

Item 5(e)

Appendix 1

Supplementary Planning Document

Cabinet, 29 July 2019

Title: Approval to adopt the Coastal Mitigation SPD

Appendix 1: Engagement Statement

## 1. Introduction

The proposed Coastal Mitigation Supplementary Planning Document (“proposed SPD”) provides guidance for applicants and an identified tariff in order to fund a coastal mitigation service and the delivery of mitigation to address the impacts of recreational disturbance upon internationally designated sites along the coast. The proposed SPD sets out the basis upon which this tariff will be charged and the strategy for future management and delivery of coastal mitigation.

## 2. Engagement on the draft Coastal Mitigation SPD

The draft SPD was open to public engagement from the 17 May – 1 July 2019. The engagement methods complied with both the statutory engagement requirements and the requirements of the Council’s adopted Statement of Community Involvement.

The list of consultees included house developers, consultants, land owners, statutory and public bodies, planning consultants, registered housing providers, North Tyneside Council consultees and neighbouring Local Councils.

The following statutory consultees were notified by email:

- Environment Agency
- Historic England
- Natural England

The document could be read and commented on via the Council’s online engagement portal (<http://northtyneside-consult.limehouse.co.uk/portal/>). In addition to the online engagement portal, comments were invited by letter or email.

9 stakeholders made representations. The schedule of all representations made and officer response is set out in the next section.

### Schedule of Comments and Officer Response

Consultee	Section	Comment	Council Response	Proposed Changes
Natural England	General comments	<p>Natural England welcomes the approach taken by North Tyneside Council in looking to address the indirect issues arising from new housing allocations and developments. We consider that the production of an SPD is an appropriate method for identifying how mitigation will be funded and put in place to address these impacts.</p> <p>We do however, feel that further detail is required to provide the confidence that the mitigation will be adequate to address potential impacts from increased recreational activity from new housing provision within North Tyneside. This is detailed in the section below [further responses].</p>	Thank you for the general support to the approach taken.	None
Natural England	General comments / Section 2	Habitats Regulations Assessment (HRA) is the name of the overall process for assessing the implications of plans and projects against the interest features of European designated sites. Appropriate Assessment is one of the stages within the HRA process, which is undertaken when it has been determined that a plan or project is likely to have a significant effect (LSE) on the site interest features.	Comments noted.	Status of work undertaken amended in document o clarify references to Habitat's Regulations and correct identification of the Appropriate Assessment undertaken.
Natural England	Section 3	While the creation of a Coastal Wardening Service will help to mitigate some of the impacts of increased recreational activity at the coast resulting from new housing, this should be set alongside other measures such as the provision	Comment noted, whilst the coastal wardening service will not mitigate in full the effects on the coast the Council	Additional reference made within the SPD to the activities of the wardens and mitigation that will be delivered. This enhances

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		<p>of suitable alternative greenspace to provide alternatives to coastal recreation. We do not consider that coastal wardening alone will be sufficient to offset and mitigate all impacts.</p> <p>We note that the proposed activities for the wardens include a number of elements of identifying locations which are disturbance hotspots or where temporary management measures are required. Natural England does not consider the identification of locations for future activity to be mitigation; it is evidence to inform mitigation, not mitigation in its own right.</p> <p>The Coastal Mitigation Service is a form of strategic mitigation, and should be implementing identified mitigation. There is no detail provided on identified mitigation which could be implemented by the wardens. Also identifying future mitigation which '<b>could</b> be implemented' does not provide sufficient assurance that the measures will actually be implemented and appropriate mitigation put in place. Other measures for coastal access management include interpretation and education of visitors, and managing access points to the coast.</p>	<p>consider some of the direct activities of the wardens will bring about mitigation through prevention of effects – due to direct management and education of visitors.</p> <p>The primary role of the Coastal Mitigation Service as a whole will be to identify actions necessary to deliver the most effective mitigation for recreation impacts.</p>	<p>in particular proposed activities within the first 18 months of the life of the Mitigation Service.</p> <p>Additional reference made to arrangements for clarity and transparency for the mitigation service including the operation of a Coastal Mitigation Steering Group, publication of monitoring information on an annual basis, agreement of a Annual Action Plan with costed activities and publication of an annual review of the funding that should be sought through the tariff.</p>
Natural England	Section 4	<p>We note in this section that the coastal mitigation will be the most effective way to avoid adverse impacts for 'most' schemes within North Tyneside. It is unclear how those schemes not covered by coastal mitigation will be mitigated, and provides a degree of uncertainty that all</p>	<p>This section was making reference to the fact that applicants would continue to have the option to make alternative measures to address</p>	<p>Additional discussion and amendments made to clarify that the impacts arising from development as a result is matters other than recreational</p>

