

DEVELOPMENT VIABILITY, AFFORDABLE
HOUSING AND FINANCIAL
CONTRIBUTIONS

Supplementary Planning Document (SPD)

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1. Introduction

The Purpose and Scope of the SPD

- 1.1. This Supplementary Planning Document (SPD) sets out the Council's approach to determining and securing developer contributions for new development (such as housing) across the county. It will sit alongside the County Durham Plan (CDP)¹ which was adopted on 14th October 2020.
- 1.2. SPDs are documents which add further details to policies contained in a Local Plan but do not have their formal statutory 'Development Plan' status. They are, however, a material consideration when a Local Planning Authority is determining whether to approve or refuse a planning application. This SPD provides detailed guidance on the application of a number of policies within the CDP which have implications for developer contributions and in particular Policy 25 (Developer Contributions) which is the policy for seeking planning contributions.
- 1.3. This SPD is intended to provide information on how Policy 25 and other policies requiring affordable housing or specific infrastructure will be interpreted and applied. This will assist planning officers, applicants, service providers, Councillors, and members of the public through the planning application process, ensuring that the process is fair and transparent and is applied consistently.
- 1.4. Developments that include a net increase of new housing can impact on their physical, social and environmental surroundings due to the increased demand for services and increased use of facilities as a result of the additional people. By securing obligations to provide financial contributions from developers, these impacts can be mitigated and, where possible, bring positive benefits for the local area.
- 1.5. The SPD covers contributions towards:
 - Housing;
 - Green Infrastructure (including open space and sport & recreation);
 - Education (primary and secondary);
 - Health;
 - Habitats Regulations Assessment; and
 - Biodiversity Net Gains.
- 1.6. This document will ensure clarity in regard to the type of developer contributions that will be sought, why they are needed, the monetary formula used to calculate the contributions and will include examples where possible.

**Question: Do you agree with the proposed scope and content of the SPD?
Please give reasons for your answers.**

¹ <https://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

2. Policy Context

National Policy

- 2.1 National planning policy is set out in the National Planning Policy Framework (NPPF)² and a small number of other policy documents and written ministerial statements supported by online practice guidance covering a series of themes (NPPG)³. It also exists in the provisions of relevant legislation. Local Plans are prepared to be consistent with national policy, and this is the case with the County Durham Plan (CDP).
- 2.2 Planning law and national policy recognises that it is reasonable to expect that developers should contribute towards the costs of services, infrastructure or resources that would not have been necessary but for their development.

County Durham Plan (CDP)

- 2.3 The CDP was submitted for examination in June 2019 and this took place between October 2019 and February 2020. The Inspector published his final report on the local plan examination in September 2020, concluding that the CDP was sound subject to Main Modifications being made to the Plan prior to adoption. The CDP was formally adopted in October 2020 and will help to meet development needs and will provide a planning framework for determining planning applications up to 2035.
- 2.4 New development as set out and supported by the CDP can place a strain on existing infrastructure, but also has the potential to provide or help provide new infrastructure or improve existing infrastructure and services.
- 2.5 Where appropriate (i.e. where it is necessary to make the development acceptable in planning terms, including by mitigating impacts), the CDP policies state that developers will be required to provide the necessary infrastructure or make financial contributions towards its provision through Section 106 agreements.
- 2.6 The CDP sets out that planning contributions will be sought where development creates a requirement for additional or improved services and infrastructure and/or to address the off-site impact of development so as to satisfy other policy requirements.
- 2.7 Infrastructure can be provided directly by developers or by way of financial contributions to be used by other bodies to pay for or contribute towards the cost of new or improved infrastructure.

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

³ <https://www.gov.uk/government/collections/planning-practice-guidance>

3. Infrastructure Requirements

Identifying Infrastructure Requirements

- 3.1. The known infrastructure requirements to support the specific allocations in the CDP are identified both within the individual site allocation policies (H4 and H5) and in other policies which set out specific provision standards which planning applications must have regard to. Revised infrastructure requirements may result as the detail of schemes is developed over time.
- 3.2. For windfall developments that are supported by the CDP (Policy 6 – Development on Unallocated Sites), infrastructure requirements and any associated contributions required will need to be assessed as schemes are drawn up on a site-by-site basis.
- 3.3. There are a number of strategies and studies that identify and inform infrastructure requirements and standards in relation to planning contributions. The key documents are outlined below.

The Infrastructure Delivery Plan (IDP)

- 3.4. An IDP was prepared to support the CDP. The IDP reviews and evaluates the social, environmental and economic infrastructure that will be required to support the development and growth set out in the CDP. The IDP is a ‘living document’ which will be updated periodically. The most recent version was published in June 2019⁴.

Strategic Green Infrastructure (GI) Framework

- 3.5. The Strategic GI Framework⁵ maximise opportunities to improve both strategic GI and more local GI whenever change is being considered, and this ranges from individual development proposals and open space improvements to landscape scale environmental projects and flood alleviation schemes. The Strategic GI Framework sets the context to secure funding to deliver improvements to strategic GI and individual GI projects.

