for the different elements, oversee the installation and undertake regular checks.

Review of car-parking

3.37 There are a range of parking locations that provide easy access to the coast. Through the manipulation of the number of parking spaces, parking charges and condition of the car-parks it is possible to influence where people go and how frequently they visit sites. A long-term aim could be to potentially modify charges and parking spaces such that coastal locations are more expensive to park at than inland sites or areas outside the designated sites. Such changes can be contentious and generate public hostility and as such they need to be carefully considered and planned. A review of parking charges and parking should therefore be undertaken before any changes. Given parking charges generate revenue, we have simply included a contribution towards the cost of a review as part of the mitigation strategy.

3.38 The review may inform a future set of projects, or may provide clear recommendations for simple changes that can be undertaken during the interim period. These may include for example some changes to seasonal or annual permits, incentivising use of Temple Park and discouraging use from certain parts of the coast.

Monitoring

3.39 Monitoring is an important component of the mitigation as the distribution of the nature conservation interest can change over time and the recreational use of sites will also change, for example the popularity of different activities can change over time. Monitoring is necessary to ensure the mitigation is effectively targeted. The following elements are important:

3.40 Bird monitoring: regular counts of the SPA interest are undertaken through the BTO's Wetland Bird Survey (WeBS). This provides monthly counts, undertaken by volunteers. It is important this continues and if, for any reason, sectors are not always counted, or the data are incomplete then it may be necessary to supplement the volunteer counts with professional support.

- 3.41 Visitor monitoring: counts of people and interviews are necessary to provide measures of use, behaviour and how mitigation might be enhanced or modified to be more effective. As such monitoring should encompass coastal sites and Temple Park. As noted earlier in this report, there are some limitations in relation to the current visitor data. Visitor data collection with more comprehensive information is therefore going to be important to supplement the baseline evidence on visitor origins. Critically, full visitor postcodes should be collected to allow the zone of influence to be reviewed after the interim period.
- 3.42 We also recommend the installation of a single automated counter along the coast to record pedestrian use. The aim of the counter would be to provide comparable, year on year data on footfall, highlighting the extent to which access has changed over time. The location will be critical to ensure robust data: ideally a pinch point or a location where there is a good flow of people who can then spread out at the site and where access clearly relates specifically to the European sites. Counter designs vary, and the most appropriate design will depend on the location. Regular checks to ensure correct functioning and calibration (to ensure the data can be related to number of people passing) are important to make the most of the data.

Summary of mitigation measures and per dwelling tariff

- 3.43 The mitigation measures set out above are summarised below in Table 2. This gives indicative costs for each of the recommendations. These costs are intended as a guide only and allow a total, overall cost for the mitigation to be estimated, at £1,673,151. It is important to recognise that the costs are approximate, and actual costs could vary depending on how and when the measures are implemented. We have not included any administration costs other than where stated or allowed for inflation or discounting in any way on each individual measure. We have however included a 10% contingency to ensure the total can cover any salary increases allowed for by the Council over the period (such as for inflation), plus any unforeseen costs and to allow for additional consultancy support if required. This gives additional confidence in the delivery of the strategy over the 20 year period. All expenditure will be recorded and any changes to individual measure costs should be explained.
- 3.44 Referring to the SLR data the amber and green sites together could potentially deliver 9,941 dwellings. Of these, 5,953 (60%) fall within 6km. South Tyneside's housing target is 7,200 over the plan period of 20 years. If it is therefore estimated that 50% of that housing total might come from within 6km, this equates to an estimated 3,572 dwellings that could come forward within 6km of the coast. This estimate assumes that the allocations taken forward would be a random selection from the total amber and green sites provided in the SLR data.

- 3.45 Using a total cost for mitigation of £1,673,151 and a potential number of dwellings within 6km of 3,572, this would give a per dwelling cost of £468. For reasons explained in the implementation section below, this is revised to be a tariff of £487 per house, applied to all major residential development, proposed for the interim strategy period of 5 years.