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		impacts will be mitigated. The level of financial contribution is not for Natural England to agree – this should be based on calculations of the cost to deliver identified mitigation (see comments below in relation to Appendix C). The most appropriate mitigation would be a mixture of the coastal wardening and physical interventions including the provision of alternative greenspace. It is likely that mitigation designed to address impacts on European site features will also provide suitable mitigation to address any impacts on the Northumberland Coast SSSI.	there recreation impacts if these are fully evidenced, appraised in accordance with the Habitat Regulations and agreed as appropriate by the Council and Natural England. This section also sought to discuss schemes where effects on the designated sites other than as a result of recreational disturbance might arise – in these instances additional or alternative contributions to those made through the tariff would be necessary.	disturbance would continue to require assessment.
Natural England	Section 5	The recognition that new tourist accommodation could also have an impact is welcomed. We assume that there is no allowance for seasonal opening against year round operation. It is also unclear which category residential caravans would fall into.	An adjustment has been made to take into account occupancy rates and likely activities of visitors to hotel or other tourist accommodation. This is outlined at Appendix E.  A caravan that is permitted in use class C3 would be required to pay the full residential tariff. Caravans with planning permission that falls under	None proposed

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			a sui-generis use class would be treated as visitor accommodation in accordance with Appendix E.	
Natural England	Annex B	C3 - It should be noted that Natural England would only consider mitigation to be required where there is a net increase in residential accommodation.  Changes of use – A definition is needed to clarify 'recent' use.	Noted.	Reference to "recent" when determining how to calculate a tariff for a vacant unit subject to change of use has been deleted.
Natural England	Appendix C	Further detail is needed in this section to justify the annual cost. This is particularly relevant for the 'Project Budget'. Ideally potential schemes should have been identified and costed, and the tariff then set based on these figures alongside the other elements. Without this detail there is a considerable risk that funding received will not be sufficient to actually deliver the mitigation required to address potential impacts.	The Council is developing a separate preliminary Action Plan that will provide further detail on activities and potential costs. This will be updated on a regular basis in accordance with the process set out within the new section on Transparency and Review within the proposed SPD.	None proposed within the SPD. Additional supporting document to be prepared.
Natural England	Strategic Environmental Assessment / Habitat Regulations Assessment	A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a	Comment noted, SEA screening was undertaken in advance of the preparation of the draft SPD with feedback received from Natural England, Environment Agency and Historic	No changes proposed to the SPD.

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		<p>Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>	<p>England. The SPDs sets out a mechanism to enable delivery of proposed requirements identified with Appropriate Assessment of the Local Plan in accordance with Habitat Regulations and introduces no new proposed for development. However, it is noted based upon the comments provided that formal screening may be required.</p>	
Persimmon Homes	Section 4	<p>Paragraph 4.3 of the SPD states that it is recommended that applications make a financial contribution towards coastal mitigation connected to the grant of planning permission and goes on to state exemptions. The exceptions state that <i>"there may be circumstances where the nature of a development mean a standard tariff based approach is not appropriate"</i>. It is stated that this could include <i>"particularly large-scale development or schemes with a specific direct impact upon European Sites"</i>. The wording of the exemptions and the use of 'could' does not clearly set the exemptions and this goes on to refer to 'large-scale' development. There is no clear definition of large scale or a set threshold and we would assume for residential schemes</p>	<p>The purpose of the tariff will be to secure mitigation of the effects from recreational disturbance as a result of additional residential and visitor accommodation. However, it is not possible to establish the effects of all potential forms of development over the life of the Local Plan and as such in those circumstances payment of the tariff along may not be appropriate.</p>	<p>Wording amended to reduce uncertainty regarding exceptions and clarify that additional or alternative mitigation may be required where the impacts other than as a result of recreational disturbance might arise.</p>

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		<p>this would relate to a 'major' development which are developments of 10 units or more residential units. The SPD suggests that large scale sites with a specific direct impact on European Sites may not be considered appropriate to adopt the standard tariff based approach. The draft document goes on to state that in such circumstances, other forms of mitigation delivered directly by the applicant would be required. It is not clear whether this is in addition to a financial contribution, or whether a financial contribution will not be sought and alternative mitigation will need to be brought forward as part of a proposed development and delivered directly by the developer. It is acknowledged that mitigation is required where there adverse impacts on European Sites however there is no supporting evidence base which demonstrates that the provision of other forms of suitable mitigation has been fully considered and viability tested in light of the full requirement set through the SPD and other policy burden. There is also no clarification as to why the tariff based approach would not be considered suitable for large scale developments. We question how the tariff approach is considered appropriate for all developments within neighbouring authorities such as Northumberland, however it is not appropriate in this location.</p> <p>On this basis we would like to highlight the issue this raises with the residential allocation at</p>		