Playing Pitch Strategy (PPS)

- 3.6. The PPS⁶ has been developed in accordance with Sport England’s approved methodology and analyses the current level of pitch provision and identifies the demand for pitches in County Durham. The key objectives of the strategy are to protect the existing supply of sports facilities where it is needed for meeting current and future needs; to enhance outdoor sports facilities through improving quality and management of sites; and to provide new outdoor sports facilities where there is current or future demand. The PPS has developed a priority list of deliverable projects which will help to meet current deficiencies, provide for future demands

⁴ <http://durhamcc-consult.limehouse.co.uk/file/5448181>

⁵ <https://durhamcounty.maps.arcgis.com/apps/MapSeries/index.html?appid=ae716b02c54a46b0a0113448721caa64>

⁶ <https://democracy.durham.gov.uk/documents/s146784/Appendix%20-%20-%20Playing%20Pitch%20Strategy.pdf>

and inform wider infrastructure planning work. The PPS will assist with efficient management and maintenance of playing pitch provision in line with budgetary constraints.

Open Space Needs Assessment (OSNA)

- 3.7. The OSNA⁷ provide a robust assessment of needs and deficiencies of open space in order to establish local provision standards and create an up to date evidence base which can be used to inform decision making on planning applications. The OSNA comprises of a main report and nine area profiles which provide further analysis at a localised level.

⁷ <http://durhamcc-consult.limehouse.co.uk/file/5423371>

4. Means of Securing Mitigation

Conditions

- 4.1. Planning conditions are the most commonly used and simplest mechanism for securing the provision of on-site infrastructure e.g. roads, sewers, play areas; and ensuring a site is well-designed and appropriate for its intended use.
- 4.2. The long-term maintenance of on-site infrastructure is usually secured through adoption agreements between the developer and a suitable organisation; for example roads and street lighting with the highway authority (DCC); sewers with the utility provider; communal areas and open spaces with a residents' management company or with Durham County Council.
- 4.3. Section 70(1)(a) of the Town and Country Planning Act 1990 enables the local planning authority in granting planning permission to impose "such conditions as they think fit". Paragraph 54 of the NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions".
- 4.4. The NPPF states at paragraph 55 that planning conditions should only be imposed where they are 'necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects'.
- 4.5. Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body, will normally fail the tests of reasonableness and enforceability, unless the land or specified action in question is within the control of a local authority and there is clear evidence that it is enforceable within the time-limit imposed by the permission.

Section 106 Agreements

- 4.6. S106 Agreements are made under the provisions of Section 106 (S106) of the Town and Country Planning Act 1990⁸. The NPPF and the NPPG set out national planning policy and guidance and define planning obligations as being **"A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal."**
- 4.7. S106 Agreements can require a developer to provide affordable housing or other specific item(s) of infrastructure or on or off-site e.g. a new school or road improvement. Section 106 Agreements are signed before the grant of planning permission and are legally binding.

⁸ [Town and Country Planning Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- 4.8. Planning obligations can only be sought where they are necessary to make a development acceptable in planning terms. A local planning authority must ensure that the obligation meets the relevant tests for planning obligations (para 56 of the NPPF), i.e. they are:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 4.9. Planning obligations may only constitute a reason for granting planning permission if they meet the above tests⁹.
- 4.10. The NPPG states that policy for seeking planning obligations should be grounded in an understanding of development viability through the plan making process. CDP Policy 25 relates to infrastructure and planning contributions. Viability evidence¹⁰ underpinned the production of the CDP and this should be used as a starting point when determining viability.
- 4.11. Applicants do not have to agree to a proposed planning obligation however, this is likely to lead to a refusal of planning permission as an adverse impact of a development would not be mitigated.
- 4.12. The Act provides that a planning obligation may:
- be unconditional or subject to conditions;
 - impose any restriction or requirement for an indefinite or specified period; and
 - provide for payments of money to be made, either of a specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specified period.
- 4.13. Legal agreements and the obligations contained therein run with the land in the same way that a planning permission does. This means that, once the permission is implemented, they are enforceable against the developer who originally entered into the agreement and any subsequent person acquiring an interest in that land. These legal agreements must be registered as a land charge and will form part of the planning register, available for public inspection. Where a planning permission expires, the planning obligation can be removed.

Section 278 Highway Agreements

- 4.14. Durham County Council as the local highway authority may, if it is satisfied it will be of benefit to the public, enter into a legal agreement with a developer under Section 278 of the Highways Act 1980¹¹ where a development requires works to be carried out on or to the highway.

⁹ These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (reg 122(2)) and as policy tests in the National Planning Policy Framework, paragraph 57.

¹⁰ Local Plan Viability: <http://durhamcc-consult.limehouse.co.uk/file/4957357>

Addendum to the Local Plan Viability Assessment: <http://durhamcc-consult.limehouse.co.uk/file/5423403>

Site Allocations Viability Appraisals Report: <http://durhamcc-consult.limehouse.co.uk/file/5244938>

Issues and Options Viability Assessment in County Durham: <http://durhamcc-consult.limehouse.co.uk/file/5429366>

¹¹ [Highways Act 1980 \(legislation.gov.uk\)](http://legislation.gov.uk)

- 4.15. This agreement can be either for the Council to carry out the works at the developer's expense, or allow the developer to provide the works directly, subject to an approval and inspection process. A condition would be attached to the planning permission requiring the works to be agreed and carried out.
- 4.16. These agreements are prepared separately from any Section 106 Agreement. Works associated with any planning permission are not permitted within the limits of the publicly maintained highway until the agreement is completed and the bond (if applicable) is secured. Highways England has similar powers in relation to the Strategic Road Network.