South Tyneside Interim HRA and SPD
Report 2: Recreation Mitigation Strategy

Table 2: 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.

South Tyneside Interim HRA and SPD
Report 2: Recreation Mitigation Strategy

	One-off/capital cost	Annual cost	Length of time funding to cover (years)	Total cost	Notes on how cost calculated
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	

Complementary measures and partnership working

- 3.46 This strategy sets out a set of priorities for the interim period of 5 years, with a focus on delivery staff, dog related measures, education and awareness raising. The strategy should not be seen in isolation from other significant work being undertaken at the coast to protect and enhance wildlife and educate the public. A large proportion of the South Tyneside coastline is managed by the National Trust, and their ranger team has provided positive input to this strategy through the stakeholder workshop. The National Trust has extensive data on ecology and visitors that the new delivery staff may be able to make use of as they develop the interim projects and further explore what projects should be added when the strategy is refined.
- 3.47 It is anticipated that there will be close working between the delivery staff and the National Trust wardens, with multiple opportunities for maximising outputs. At the same time, it will be essential for transparency, for clear recording of staff time to identify how expenditure is linked to the strategy.
- 3.48 The National Trust fully recognises the European site interest and its management needs, and has a number of ideas and initiatives in development, including the Little Tern artificial beach habitat creation project. The Delivery staff should ensure that they are aware of all such initiatives to ensure that the strategy does not overlap or repeat positive work being undertaken externally.
- 3.49 Another example of this need will be the coastal HLF project currently in the latter stages of proposal for funding. The HLF bid includes a focus on the coast for its natural, built and cultural heritage and value. The mitigation strategy should look to align and complement its mitigation delivery with relevant aspects of the HLF project, if successful.

Projects that may be beneficial to add at strategy review

- 3.50 As noted above, the strategy has focussed on delivery staff, dog related measures, education and awareness raising for the interim period. Once staff are in place, there will be an opportunity to establish what further projects should be included at the review. An important part of this will be identifying hotspots for potential mitigation measures to be applied. The later strategy, with the benefit of delivery staff on the ground, may be able to target smaller projects to specific locations.

4. Part 3 – Implementation

- 4.1 This section provides information on the key aspects of strategy implementation, to assist South Tyneside Council with the tasks necessary to establish and embed the strategy within the Council's functions and processes.

The process of obtaining developer contributions

- 4.2 The two main options used for the collection of developer contributions for European site strategic mitigation schemes are either the use of legal obligations (under Section 106 of the Town and Country Planning Act 1990) and/or the Community Infrastructure Levy (under the Planning Act 2008, as amended by the Localism Act 2011 and also the framework set within the Community Infrastructure Regulations 2010 and amendment 2011). Both options are used across the country for European site strategic mitigation schemes, with some schemes favouring one or the other, and some using both options within the same scheme.
- 4.3 South Tyneside Council is currently looking at the potential scope and applicability of a Community Infrastructure Levy for the Borough, alongside its Local Plan preparation work. In the absence of a current Levy in place, the use of section 106 legal obligations will be applied to collect developer contributions. This may remain the most suitable approach even if a Levy is put in place within South Tyneside, but is a matter that can be reviewed at the end of the interim period. There are a number of complexities with the use of Community Infrastructure Levy for European site mitigation, and these would need to be carefully considered if use of the Levy was preferred in the future.
- 4.4 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 this strategy provide the necessary information to confirm that the developer contribution is necessary to make the development acceptable in planning terms.
- 4.5 The agreement is normally between developer and local planning authority, and can be used to put in place any requirement that is deemed to be necessary to make a development sustainable, and in accordance with planning legislation and policy. Section 106 agreements for European site mitigation commit a developer to providing the required funding in accordance with the number of houses being delivered by the permission given.