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		<p>Murton. As set out in the consultation response from the Murton Consortium, objections are raised due to a lack of detailed consideration of viability as a result of adopting this SPD which underpins sites across North Tyneside.</p> <p>It is noted that this is yet another requirement and planning obligation which we will be required to provide and as discussed at the EIP with the inspector, a specific reason why Persimmon Homes and the Murton Consortium requested that Murton Gap not be singled out as having to provide SANG as part of the policy.</p> <p>As you may recall in the EIP when representing both Persimmon Homes and the Murton Consortium we mentioned that there was and would likely end up with additional or duplicate payments or delivery of mitigation if the (now adopted) course of action was followed. We now end up in a situation where we are being forced through the policy and the recent objections / adoption of this SPD to provide the following as part of application(s) for Murton Gap:</p> <ol style="list-style-type: none"> <li>1. Provide onsite SANG within the site boundary (at our cost and with no contributions being levied from or provide towards from external sources)</li> <li>2. Provide direct mitigation for our "impact" to local wildlife in addition to the above through the provision of ecological habitat enhancement and</li> </ol>		

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		<p>off site land provision (again fully at the consortiums cost).</p> <p>3. Now having to provide an off-site contribution in the region of £1.8m towards impacts which the SANG was designed or specified to mitigate for.</p> <p>As you will see from the above, it is worse than stated at the EIP and we are now in a situation of almost triple mitigation requirements from this strategic site, the costs of which have not been taken into account suitably through your viability assessment works for the reasons stated at the EIP.</p>		
Persimmon Homes	Section 4	<p>The draft SPD states that development types other than residential will need to provide a financial contribution to be agreed between the applicant, North Tyneside Council and Natural England. We consider that at the application determination stage, the Local Authority and Natural England will establish a basis for generating an appropriate contribution based on the context and impacts of the development however this SPD should be transparent in establishing how "other" developments will be assessed, what types of development and any baseline which North Tyneside Council will use in this assessment. The current draft is at present too ambiguous in this respect and does not provide any clarity for developers as to how their development will be assessed in terms of suitable mitigation and subsequently how this</p>	<p>This SPD has been prepared to introduce an effective mechanism for mitigating the recreation impacts arising from development. Other impacts and effects of development upon the international designated sites could be wide ranging and would require specific assessment in accordance with the Habitat Regulations to be considered effective. This falls beyond the scope of the SPD.</p>	<p>Wording relating to exceptions clarified as noted above.</p>

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		will impact on the viability or deliverability of a development.		
Persimmon Homes	Part 5	<p>Part 5 of the draft document discusses how the tariff has been calculated, by taking into account various factors which should be accounted for within the budget. There is no evidence in support of the tariff set within the document which provides a detailed breakdown of how the annual costs have been calculated and to support the assumptions made in this respect. It is acknowledged that neighbouring local authorities have calculated a significantly lower annual cost. This section of the document goes on to identify the tariff for residential development and tourist accommodation, however there is no supporting evidence alongside the SPD which demonstrates that the contribution sum generated per dwelling has been viability tested and that full consideration of the viability burden and viability which underpins sites across North Tyneside has been considered.</p> <p>Paragraph 5.7 of the document refers to sites which may come forward whose boundaries extend across the 6km buffer zone. In such circumstances the Council will advise on a proportionate contribution to be made in accordance with nature of the site and area covered by the zone. The map included for within Appendix B of the document draws the extent of the 6km boundary from the SPA</p>	<p>The Council is developing a separate preliminary Action Plan that will provide further detail on activities and potential costs. This will be updated on a regular basis in accordance with the process set out within the new section on Transparency and Review within the proposed SPD.</p> <p>Whilst the proposed aim in recommending an adjustment to boundaries is recognised as potentially helpful the Council considers that it would be more accurate and effective to consider the appropriate charge to be applied when reference can be made to the proposed application itself. To adjust the boundaries across the Borough will inevitably add some areas to the 6km buffer whilst</p>	None proposed within the SPD. Additional supporting document to be prepared.

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		<p>however the map could be amended to draw the 6km boundary while utilising existing edge of settlements or road infrastructure to form a clearly defined boundary, which would reduce the need for further advise and assessment by the Council to determine the appropriate tariff for a proposed scheme and provide certainty up front.</p> <p>The SPD para 5.10 states that other types of development should also contribute to coastal mitigation however due to the unknown or variable nature it is not possible to set a tariff. On this basis the SPD states that the required contribution should be determined by the Council and the applicant before a planning application is submitted. We acknowledge the attempt to streamline the determination process of a planning application however, it is considered that this requirement can unnecessarily delay the submission of planning applications in order to undertake such discussions, which can be had during the determination of an application and requires all assessment work to be undertaken well in advance of submission. It is acknowledged that to some degree there is a variable nature associated with developments of this sort which causes difficulty in generating an appropriate tariff.</p> <p>Should a contribution continue to be sought for</p>	<p>removing others. Neither of these adjustments would necessarily reflect the nature of future development proposals or their accessibility to the coast.</p> <p>The concern about potential delay to the planning process whilst the correct approach to coastal mitigation is established is noted. The Council's view is that in the majority of cases, the introduction of the SPD will significantly accelerate the planning process. Where other schemes that would lead to impacts not covered by this approach to mitigating recreational disturbance come forward it is essential that the proper process is followed in accordance with Habitat Regulations. In these instances this remains unchanged from the current position pre-SPD</p>	