Community Infrastructure Levy (CIL)

- 4.17. The CIL Regulations came into force on the 6th April 2010 and is a planning charge used by local authorities to deliver infrastructure. Durham County Council has chosen not to implement CIL, and so will rely on developer contributions from the mechanism identified above to enhance or create suitable infrastructure as needed for new developments.

5. Spending and Monitoring

Is information on planning contributions publicly available?

- 5.1. Regulations introduced in September 2019¹² require information on developer contributions received and spent by the County Council to be published through an annual 'infrastructure funding statement', which is available to view at:
<http://www.durham.gov.uk/article/8284/View-our-planning-policies>.
- 5.2. Local planning authorities are also required to keep a copy of any planning obligation together with details of any modification or discharge of the planning obligation and make these publicly available on their planning register¹³. Copies of Section 106 Agreements are made available on the Council's website¹⁴.

How will contributions be determined and prioritised?

- 5.3. All contributions required by or to achieve compliance with local or national policies will be assessed during the consideration of the application. There may be instances where due to viability considerations, all contributions sought cannot be afforded if the otherwise plan-compliant development is to go ahead. For certain matters, the adopted Plan specifically allows flexibility in its requirements to recognise viability challenges on a site by site basis. In such cases, contributions may be prioritised and/or waived. The waiving of certain contributions on viability grounds would not necessarily be considered to make the development unacceptable in planning terms, but there would also be instances where it would do so. For example, where contributions are considered entirely necessary to make the scheme acceptable in planning terms such that its absence would be wholly unsatisfactory, and the applicants is unwilling to agree to these, viability will not be relevant and an application will be refused. In these cases, such infrastructure is described as necessary and critical.

¹² The Community Infrastructure Levy (Amendment) (England)(No2) Regulations 2019

¹³ [Making an application - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

¹⁴ <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Geography of where s106 monies will be spent

- 5.4. The below table sets out where s106 monies will be spent in relation to the different types of infrastructure or affordable housing it has been secured against.

Table 1

Purpose of s106	Where the s106 monies will be spent
Open space / GI / sport / recreation	Electoral Division – monies will be allocated to the Electoral Division where the application site is located, or a specific priority projects/site(s) identified within the PPS or OSNA
Affordable Housing	County wide in line with the County Durham Strategic Housing Market Assessment (SHMA) which defines County Durham as one housing market area
Education	Relevant school age group (primary / secondary) and school placement planning area
Health	Identified surgery / health centre
Ecology / Heritage Coast	As considered appropriate to the particular application
Transport and Digital Infrastructure	As considered appropriate to the particular application
Bespoke Matters	As considered appropriate to the particular application

How will the money be spent/allocated?

- 5.5. The Council will establish a s106 'Strategic Investment Group' to ensure a strategic approach to where the s106 monies are applied in line with this SPD. This will be a Member / Officer working Group, covering the full range of relevant departments, to focus on delivering better forward planning in the application of s106 monies. The Group will meet regularly throughout the year to review both those Agreements that have been approved at Planning Committee as part of the granting of planning permission and to review the latest list of Agreements where monies have been paid in and are available for allocation.

- 5.6. It is considered that the formation of this Strategic Investment Group, specifically charged with the future planning of the allocation of s106 monies, will ensure that opportunities to align s106 funding to core Council projects are not missed. Clearly there will be instances where available monies might not align with core Council projects and in these cases they could continue to be available for bidding into from the community, as per present practices.
- 5.7. In addition it is considered that the more strategic use of s106 monies to deliver Council core projects will free up base Council capital funding so as to ensure it may be applied more in those areas that may not normally benefit from S106 funding through a lack of development.

Indexation

- 5.8. Developer contributions are based on the costs of providing infrastructure. The contributions will therefore be indexed, meaning they will be index-linked to inflation to ensure they keep their 'real value' in line with inflation. The base date and appropriate index will be included in the legal agreement, but the sum of monies to be paid will be subject to such increase as is necessary to reflect any increase in the all in tender price index (TPI) provided by the Building Cost Information Service (BCIS) of RICS (or such replacement index thereof) for the period commencing from the date of this Deed and ending on the date of payment such increase to be calculated by reference to the index most recently published at the date at which the relevant payment is made to be used towards the relevant infrastructure. BCIS is used as it provides cost and price information to the construction industry.

Do local authorities have to pay back unspent planning obligations?

- 5.9. Local planning authorities are expected to use all of the funding received by way of a planning obligation within a reasonable time frame. Agreements will normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time where they are not. This period is usually five years but may be longer or shorter if deemed appropriate. If the money is not spent within the agreed period, the developer will, upon request, be reimbursed with the outstanding amount, together with any interest accrued unless the agreement is varied.

Social Value

- 5.10. Social Value is defined as the "The wider social contribution that a development creates for society through how it is constructed and managed including the economic returns to the local economy, the wellbeing of individuals and communities as well as the benefits to help regenerate the environment"
- 5.11. Embedding social value into the planning process has the potential to unlock significant additional social value for communities.

- 5.12. Developers are encouraged to complete a Social Value Statement to be incorporated within their planning statement as a part of a planning application submission, support their planning application and help understand the broader social contribution that their proposed development will make.