- 4.6 With the introduction of the Community Infrastructure Levy, there are now new restrictions on the use of S106 agreements where the purpose is for funding infrastructure. Local planning authorities cannot pool more than five Section 106 agreements together if the money is being used to pay for a single infrastructure project. This restriction applies where the Section 106 funding is specifically being used for infrastructure, and was brought into force to ensure that a Community Infrastructure Levy is brought forward within appropriate local planning authority areas, and that money is appropriately used for infrastructure projects rather than continued reliance on Section 106 funding.
- 4.7 The restrictions specifically apply to infrastructure. They do allow very local or site-specific infrastructure projects, where the total funding can be obtained is from no more than five developments, to still use section 106 agreements. Importantly, section 106 agreements can still be used for non-infrastructure requirements, where these are directly related to the development. Where the requirements are not deemed to be infrastructure, the pooling restrictions do not apply. Government guidance in relation to the use of developer contributions for European site mitigation is limited. There is reference to the potential to identify the provision of alternative green spaces for European site mitigation as infrastructure within the Government's National Planning Practice Guidance that accompanies the National Planning Policy Framework.
- 4.8 Whilst there are some elements of improvement to existing greenspaces within the strategy, this is one small part of the overall package, which predominantly focuses on-site. The off-site elements are linked to the on-site measures under the dog related aspects, and need to function together. It is therefore advised that these aspects can be discounted as infrastructure. Rather they are a specific aspect of the overall dog related package of measures. They do not provide new greenspace, or enhance greenspace for general use.
- 4.9 To date, other strategic mitigation schemes for European sites have used both section 106 and the Community Infrastructure Levy for both on- and off-site measures, without any intervention. It seems that the most locally appropriate approach depending on circumstances is the most pragmatic way forward. It will however be important to keep a check on changes in guidance and this will be relevant for the review of the strategy.
- 4.10 A unilateral agreement (often referred to as a unilateral undertaking) is a covenant made by the applicant only, whereas a bilateral agreement includes a covenant made by both the applicant and the local authority (or multiple authorities if required).
- 4.11 A unilateral agreement is most appropriate where the covenant is relatively simple, and there is no requirement for the local planning authority to agree to particular stipulations by way of a covenant. A bilateral agreement is usually made in more

complex situations, where the local planning authority needs to be legally bound to elements of the agreement. By its nature, a unilateral agreement therefore normally incurs fewer administrative and legal costs than a bilateral agreement. The considerations below in relation to the application of the tariff will influence which option is chosen.

- 4.12 The agreement will need to 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.
- 4.13 A cost centre will need to be established that is separate to any other Council function. This is then used to fund the Strategy staff and their delivery of the avoidance and mitigation projects.

Streamlining the developer contribution to developments of 10 plus houses

- 4.14 The costed avoidance and mitigation measures in part 2 enable a per house tariff calculation to be made, ensuring that each net increase is appropriately mitigated for. When establishing or reviewing a strategic approach to European site mitigation, it is important to consider how to implement it in an efficient and cost-effective way. Contributions should adequately secure funds in proportion to the potential effect, and a per house tariff is the most obvious means of delivering mitigation in proportion to potential effects on the European sites.
- 4.15 However, the administrative cost of applying a tariff to every development resulting in a net increase in houses should be considered on a case by case basis. For some strategic mitigation schemes around the country, the majority of housing delivery comes from small scale development, with a small proportion of large housing sites. For other areas, there is a more even spread between minor residential development of less than 10 houses, and major development of 10 houses or more.
- 4.16 Whilst the mitigation need applies to every net increase in one or more houses, for the South Tyneside Borough there is likely to be a small proportion of the housing need delivered by minor development. Analysis by the planning officers of recent completions shows that minor development accounts for less than 4% of new dwellings when all permissions are taken into account. The vast majority of housing delivery has been through permissions for 10 or more houses.