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		<p>such uses, the SPD should positively fit alongside the Local Plan and identify a baseline against which applications will be assessed to provide a framework which developers can utilise, to determine how the impact of a development will be considered in light of mitigation or a contribution to mitigate any adverse impacts. This could include defining a zone in which a tariff contribution will be sought based on an assessment and local knowledge applied by the Council, to determine a zone in which development of other Use Classes will have any adverse impacts.</p> <p>For the reasons as set out in this letter, we object to the current adoption of the SPD. This objection will be maintained until further clarity can be provided as part of the requirements and an assessment can be undertaken to account for the disproportionate requirement which will be applied to sites or until further information has been provided which demonstrates how the Council will seek to ensure a more fair distribution of requirements across the borough with full consideration of the viability which underpins sites across North Tyneside.</p>	for all development.	
Northumberland County Council	General	The County Council generally support the SPD as being reflective of its own approach. In combination, this should bring substantial benefits along the wider coastline. Nevertheless we hope that you will be able to take account of the following comments:	<p>Support for the approach set out is welcomed.</p> <p>The North Tyneside HRA sets out the evidence for which effects arising in</p>	Enhanced reference to the role of Cross boundary effects has been added to the SPD to note the importance of cross boundary working.

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		<p>1. Whilst the Habitats Regulation Assessment (HRA) 2017 of North Tyneside's Local Plan has been circulated with the draft SPD, which says that a wardening approach needs to be developed, what is now required is an HRA of the draft Coastal Mitigation Strategy to assess its effectiveness in providing the required mitigation for European sites. It is noted that the Local Plan HRA (2017) identifies that increasing housing in North Tyneside is likely to increase the spread of pirri-pirri bur on dunes in Northumberland, so the document does acknowledge cross-boundary effects.</p>	<p>North Tyneside are likely to occur. Whilst reference is made to potential spread of Pirri Pirri Bur this also notes that significant effects arise within 10 miles. The North Northumberland Dunes SAC lies beyond this 10 mile zone so presently mitigation of this issue from development in North Tyneside is not required.</p> <p>Notwithstanding this point in relation to the Northumberland Coast SPA it is important that co-operation between the Authorities's in the delivery of coastal mitigation is undertaken.</p>	
Northumberland County Council	Section 5	<p>It is noted that North Tyneside are proposing a 0-6km zone rather than the 0-7km zone Northumberland County Council currently have; <i>contributions to the Coastal Mitigation Service for major developments vary for sites within 7 kilometres of the coast and sites 7 to 10 kilometres from the coast, while minor developments contribute within 7 kilometres of the coast and are exempt beyond that. These</i></p>	<p>The boundaries proposed within the SPD are based upon the discussion provided within the North Tyneside Local Plan Appropriate Assessment.</p>	None

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		<p><i>bands have been established to ensure that a proportionate approach is taken, as evidence shows that about 75% of dog-walking visits originate within 7 kilometres and a further 15% from 7 to 10 kilometres of the coast<sup>1</sup>.</i></p> <p>Northumberland County Council would be interested in having sight of the evidence that underlies North Tyneside's proposed 0-6km zone?</p>		
Northumberland County Council	General	<p>3. We would welcome the opportunity to work with North Tyneside Council on coastal mitigation, especially given the importance of cross-border issues. The Strategy is seeking to address the impact of recreational disturbance on designated sites that extend into both North Tyneside and Northumberland, and it is important that cross-border issues such as new housing within one local authority area causing an increase in recreational disturbance within an adjoining local authority area are addressed.</p>	<p>Comment noted. Ongoing joint working and co-operation is welcomed in delivery of this SPD.</p>	None
Banks Group	Section 5	<p>On behalf of Banks Property Ltd I would like to submit comments on the North Tyneside Draft Coastal Mitigation SPD. As you are aware Banks Property is the developer for approximately one third of the strategic housing allocation at Killingworth Moor. We object to the proposal to charge a levy on housing constructed beyond the established 6km threshold of need for coastal mitigation. The HRA specifically identifies the 6km zone as</p>	<p>Whilst the HRA notes that a higher proportion of visits to the coast are likely to arise within 6km of designated sites, it is clear that recreational disturbance also occurs from a 5 to 10 mile zone. This encompasses the whole of North Tyneside.</p>	<p>Discussion of the approach to the tariff zones expanded within section 5.</p>