6. Viability and the Assessment Process

- 6.1. National policy states that where up-to-date local policies set out the contributions required of development, policy-compliant planning applications should be assumed to be viable¹⁵. This puts the onus on developers to demonstrate any change in circumstances since the Local Plan was adopted that justifies the need for a viability assessment¹⁶. The starting point for all development proposals is to be policy compliant in terms of affordable housing provision and other infrastructure requirements. Developer contributions add to the overall expenditure of a development and should always be accounted for in the early stages of development planning.

How will viability be assessed?

- 6.2. Where viability issues are used to demonstrate that schemes should provide below policy-compliant levels of developer contributions, the application must be supported by an 'open book' viability assessment. This involves the provision of full financial details for appraisal which, in accordance with the NPPF (para 58), will be made publicly available.
- 6.3. The Council will invite the developer to provide details of the value of the completed development and all costs incurred to achieve this value. The Council expects a viability assessment to take the form of a written report that includes evidence in relation to details of all costs to be incurred, including acquisition, site preparation, external works and infrastructure, construction, abnormal costs (supported by site investigation reports), level of contingency, finance/interest costs, professional fees, marketing costs, agency fees, legal costs and disposal fees. Details of future sales values (market and affordable housing) with market evidence in support of these sale values, or anticipated rental income. It will provide a conclusive opinion on whether the obligations being sought would make the development unviable or not. In instances where the developer does not provide sufficient or adequate information for the Council to make a satisfactory assessment the developer will be advised what further information is required.
- 6.4. If the viability assessment is accepted as being an accurate assessment of the cost and liabilities and shows that the development cannot proceed without reduced or revised financial obligations the Council may agree to the provision of lower rates of contribution for a particular site, provided that the loss of planning obligations is not so significant that the development is no longer acceptable in planning terms.
- 6.5. It will not be sufficient for developers to argue that they did not take into account the need to provide affordable housing or account for the need to provide infrastructure in the amount they have paid (or agreed to pay) for the land as it is reasonable to expect that land values will reflect the requirements of the CDP. The Council also considers that any normal development costs, such as site demolition, preparation, retaining walls, piling,

¹⁵ NPPF Paragraph 58

¹⁶ Policy 25 of the CDP and Paragraph: 008 Reference ID: 10-008-20190509 - <https://www.gov.uk/guidance/viability>

infrastructure provision and flood mitigation should be established at the outset and reflected in the amount paid (agreed to pay) for land.

- 6.6. All assessments of development viability will only consider the viability of the particular development site in question. Assessments will not take into account the specific financial circumstances of any given developer. Equally, assessments will not take into account the specific desires of land owners to maximise the amount they are paid for land by developers.

Review Mechanisms

- 6.7. When the Council agrees with an applicant's demonstration that a scheme is unviable and developer contributions are reduced on viability grounds as a result, the Council may seek the inclusion of a viability review mechanism and overage clause in the S106 agreement.
- 6.8. This will ensure that viability can be reassessed at a later date, with more up to date evidence, that may show that the scheme ended up being more profitable than was originally predicted at the planning application stage, based on the evidence used at the time of the original assessment.
- 6.9. If a viability review concludes that there has been an uplift in viability and that there will be a larger surplus that could be used to provide developer contributions in line with the latest guidance and best practice, the overage clause will ensure the Council can request greater contributions than stated in the original s106 agreement and will be able to ensure their payment prior to occupation of an agreed number of units (to be agreed and specified in the S106 covenant).
- 6.10. If there is an uplift in viability, the Council's will consider on a case by case basis, taking account of the findings of the viability review, which policy contributions will be prioritised and could be delivered taking account of local circumstances.
- 6.11. The Council will consider how many reviews might be appropriate and will consider the timing/s for a review/s on a case-by-case basis. This will be dependent on the size of the scheme and expected rate of build-out. If a development has multiple phases, it may be appropriate to review the viability at a point during each phase for example, or at the submission of any subsequent Reserved Matters applications.

Pre-Application Discussions

- 6.12. The Council encourage developers to engage in pre application discussions¹⁷, to ensure that the likely developer contributions are determined at an early stage in the planning process. It is preferable that negotiations and open discussions are conducted as soon as possible regarding new developments. This minimises chance of delay and helps to ensure the viability of the project.

¹⁷ <https://www.durham.gov.uk/article/8280/Planning-advice-and-enquiries>

Question: Do you agree with the proposed scope that viability submissions are expected to take?

Please give reasons for your answers.

7. Specific Developer Contribution Guidance by Type

- 7.1. Policy 25 (Developer Contributions) details the need for contributions, the difference between conditions and obligations and the schemes viability with regard to the contributions. However, the specific contributions that will be expected from developers are not listed within this policy. Rather, they are detailed in other policies throughout the plan. The following sections will go through the contributions that are linked to achieving the various policies within the plan.

Addressing Housing Need

- 7.2. Objective 3 of the CDP relates to Housing Need and strives to deliver new, high quality housing, in a range of house types and tenures, that is accessible to, and meets the needs and aspirations of, County Durham's residents (including affordable, families with children, young people, older persons, multi-generational housing, specialist housing, gypsies and travellers and those people wishing to build their own home) while making effective use of the existing stock.