- 4.17 Whilst the percentage of actual housing delivery from minor development is small, these development types account for over 70% of all new build residential planning applications within South Tyneside. The administrative burden of applying a developer contribution to all such applications is significant. Each would need a legal agreement and the processing of contributions. In light of this, the option of only applying a tariff to developments of 10 houses or more is proposed. This would require the tariff to cover the total per house contribution not being sought from the minor developments, thus adding approximately 4% to the per house tariff for major developments.
- 4.18 The proposed tariff for the interim period of the next five years is calculated as £465. If this tariff was to only be applied to the major developments, the tariff would increase by 4% to £484 per house. The tariff is relatively low compared with many of the current strategic mitigation schemes around the country. The administrative burden of applying the approach to approximately 30% of applications is the best use of resources for relatively low return on each house, particularly when the increased burden on major development is a minimal addition to the tariff. Administrative costs are further minimised because the majority of major developments have other matters for which developer contributions are sought. A major development often triggers factors that require a legal agreement to be made. As discussed below, the European site developer contribution requirement can therefore be added into a legal agreement for other purposes, rather than being a stand-alone legal document.
- 4.19 In light of this preferred approach for major development only, it is anticipated that South Tyneside will only use bilateral agreements for the collection of developer contributions. This approach can be reviewed at the end of the interim period. A section 106 agreement is a formal written instrument. The preparation of the document should be undertaken by a solicitor. The Council legal staff will therefore need to draw up a template section 106 agreement, either to use on its own, or to be inserted within an agreement for multiple purposes. Some local planning authorities have tried to minimise the administrative costs placed on the applicant when the agreement is only in place for the European site mitigation, given the relatively low figure being paid as the contribution towards the strategy. A template rather than bespoke agreement should help in this regard. There are numerous examples of local planning authorities using section 106 agreements to secure developer contributions for European site strategic mitigation schemes, including authorities involved in schemes for South East Devon, the New Forest, the Thames Basin Heaths and Dorset Heathlands, for example.

Dwelling types

- 4.20 When mitigating for the impact of recreation pressure, it is important to include all dwelling types, as each can generate additional recreation use of the European sites.

Whilst this may be in varying degrees, the need to retain a relatively simple and efficient strategy, particularly where the contributions are relatively low, it is recommended that the strategy does not include any variation on dwelling type. The strategy should include all residential dwelling types. This would therefore include houses, flats, gypsy and traveller pitches, student accommodation, warden controlled accommodation and residential homes, for example.

- 4.21 Project level HRA may exclude certain restricted development types from needing to contribute towards mitigation. These include nursing homes, where the residents will only be those in need of daily nursing care and therefore unable to undertake outdoor recreation. Strategic mitigation schemes normally exclude residential annexes, as these cannot be separated from residential extensions, which do not constitute a net increase in dwellings.
- 4.22 In addition, residential development resulting in a net increase of one or more dwellings could be of a type that would normally benefit from Permitted Development Rights. South Tyneside Council will therefore need to ensure that upon receiving an application for prior approval, mechanisms are in place for checking whether the application results in a net increase of one or more dwellings (for example through conversion). These dwellings need to be accounted for in the overall housing numbers and mitigation that needs to be applied.
- 4.23 In light of these factors, South Tyneside Council will need to be mindful of the mitigation need for all dwelling types, and checking that the burden placed on major development is reflective of the overall housing coming forward.

Governance and transparency

- 4.24 A developer contributions based scheme with legal agreements in place will need to establish a system of decision making and accounting that enables transparent and timely implementation of the strategy. It is common for strategic mitigation schemes to establish an executive or steering group of key local planning authority staff and at least one Council member. To give the group a level of authority and effective influence within the Council, it is suggested that the group includes high level representation as well as those with technical knowledge, as it may on occasion be necessary to secure wider support for certain matters. The group often also includes a representative from Natural England and any other key partners. The group can be established with members holding decision making responsibility, and those who may not influence decisions, but provide specialist advice. The delivery staff funded by the strategy would report to the group, providing progress reports and audits, and seeking decisions on project expenditure above their delegated responsibility.