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		<p>being in need of mitigation. It highlights the Murton strategic housing site which is within this area and it does not identify the Killingworth site which is beyond it.</p> <p>The South Tyneside SPD 23 adopted in 2018 sets a tariff purely for new dwellings within the 6km zone. We suggest that this is a sound way of ensuring that local impacts are mitigated by necessity.</p> <p>The HRA acknowledges that “following data analysis of visitor numbers, both the Durham and Sunderland Plans have used a 6km buffer to determine impacts as a result of increased recreational disturbance resulting from housing development”.</p>	<p>Reflecting the overall ease of accessibility through the borough by car, cycling and public transport and consistent built up area straddling the 6km boundary it is appropriate in this instance for schemes in all parts of the borough to make a contribution proportionate to the likely visits to the coast.</p>	
Banks Group	General	<p>In fact the work undertaken by BSG for the Sunderland Plan focused on the need for high quality public open space within large developments. The site at Killingworth Moor will provide a large amount of public space which will in itself mitigate development pressure elsewhere.</p> <p>In a recent report NTC has suggested the development needs 60 dog bins within the site which suggests a high level of confidence that the site would be extensively used by dog walkers. The HRA refers (para 5.3.11) to the option of providing on-site SANGS but the SPD does not appear to acknowledge this.</p>	<p>The requirement for provision of open space with large schemes such as Killingworth Moor is important to address the immediate recreation needs of residents. A range of parks and areas of open space are already available in existing areas of the Borough for existing residents but those residents also visit the coast. The impact of open space on site is therefore important to avoid a deficit</p>	None



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			in open space provision but there is no evidence that residents of new development in a location like Killingworth Moor will be less likely to visit the coast due to the open space provided.	
Banks Group	Appendix D	Even if setting a tariff beyond 6km was justifiable (which it is not) we object to the fact that it is almost half the financial cost of the <6km houses which clearly have a much greater impact and therefore need to mitigate. We note that the method of calculating this is to attribute 75% of the cost of mitigation to sites within 6km and then charge the remainder to those beyond. This is unfair because there is no charge to sites beyond the council boundary which would notionally contribute to the problem. Sites in the outer zone would effectively be carrying this cost.	As noted the contribution is divided on the basis of what proportion of visits come from which zone and is broadly in accordance with the evidence set out in the HRA and similar analysis undertaken for Northumberland. The role of visitors from beyond North Tyneside's boundaries is a valid observation but at this time evidence is not in place to establish that this would be reasonable.	None
Banks Group	Appendix B	We object to the imposition of the tariff on affordable housing. Such housing is normally provided at a loss to the overall development project. By penalising the provision of affordable housing with additional cost the SPD would act against the policy of providing 25% new affordable houses in the Borough.	Whilst noted affordable housing would impact the coast as much as market housing. Whilst a discount is provided in CIL for social housing relief, s106 planning obligations are	None

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			typically based on the development as a whole as they are calculated to address the impacts of all residents of a development with subsequent negotiation if viability affecting deliverability.	
Taylor Wimpey (Barton Wilmore)	General (SANGS)	Our Client welcomes the principle of the SPD and the need to ensure that sites designated under the European Directive are protected, and any adverse impacts mitigated against. However, they have a number of concerns regarding the content of the SPD and the lack of evidence supporting the document. Our Client objects to the SPD as it is not considered to be justified or positively prepared and is therefore not sound.	Comment noted	None
Taylor Wimpey (Barton Wilmore)	Section 3	Section 3 of the SPD states that the mitigation measures proposed in the North Tyneside Local Plan ('NTLP') Policy DM5.6 is likely to be "disproportionally costly and ineffective in the longer term when delivered on a case-by-case basis". The Council believe that, to be more effective over the longer term, a more strategic approach is required and therefore a Coastal Warden Service is proposed as well as implementing a range of targeted and coordinated projects at the coast.	The Council is developing a separate preliminary Action Plan that will provide further detail on activities and potential costs. This will be updated on a regular basis in accordance with the process set out within the new section on Transparency and Review within the proposed SPD.	None proposed within the SPD. Additional supporting document to be prepared.