National Planning Policy for Affordable Housing

- 7.3. The NPPF sets out that the Government's objective is to significantly boost the supply of homes and that the need of groups with specific housing requirements are met. It states in Paragraph 62 that the **"size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies"** and **"where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on site unless; off-site provision or an appropriate financial contribution in lieu can be robustly justified: and the agreed approach contribute to the objective of creating mixed and balanced communities."** (Paragraph 62 & 63 NPPF).
- 7.4. Planning obligations for affordable housing should only be sought for residential developments that are major developments. For residential development, major development is defined in the NPPF as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. However, in designated rural areas local planning authorities can choose to set their own lower threshold in plans and seek affordable housing from developments above that threshold. Designated rural areas applies to rural areas described under section 157(1) of the Housing Act 1985.

Types of Affordable Housing

- 7.5. The definition of Affordable Housing is set out in Annex 2 – Glossary of the NPPF. Affordable housing is defined as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is essential for local workers) and which complies with one or more of the following definitions below. Affordable housing includes social rented, affordable rented and intermediate

housing, provided to eligible households whose needs are not met by the market. Affordable housing should:

- meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices; and
- include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

- 7.6. **Affordable housing for rent** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- 7.7. **Starter homes** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning as set out in statute and any such secondary legislation at the time of plan preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter homes to those with a particular maximum level of household income, those restrictions should be used.
- 7.8. **Discounted market sales housing** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- 7.9. **Other affordable routes to home ownership** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Local Needs

- 7.10. The principle source of local housing needs information is the County Durham Strategic Housing Market Assessment (SHMA) 2019¹⁸. Many households in County Durham who lack their own housing or live in unsuitable housing cannot afford to buy or rent suitable houses at market rates. These households need affordable housing. The SHMA has undertaken an

¹⁸ <http://durhamcc-consult.limehouse.co.uk/file/5244984>

assessment of the need for affordable housing within County Durham and determined that there will be a need to provide annual additional affordable housing for 836 households over the Plan period 2016 to 2035.

Local Planning Policy

7.11. Policy 15 of the CDP sets the requirements for addressing housing need.

Affordable Housing Requirements and Threshold

7.12. Policy 15 confirms that Affordable Housing will be sought on sites of over 10 units. In designated rural areas¹⁹, schemes of between 6 and 9 units will provide a financial contribution towards the delivery of affordable housing. The table below sets out the percentage of affordable units required within different viability areas within the county. This method of calculating the affordable contribution was found sound by the appointed Planning Inspector through the Local Plan Examination in Public. In setting targets for affordable housing delivery, it is recognised that new housing development in the highest and high value areas, where prices for new houses are more buoyant, can support the greatest level of provision.

Table 2 – Affordable Contributions

Affordable Threshold (no. of dwellings)	Viability Area ²⁰							
	Low Value Area		Medium Value Area		High Value Area		Highest Value Area	
10+ units in any part of the county	10% A H in total		15% A H in total		20% A H in total		25% A H in total	
	10% Affordable home ownership	0% A H for rent	10% Affordable home ownership	5% A H for rent	10% Affordable home ownership	10% A H for rent	10% Affordable home	15% A H for rent
9 units or less outside designated rural areas	The table below sets out the percentage of affordable units required within different viability areas within the county No contribution							
between 6 and 9 units in designated rural areas	10% A H as financial contribution		15% A H as financial contribution		20% A H as financial contribution		25% A H as financial contribution	
5 units or less in any part of the county	No contribution							

¹⁹ Map I in the CDP policies map document shows the geographical extent of the designated rural areas and this is replicated at Appendix 1.

²⁰ Map F in the CDP policies map document shows the geographical location of the viability areas and this is replicated in Appendix 2 of this document.

- 7.13. The Council's targets for on-site provision will only be reduced where it is demonstrated through an open book viability assessment (see earlier Viability Chapter) that the required affordable housing target makes the development unviable. In accordance with the NPPF²¹, major housing development should always provide 10% of the homes to be available for affordable home ownership.
- 7.14. There will be cases where the percentage of affordable housing sought in a particular site does not give rise to an exact number of dwellings (e.g. 26 units @ 20% would give a requirement of 5.2 units). In such cases the approach will be to round down or round up the number to give the 'on-site' provision units figure (in the above example, 5 units) (5.5 or anything above would be rounded up).
- 7.15. Where a planning application is submitted for a development which forms part of a more substantial proposed development, on the same or adjoining land, an overall figure for affordable housing would be agreed at the onset, for subsequent review during the phasing of the development. This takes account of relevant case law²².

Location, type and tenure mix

- 7.16. On sites with 10 or more units, 10% of the homes provided should be for affordable home ownership (starter homes, discount market sale housing and other affordable routes to home ownership). In line with the requirements in Table 1, any affordable housing above 10% should be provided as affordable housing for rent. Where it can be evidenced by the applicant to the Council's satisfaction that this tenure mix would make the development unviable or that alternative affordable housing products are required to meet local needs, then proposals for an alternative tenure mix as proposed by the applicant will be considered. The Council's Housing Development Team are an internal consultee on applications which require affordable housing and provide advice to ensure that the affordable housing provides an acceptable range of types and size of unit to meet up to date demand.
- 7.17. If housing is being delivered in phases, affordable housing should be delivered evenly throughout the duration of delivery and not back-loaded onto later phases. In some instances, the viability of a scheme may require that affordable housing is back-loaded, but the Council will resist granting permission to proposals with the provision of no or very low levels of affordable housing in earlier phases where viability is not a consideration.