- 4.25 The delivery staff will need to project manage the strategy. It is imperative that prioritisation is given to the appointment of staff, in order to get the strategy off the ground and enable non-staff projects within the strategy to be planned for, commissioned where necessary with external contractors, implemented and monitored. The group set up to govern the strategy will need to support the recruitment of delivery staff as soon as possible after the commencement of the strategy.
- 4.26 South Tyneside Council should consider options for supporting staff recruitment as early as possible, which is likely to be before there is a significant level of funding coming forward through section 106 agreements. It is common for local planning authorities delivering strategic mitigation schemes to absorb a level of administrative resource requirements for the strategy, recognising their responsibilities as competent authority. On the assumption that South Tyneside Council will host the delivery staff, this could include for example the provision of IT equipment and support, office space, HR and Payroll, and staff insurance.
- 4.27 The delivery staff will be working closely with a wide range of organisations and partnerships. They may therefore find it beneficial to set up additional working groups as the strategy is implemented to facilitate ideas sharing, data and other evidence sharing, and maximise opportunities for collaborative working. Any decision making should however be referred back to the executive/steering group.

Phasing delivery

- 4.28 Early recruitment of staff will expediate early record keeping and programme management so that expenditure is timed alongside the collection of developer funding.
- 4.29 As noted above, developer contributions should be paid upon commencement of development. An audit trail of funds being used by the time that housing is completed should be kept by the delivery staff. It is not practical or necessary for a trail for every individual new house, but rather that there is a rolling programme of measures that have funding allocated for in line with delivery. It may also be necessary to have regard for the location of housing coming forward if there are large allocations that may lead to focussed recreation pressure in one location.
- 4.30 Planning staff will need to work closely with the project delivery staff to secure up to date information on section 106 agreements made, when those houses are due for completion, and include this information with project delivery progress when reporting to the executive/steering group. The flow diagram in Appendix 1 illustrates this process.

Planning for strategy review

4.31 As noted in part 2, there are a number of priorities for the interim period that need to be taken forward in order to undertake an effective review after the first 5 years. It will be important to plan for the following:

- An audit of housing delivery, section 106 contributions taken, project commissioning and implementation.
- A review of the current housing delivery over the first five years, and current evidence for future trajectory over the remaining plan period
- Analysis of new visitor survey data to review the zone of influence
- Analysis of survey data to establish any altered or new visitor behaviour patterns
- Monitoring of mitigation project delivery to date.

4.32 The total costs and per house tariff have been calculated based on an estimated set of measures for the plan period. After 5 years, the refined strategy for the South Tyneside Local Plan should respond to new evidence, but should also have regard for current established and accepted guidance and practice. Changes to the strategy should be made where there is an identified risk to effective delivery of mitigation in line with housing coming forward, but should not risk challenge that could affect continued delivery if changes are not necessary. Drastic changes to the tariff from the currently proposed per house contribution could cause difficulties in acceptance of the strategy. Where changes are based on evidence however, they should be made as the strategy should always be operating on the basis of the best available information at the time.