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		<p>It is proposed that the Coastal Warden would implement many of the mitigation measures outlined in Policy DM5.6. The Warden would also identify potential mitigation projects at the Coast which could be implemented by the Council. This could include physical projects to steer visitors away from the most sensitive locations and any other initiatives that could assist in protecting the coast from the impacts of development.</p> <p>Our Client is concerned that potential projects at the coast may be implemented on anecdotal evidence without proper justification, consultation, scrutiny or input from Councillors, developers and communities. Projects should be identified by gathering a comprehensive and robust evidence base which should be published to keep residents, businesses and other interested parties informed.</p> <p>Furthermore, the only project highlighted for funding in the SPD is that of the Warden. Our Client is also concerned that no other projects have been definitively identified (only examples of potential projects are highlighted) and therefore they are being asked to make financial contributions on projects which have not been determined, evidenced or scrutinised yet.</p>		

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Taylor Wimpey (Barton Wilmore)	General (SANGS)	<p>As we will refer to later in our Representations, the Council include the provision of Suitable Alternative Natural Greenspace ('SANGS') within their Community Infrastructure Levy ('CIL') Regulation 123 List. The whole premise of SANGS, as taken from the CIL Regulation 123 List, is to:</p> <p><b>“Create and enhance areas for recreational use providing mitigation in accordance with the Local Plan Appropriate Assessment for potential impacts of growth upon the Northumbria Coast Special Protection Area.”</b></p> <p>North Tyneside's CIL only came into effect on 14 January 2019, which is only 5 months before the Consultation on this SPD began. SANGS are specifically identified as a form of mitigation in NTLP Policy 5.6, under criteria i. – Provision of a Suitable Accessible Natural Green Space. This is taken to be the same as Suitable Alternative Natural Greenspace, as named in the CIL Regulation 123 List. So, the pooling of CIL money to provide SANGS has not even been collected for 12 months.</p> <p>Further to that, the NTLP itself was only adopted in July 2017. For the SPD to claim that the criteria in NTLP Policy DM5.6 are “disproportionally costly and ineffective in the</p>	<p>The inclusion of SANG within CIL Regulation 123 list was considered appropriate in development of the schedule as a means of supporting coastal mitigation.</p> <p>The Authority are now advised by Natural England that provision of a SANG would only mitigate the recreation effect of development in part due to the specific nature of the coast and other forms of mitigation are required. At this time we do not expect the Coastal Mitigation Service funding to be directed to SANG creation.</p> <p>In addition, whilst included in CIL there is presently no active project towards delivery of a SANG in North Tyneside and even were a proportion of CIL funding dedicated to</p>	None

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		<p>longer term when delivered on a case-by-case basis”, in under two years, and 5 months in the case of SANGS money from CIL, needs some form of evidence to support it, which has not been provided.</p> <p>The lack of evidence is a key issue in general when considering the SPD. There has been no viability work undertaken and no discussion with developers and housebuilders. The only evidence document is the Appropriate Assessment. This does not examine the financial impact of the proposed tariff.</p>	<p>SANG provision the evidence presented at the examination of the Local Plan highlighted that there was a shortfall between projected CIL revenue and the total cost of Regulation 123 infrastructure.</p>	
Taylor Wimpey (Barton Wilmore)	Section 5	<p>Section 5 of the SPD sets out the level of financial contribution expected from each planning application which is required to support mitigation. This is informed by “an estimate of the cost of providing viable and effective coastal mitigation and the amount of development anticipated to come forward up to 2032”. Our Client objects to this and several other parts of Section 5.</p> <p>2 Planning policies should be based upon a robust and comprehensive evidence base. The draft SPD clearly states that the proposed tariffs are based on an “estimate of costs”. Whilst our Client recognises that not all future costs cannot be identified now, these should be based on more than an estimate. In terms of costs, the</p>	<p>The tariff is based upon a clear budget regarding the servicing of a coastal warden service, whilst an allowance for £60,000 per year is included for delivery of projects. As noted already further information on an initial range of projects will be prepared and will be informed by initial survey work which would be carried out via the warden service.</p> <p>The concept that funding for mitigation isn't</p>	None

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		<p>SPD does not take into account the impact that the tariff will have on viability and there has been no developer input prior to the publication of the SPD. Most Councils hold workshops and/or forums with developers in order to understand the potential impacts of proposals.</p> <p>3 The SPD goes on to state that the financial costs comprise “a budget for the delivery of physical projects” as well as Warden salaries and associated costs. As highlighted in Section 3 above, our Client is concerned that no projects have been identified, but that a budget for the delivery of these projects has already been identified. Our client considers that this is not reasonable or justifiable.</p> <p>4 A contingency is also allowed for to ensure “continued maintenance should the level of new development decline”. Our Client is also concerned that the Council’s approach to a contingency is not justified. If the level of new development declines, then there will be less housing and therefore less people visiting the coast. This will in turn mean that there is less impact on the coast and the protected species and habitats.</p> <p>5 However, it appears that the Council are building in a contingency although there is not as much development coming forward. This will</p>	<p>required should development levels fall is understood. However, even should development proceed as forecast for only the next five years it will be important for the Coastal Service to continue in operation. The scale of projects required may be reduced but the activities of the Coastal Wardens will need to continue so the service is in place when development picks up again. A contingency allowance enables such fluctuations in income to be evened out over the life of the plan.</p>	