Off-site provision/Contributions

- 7.18. In accordance with the NPPF²³ the provision of affordable housing should be met on-site. However, it is accepted that this is not appropriate or possible for all schemes. Policy 15

²¹ Paragraph 65

²² New Dawn Homes Limited v Secretary of State for Communities and Local Government & Tewksbury Borough Council [2016] EWHC 3314 (Admin)

²³ Paragraph 63

(Addressing Housing Need) sets out that there may also be circumstances where it can be robustly justified and it would contribute to the objective of creating mixed and balanced communities, the Council will accept off-site contributions in lieu of on-site provision. This includes, but is not limited to, circumstances where:

- there would be five or fewer affordable homes on the site;
- there is clear evidence that a greater number of affordable homes could be delivered off-site, in a more suitable location; or
- the resulting financial contribution would contribute to specific regeneration activity including bringing viable vacant housing back into use.

7.19. There may also be circumstances where a financial contribution of broadly equivalent value can be accepted in place of on-site provision of affordable homes, for example in order to improve existing housing stock as part of the council's regeneration activities. However, in all instances, the developer or the council would be expected to robustly demonstrate that the off-site provision or financial contribution was acceptable as part of the determination of the planning application.

7.20. In all instances financial contributions should be of a broadly equivalent value of developing or buying on the open market the same number of new properties of the size and type and in a similar location that would have been provided on site. The calculation for the financial contribution will take into account the following key factors:

- The unencumbered residual land value;
- Total number of units on site;
- Registered Providers purchase amount;
- Number of units for affordable housing; and
- Total development costs.

Affordable Housing Calculator

7.21. The Council have procured Bespoke Property Consultants to create a commuted sum calculator for off-site affordable housing provision. The calculator is in effect to determine the amount of subsidy that a Registered Provider (RP) will require to provide the policy compliant level of affordable housing off-site. In creating the calculator and in its use, the main assumption is that the off-site provision will be of similar kind to that on the application site in terms of unit types and sizes in accordance with Policy 15 of the CDP.

7.22. In accordance with CIL Regulation 122 and Para 57 of the NPPF (2021) the methodology behind the calculation of commuted sums for affordable housing must be:

- a) Fair and reasonable
- b) Reflective of the site to which the application relates

- 7.23. The calculations on the pro-forma calculator are aimed at establishing what subsidy a developer would have had to contribute to provide the affordable housing on site. This is without any assistance from Social Housing Grant in accordance with the NAHP Prospectus.
- 7.24. The calculations do not try to share in the uplift in values that will be achieved by putting affordable housing off-site.
- 7.25. The calculations are based on the following formula which reflects the true cost to a developer, had the affordable housing been delivered on site:

Open Market value of units on site	
Less:	Developer's profit (inclusive of marketing costs)
Equals:	cost of developing units on site (ie land + build + fees)
Less:	anticipated income from a Registered (Capitalised rents, shared ownership sales)
Equals:	Cost to developer of subsidising affordable housing

How to fill in the Commuted Sum Calculator

- 7.26. All cells coloured yellow in the Council's affordable housing commuted sum calculator are to be populated by the Council with the information provided by the applicant.
- 7.27. Comments can be entered in the notes area (cells G18 to J20) about site specifics, and details of the scheme, including the site name (cell B8) and date (cell F8) before carrying out the calculation.
- 7.28. The level of affordable housing as a percentage of the units on site is entered at cell E10. This is the level of affordable housing required by Policy 15 of the CDP for the area in which the site is situated (See Appendix 2 of this document). Please consult the Housing Dept with regard to small sites in designated rural areas.
- 7.29. The percentage of and number of affordable rented units are automatically calculated on the basis of the input above (cell E9).
- 7.30. The number of intermediate tenure units are automatically calculated on the basis of the input at (cell E9). Intermediate tenure is taken as Discounted Market Sale by the calculator. Should an alternative tenure be considered appropriate please consult the Housing Dept.

- 7.31. If any affordable rent or affordable home ownership units are to be provided on site, these can be netted off the amounts to be put in the tables for those tenures (see cells E17 and E19).
- 7.32. The amount of off-site affordable rented and intermediate units are inputted in cells B26 to B36 and B42 to B47. The mix of units should reflect that on the application site.
- 7.33. The Open Market Value (OMV) of each unit should be input in cells C26 to C36 and C42 to C47. The OMV should be the anticipated net achievable price, i.e. net of any discounts or marketing incentives.
- 7.34. The profit level to be inputted at cell D25 should be the gross profit inclusive of marketing costs as these would not apply to affordable housing. The default allowance is 17.5% as per the Local Plan supporting evidence (see footnote 10 above).
- 7.35. Affordable Rents – the rent level per week for each unit type should be agreed with the DCC Housing Department. The rent should be net of any service charge tenants would be due to pay as part of their rent. As a default the calculator is populated with LHA rates for July 2021.
- 7.36. The gross yield generated by Affordable Rented units, calculated at cells G26 to G36 is for information only, to illustrate the relative investment value to the RP of the Affordable Rented units.
- 7.37. Intermediate units are generally provided as “Discounted Market Sale” units. The discount to OMV is to be input at cell F41. The percentage discount will have to ensure that the units are affordable to the target market for this type of tenure, and this will vary from ward to ward. Please check with the Housing Department about the acceptable level of discount for your scheme, which will be based on affordability to the purchaser. The default level is 30% of open market value, which matches the criteria of “First Homes”.
- 7.38. The calculator will calculate the affordable housing commuted sum taking into account all of the above inputs. The calculated Commuted Sum will appear at cell H50.
- 7.39. Below is the Council’s affordable housing commuted sum calculator.