5. References

- Beamsley, N. (2016a) *River Wear. Sunderland and South Tyneside Non-Breeding Bird Survey Report 2015-16*. Unpublished report for Sunderland and South Tyneside by BSG Ecology.
- Beamsley, N. (2016b) *Inland Sites. Sunderland and South Tyneside 2015-16 Non-Breeding Bird Survey Report*. Unpublished report for Sunderland and South Tyneside by BSG Ecology.
- Bright, A., Reynolds, G.R., Innes, J. & Waas, J.R. (2003) Effects of motorised boat passes on the time budgets of New Zealand dabchick, *Poliiocephalus rufopectus*. *Wildl. Res.*, **30**, 237–244.
- Burton, N.H.K., Armitage, M.J.S., Musgrove, A.J. & Rehfisch, M.M. (2002) Impacts of man-made landscape features on numbers of estuarine waterbirds at low tide. *Environ. Manage.*, **30**, 857–864.
- Burton, N.H., Rehfisch, M.M. & Clark, N.A. (2002) Impacts of disturbance from construction work on the densities and feeding behavior of waterbirds using the intertidal mudflats of Cardiff Bay, UK. *Environ Manage*, **30**, 865–71.
- Cook, A.S.C.P., Barimore, C., Holt, C.A., Read, W.J. & Austin, G.E. (2013) *Changes in Numbers of Wintering Waterbirds in the Constituent Countries of the United Kingdom, Special Protection Areas (SPAs) and Sites of Specific Scientific Interest (SSSIs)*. BTO Research Report, BTO, Thetford, Norfolk.
- Cryer, M., Linley, N.W., Ward, R.M., Stratford, J.O. & Randerson, P.F. (1987) Disturbance of overwintering wildfowl by anglers at two reservoir sites in South Wales. *Bird Study*, **34**, 191–199.
- Fitzpatrick, S. & Bouchez, B. (1998) Effects of recreational disturbance on the foraging behaviour of waders on a rocky beach. *Bird Study*, **45**, 157–171.
- Gill, J.A. (1996) Habitat choice in wintering pink-footed geese: quantifying the constraints determining winter site use. *Journal of Applied Ecology*, **33**, 884–892.
- Liley, D. & Tyldesley, D. (2013) *Solent Disturbance and Mitigation Project Phase III: Towards an Avoidance and Mitigation Strategy*. Footprint Ecology / Solent Forum.
- Nolet, B.A., Bevan, R.M., Klaassen, M., Langevoord, O. & Van der Heijden, Y. (2002) Habitat switching by Bewick's swans: maximization of average long-term energy gain? *J. Anim. Ecol.*, **71**, 979–993.
- Regel, J. & Putz, K. (1997) Effect of human disturbance on body temperature and energy expenditure in penguins. *Polar Biology*, **18**, 246–253.
- Ross, K., Liley, D., Austin, G., Clarke, R.T., Burton, N.H., Stillman, R.A., Cruickshanks, K. & Underhill-Day, J. (2014) *Housing Development and Estuaries in England: Developing Methodologies for Assessing the Impacts of Disturbance to Non-Breeding Waterfowl*. Footprint Ecology, unpublished report for Natural England.
- Stillman, R.A. & Goss-Custard, J.D. (2002) Seasonal changes in the response of oystercatchers *Haematopus ostralegus* to human disturbance. *J. Avian Biol.*, **33**, 358–365.
- Stock, M. & Hofeditz, F. (1997) Compensatory limits: energy budgets of Brent Geese, *Branta b- bernicla*, the influence of human disturbance. *Journal Fur Ornithologie*, **138**, 387–411.
- Thiel, D., Jenni-Eiermann, S., Palme, R. & Jenni, L. (2011) Winter tourism increases stress hormone levels in the Capercaillie *Tetrao urogallus*. *Ibis*, **153**, 122–133.
- Thomas, K., Kvitek, R.G. & Bretz, C. (2003) Effects of human activity on the foraging behavior of sanderlings *Calidris alba*. *Biological Conservation*, **109**, 67–71.
- Walker, B.G., Dee Boersma, P. & Wingfield, J.C. (2006) Habituation of Adult Magellanic Penguins to Human Visitation as Expressed through Behavior and Corticosterone Secretion. *Conservation Biology*, **20**, 146–154.

South Tyneside Interim HRA and SPD
Report 2: Recreation Mitigation Strategy

- Weimerskirch, H., Shaffer, S.A., Mabile, G., Martin, J., Boutard, O. & Rouanet, J.L. (2002) Heart rate and energy expenditure of incubating wandering albatrosses: basal levels, natural variation, and the effects of human disturbance. *J Exp Biol*, **205**, 475–83.
- Yasué, M. (2005) The effects of human presence, flock size and prey density on shorebird foraging rates. *Journal of Ethology*, **23**, 199–204.

Appendix 1 – Developer contributions process