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		<p>mean that those developers building much needed homes in the district are being penalised by having to pay for developers that are not bringing allocated sites forward.</p>		
<p>Taylor Wimpey (Barton Wilmore)</p>	<p>Section 5</p>	<p>Paragraph 5.1.6 of the supporting Habitats Regulation Assessment (March 2017) sets out that a combination of mitigation measures should be used within the 6km buffer. It goes on to state that these are likely to be more stringent than those for the wider 5 – 10 miles buffer radius to reflect the source and pathways of predicted impacts.</p> <p>What the calculation of the tariff in the SPD does not fully take into account is the tourist accommodation aspect, or indeed further tourism and leisure attractions. The per dwelling calculation is set out in part in Appendix D of the SPD and uses a figure of 8,654 dwellings, split between those inside and outside the 6km buffer line, which are those needing to be built between 2019 and 2032 for North Tyneside to meet its stated Housing Target.</p> <p>Any collection of financial contributions from new tourist accommodation is therefore additional, over and above the required total cost of the Coastal mitigation up to 2032, and not factored into the residential development tariff. This is a wholly unsound approach given</p>	<p>It is acknowledged that should a large number of tourist accommodation units come forward during the plan period additional funding than that forecast would be secured. However, over the longer term our analysis suggests that whilst it is important such development makes a fair contribution it is of such a limited scale and incapable of forecasting that it would be inappropriate to discount residential development to reflect this.</p> <p>Three hotel developments / expansions have come forward in North Tyneside since 2009 providing a total of 115 hotel rooms have come forward. Based on the proposed</p>	<p>None</p>

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		<p>there is evidence of tourist accommodation development on the past 5 years (Premier Inn - Ref: 15/01696/FUL at Spanish City and 16/00546/FUL at Holystone) and the SPD itself states, in paragraph 5.5, that some tourist accommodation 'is anticipated'. The provision of a financial contribution through tourist accommodation should be factored into the calculation of the tariff, and the residential development tariff reduced.</p> <p>The SPD also fails to consider new leisure developments and the impacts these can have due to the "unknown and variable nature of these types of development" and that a required contribution should be discussed with the Council prior to the submission of an application. These types of development have the potential to have significant impacts on the protected coastline, and the contributions may therefore be considerable. The Council must commit to including any of these forms of contribution into its annual update of the tariff, so as to reflect the correct level of financial contributions required for coastal mitigation up to 2032.</p>	<p>tariff they would have contributed an average of £1,759 to the annual budget.</p>	
Taylor Wimpey (Barton Wilmore)	General (CIL)	The SPD does not make mention of the adopted CIL in North Tyneside. The existing CIL 123 List sets out a list of those projects, or types of infrastructure, that the Council intends to fund	Our response in relation to the relationship between funding for SANG and this tariff is set	None



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		<p>through the levy. Included in this is the provision of Suitable Alternative Natural Greenspace (SANGS) which is the mechanism used at the moment to provide coastal mitigation measures.</p> <p>Our Client is concerned that developers and housebuilders will potentially be charged twice (first from SANGS and then through the proposed tariff). The SPD does not make clear the status of the CIL and how it will work alongside the SPD particularly as the CIL is already adopted. This is a clear oversight by the Council which will significantly impact upon viability and the delivery of new homes and visitor accommodation in the district.</p>	<p>out above in relation to SANGs.</p>	
Taylor Wimpey (Barton Wilmore)	General (Windfall)	<p>The draft SPD does not take into account the development of windfall housing. It is presumed that if windfalls are to come forward then they would also have to pay the tariff. However, the council have not considered this in terms of calculating the tariff. The 2019 Annual Monitoring Report outlines that on average between 2005/06 and 2017/18, 69% of completions were on non-allocated sites. Although the Local Plan was adopted in 2017, and windfalls are expected to reduce as allocated sites are delivered, our Client objects that no allowance whatsoever has been made for the development of windfalls particularly since the Council has a long history of</p>	<p>The tariff has been calculated with reference to forecast delivery in the North Tyneside SHLAA. This includes all presently known potential development sites and an allowance for windfall and other small sites. It is acknowledged that housing delivery may not occur as forecast and consideration of this will be made when undertaking the annual review of the tariff.</p>	<p>Additional information on transparency and review of the SPD has been added.</p>