Picture 1 showing the Affordable Housing Commuted Sum Calculator

	A	B	C	D	E	F	G	H	I	J
1										
2										
3										
4										
5										
6										
6	Durham County Council									
6	AFFORDABLE HOUSING COMMUTED SUM CALCULATOR									
7										
8	Site Name: Example				Date:		Affordable Housing Requirements per Durham Local Plan Policy 15			
9	Number of Units on proposed development				No.					
10	Level of Affordable Housing required						Area per Map F	AH %	AH Ownership	Aff Rented
11	Number of Affordable Units required				0 No.		Highest Value	25%	10%	15%
12	Percentage Affordable Rented required				-10%		High Value	20%	10%	10%
13	Number of Affordable Rented Units required				0 No.		Medium Value	15%	10%	5%
14	Percentage Intermediate required				10%		Low Value	10%	10%	0%
15	Number of Intermediate units required				0 No.		Note: Policy 15 applies to sites of 10 units or more except in designated rural areas where a commuted sum payment will apply to sites with 6-9 units. Please refer to the Local Plan.			
16	Less on Site provision									
17	Affordable Rented Units provided on site				0 No.		Applicant Notes:			
18	Net number of units of Affordable Rented off-site				0 No.					
19	Intermediate Units provided on site				0 No.					
20	Net number of Intermediate units off-site				0 No.					
21										
22	Off-Site Commuted Sum calculation									
23	Affordable Rented									
24	Unit type	Off Site Provision	OMV £	Profit 17.50%	Net Total Cost	LHA Rent per week	Yield	RP Purchase Value	Commuted Sum	
25										
26	1 Bed Flat			0	0	74.79	7.07%	55,000	0	
27	2 Bed Flat			0	0	87.45	7.58%	60,000	0	
28	3 Bed Flat			0	0	103.58	8.28%	65,000	0	
29	1 Bed Hse			0	0	74.79	7.07%	55,000	0	
30	2 Bed Hse			0	0	87.45	5.35%	85,000	0	
31	3 Bed Hse			0	0	103.58	5.67%	95,000	0	
32	4 Bed Hse			0	0	140.38	6.95%	105,000	0	
33	5 Bed Hse			0	0	140.38	6.35%	115,000	0	
34	1 Bed Bung			0	0	74.79	7.07%	55,000	0	
35	2 Bed Bung			0	0	87.45	4.64%	98,000	0	
36	3 Bed Bung			0	0	103.58	5.13%	105,000	0	
37	Total	0						Total	0	
38										
39	Intermediate - Discounted Market Sale									
40	Unit type	Off Site Provision	OMV £	Profit 17.50%	Net Total Cost	Discount to OMV 30%	Discounted Purchase Value	Commuted Sum		
41										
42	2 Bed Hse			0	0	0	0	0	0	
43	3 Bed Hse			0	0	0	0	0	0	
44	4 Bed Hse			0	0	0	0	0	0	
45	5 Bed Hse			0	0	0	0	0	0	
46	2 Bed Bung			0	0	0	0	0	0	
47	3 Bed Bung			0	0	0	0	0	0	
48	Total	0					Total	0		
49										
50	Total Units	0				Total Commuted Sum			0	

Worked Examples

7.40. A development scheme of 60 units in a low viability area (10% affordable housing provision) would have an affordable housing contribution of **£149,500**. The same scheme in a high

viability area (20% affordable housing provision) would have an affordable housing contribution of £566,200.