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		permitting non-allocated sites.		
Taylor Wimpey (Barton Wilmore)	General (Policy)	<p>Planning Practice Guidance (PPG) states that SPD's "should build upon and provide more detailed advice or guidance on policies in an adopted local plan" (Reference ID: 61-008-20190315). Regulation 5 of the Town and Country Planning Regulation 2012 sets out that any document that contains statements regarding the "development management and site allocation policies which are intended to guide the determination of applications for planning permission" should be prepared as a Local Development Document (LDD).</p> <p>Paragraph 4.5 sets out additional requirements which will be required to be submitted alongside a planning application. Our Client objects to this as the inclusion of these two points is not in accordance with PPG and seek to guide the determination of applications and therefore should be in an LDD rather than an SPD.</p> <p>Paragraph 4.5 states that where applicants seek to provide individual mitigation matters, its planning application will have less certainty and could face potential delays. Our Client objects to this as it is pre-empting the content of a planning application. There may be specific issues raised by the development of a particular site which may best be tackled through individual measures.</p>	<p>This SPD introduces a mechanism for making planning contributions that are already established as required through Local Plan Policy DM5.6 and supporting evidence.</p> <p>The proposed approach provides a streamlined mechanism by which a suitable contribution can be made and an effective means of mitigation that can be supported by both large and small schemes.</p> <p>This SPD does not make payment of the tariff compulsory. However, once adopted the SPD will set out an approach that is agreed by Natural England as addressing the recreation impacts of development. If an alternative approach is taken applicants must provide suitable evidence to inform a Habitat</p>	None

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			Regulation compliant assessment of the development and funding of mitigation that demonstrably mitigates the proposals impacts on the international sites.	
Taylor Wimpey (Barton Wilmore)	General (Evidence)	<p>2 Regulation 8 of the Town and Country Regulations 2012 states that an SPD “must contain a reasoned justification of the policies contained in it”. One of our Client’s key objections is that this is simply not the case. There is very little evidence underpinning the SPD comprising only of the 2017 update to the Appropriate Assessment. No assessment of viability has been undertaken.</p> <p>3 Furthermore, our Client considers that there has not been sufficient engagement with appropriate partners (including our Client and other stakeholders including other house builders and developers). There appears to be little attention given to the impact the guidance will have upon viability and house building in the City contrary to the Government’s key objective of significantly boosting the supply of homes as set out in paragraph 59 of the National Planning Policy Framework (‘NPPF’).</p>	<p>The SPD is a mechanism to deliver mitigation highlighted as required within the Local Plan.</p> <p>The implications for viability of development are noted. However, all schemes must provide appropriate mitigation to address their impacts. Consequently the viability impacts are not directly relevant as a failure to make appropriate mitigation will result in schemes being refused. It is feasible that having commissioned consultants to develop site specific evidence and mitigation that can be agreed with Natural England and the Council; that a cheaper alternative</p>	Additional discussion regarding viability included within the SPD.

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			might exist for some schemes. However, the details of such alternatives are unknown and the SPD would not prevent an applicant from pursuing this approach.	
Tyne and Wear Archaeologists	General	Thank you for the consultation on this Draft SPD, which Jennifer has passed to me to review. I have read the document and I do not think the proposals will have any implications for archaeology in North Tyneside.	Comment noted.	None
Highways England	General	Thank you for consulting Highways England regarding the North Tyneside Draft Coastal Mitigation SPD.  I can confirm that Highways England do not wish to comment on the contents of the Draft SPD as it does not materially impact the Strategic Road Network.	Comment noted.	None
Historic England	General	Thank you for consulting Historic England on the draft Coastal Mitigation Supplementary Planning Document. As the adviser on all matters relating to the historic environment in England, we are responding as a statutory consultee for local plans. Historic England has no comments to make on the proposals to manage the internationally	Comment noted, the scope for any works undertaken to have incidental benefits for the historic environment will be noted and considered in accordance with national policy and the Local Plan. However,	None

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		<p>important nature conservation sites. However, it is worth noting that the Special Protection Area, and the areas within its vicinity, also encompass numerous designated heritage assets. There may be opportunities to deliver joint benefits for both the natural and historic environment, and we would be happy to discuss these further with you.</p> <p>Historic England also produces a range of advice on sustaining and enhancing the historic environment, including a series of Advice Notes on planning. These can be found on our website at <a href="http://www.historicengland.org.uk">www.historicengland.org.uk</a>.</p> <p>We hope that these comments are helpful, but please do not hesitate to contact us should you require any further information.</p>	<p>additional costs beyond those reasonable to meet the ecological impacts of recreational disturbance could only be justified if works to or affecting heritage assets was essential to deliver mitigation and such works must inevitably fulfil the Authorities obligations in relation to those assets.</p>	

#### 4. Engagement on Strategic Environmental Assessment Screening Report

A Strategic Environmental Assessment (SEA) Screening Report on the draft SPD was subject to a six week engagement with the statutory consultees Historic England, Natural England and the Environment Agency. Historic England responded; they agreed with the Local Planning Authority's conclusion that the proposed SPD did not require to be subject to its own SEA. Natural England also responded; the topic of the Supplementary Planning Document does not relate to their interests to any significant extent and therefore they did not wish to comment.