Picture 2



AFFORDABLE HOUSING COMMUTED SUM CALCULATOR

Site Name: Example New Development (A)		Date: 14/07/2021	Affordable Housing Requirements per Durham Local Plan Policy 15					
Number of Units on proposed development	80	No.	Area per Map F	AH %	AH Ownership	Aff Rented		
Level of Affordable Housing required	10%		Highest Value	25%	10%	15%		
Number of Affordable Units required	8	No.	High Value	20%	10%	10%		
Percentage Affordable Rented required	0%		Medium Value	15%	10%	5%		
Number of Affordable Rented Units required	0	No.	Low Value	10%	10%	0%		
Percentage Intermediate required	10%		Note: Policy 15 applies to sites of 10 units or more except in designated rural areas where a commuted sum payment will apply to sites with 6-9 units. Please refer to the Local Plan.					
Number of Intermediate units required	8	No.	Applicant Notes:					
Less on Site provision			Scheme is a mix of 20 x2bed, 20x 3bed and 20x1bed with no provision on site.					
Affordable Rented Units provided on site	0	No.						
Net number of units of Affordable Rented off-site	0	No.						
Intermediate Units provided on site	0	No.						
Net number of Intermediate units off-site	8	No.						
Off-Site Commuted Sum calculation								
Affordable Rented								
Unit type	Off Site Provision	OMV £	Profit 17.50%	Net Total Cost	LHA Rent per week	Yield	RP Purchase Value	Commuted Sum
1 Bed Flat			0	0	74.79	7.07%	95,000	0
2 Bed Flat			0	0	87.45	7.58%	80,000	0
3 Bed Flat			0	0	103.66	6.28%	85,000	0
1 Bed Hse			0	0	74.79	7.07%	95,000	0
2 Bed Hse			0	0	87.45	5.35%	85,000	0
3 Bed Hse			0	0	103.66	5.67%	95,000	0
4 Bed Hse			0	0	140.38	8.95%	105,000	0
5 Bed Hse			0	0	140.38	8.35%	115,000	0
1 Bed Bungalow			0	0	74.79	7.07%	95,000	0
2 Bed Bungalow			0	0	87.45	4.84%	98,000	0
3 Bed Bungalow			0	0	103.66	5.13%	105,000	0
Total	0						Total	0
Intermediate - Discounted Market Sale								
Unit type	Off Site Provision	OMV £	Profit 17.50%	Net Total Cost	Discount to OMV 30%	Discounted Purchase Value	Commuted Sum	
2 Bed Hse	2	110,000	21,500	115,500	42,000	99,000	35,000	
3 Bed Hse	2	159,000	34,825	164,175	59,700	139,300	49,750	
4 Bed Hse	2	259,000	45,325	213,675	77,700	181,300	61,750	
5 Bed Hse			0	0	0	0	0	
2 Bed Bungalow			0	0	0	0	0	
3 Bed Bungalow			0	0	0	0	0	
Total	6					Total	149,500	
Total Units	6			Total Commuted Sum			149,500	

Picture 3



AFFORDABLE HOUSING COMMUTED SUM CALCULATOR

Site Name:	Example New Development (A)	Date:	14/07/2021	Affordable Housing Requirements per Durham Local Plan Policy 15			
Number of Units on proposed development:	60	No.		Area per Map F	AH %	AH Ownership	Aff Rented
Level of Affordable Housing required:	20%			Highest Value	25%	10%	15%
Number of Affordable Units required:	12	No.		High Value	20%	10%	10%
Percentage Affordable Rented required:	10%			Medium Value	15%	10%	5%
Number of Affordable Rented Units required:	6	No.		Low Value	10%	10%	0%
Percentage Intermediate required:	10%			Note: Policy 15 applies to sites of 10 units or more except in designated rural areas where a commuted sum payment will apply to sites with 6-9 units. Please refer to the Local Plan.			
Number of Intermediate units required:	6	No.		Applicant Notes:			
Leas on Site provision:				Scheme is a mix of 20 x2bed, 20x 3bed and 20x4bed with no provision on site.			
Affordable Rented Units provided on site:	0	No.					
Net number of units of Affordable Rented off-site:	6	No.					
Intermediate Units provided on site:	0	No.					
Net number of Intermediate units off-site:	6	No.					

Off-Site Commuted Sum calculation								
Affordable Rented								
Unit type	Off Site Provision	OMV £	Profit 17.50%	Net Total Cost	LHA Rent per week	Yield	RP Purchase Value	Commuted Sum
1 Bed Flat			0	0	74.79	7.07%	55,000	0
2 Bed Flat			0	0	87.45	7.58%	60,000	0
3 Bed Flat			0	0	103.56	8.28%	65,000	0
1 Bed Hse			0	0	74.79	7.07%	55,000	0
2 Bed Hse	2	140,000	24,500	115,500	87.45	5.36%	85,000	61,000
3 Bed Hse	2	199,000	34,825	164,175	103.56	5.67%	95,000	138,350
4 Bed Hse	2	258,000	45,325	213,675	140.30	6.95%	105,000	217,350
5 Bed Hse			0	0	140.30	6.35%	115,000	0
1 Bed Bung			0	0	74.79	7.07%	55,000	0
2 Bed Bung			0	0	87.45	4.64%	98,000	0
3 Bed Bung			0	0	103.56	5.13%	106,000	0
Total	6						Total	416,700

Intermediate - Discounted Market Sale							
Unit type	Off Site Provision	OMV £	Profit 17.50%	Net Total Cost	Discount to OMV 30%	Discounted Purchase Value	Commuted Sum
2 Bed Hse	2	140,000	24,500	115,500	42,000	90,000	35,000
3 Bed Hse	2	199,000	34,825	164,175	59,700	139,300	49,750
4 Bed Hse	2	258,000	45,325	213,675	77,700	181,300	64,750
5 Bed Hse			0	0	0	0	0
2 Bed Bung			0	0	0	0	0
3 Bed Bung			0	0	0	0	0
Total	6					Total	149,500

Total Units	12	Total Commuted Sum	566,200
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Vacant Building Credit

7.41. In line with Government policy²⁴ a 'vacant building credit' will be applied to appropriate developments where a vacant building is either converted or demolished. This credit will be equivalent to the gross floorspace of the building to be demolished or brought back into use. This credit does not apply when a building has been abandoned or where a building has been made vacant for the sole purpose of re-development.

²⁴ Paragraph 64 of the NPPF and Paragraph's: 026 – 028 Reference IDs: 23b-026-028-20190315: <https://www.gov.uk/guidance/planning-obligations>

- 7.42. Where there is an overall increase in floorspace in the proposed development, the amount of affordable housing required from the development will be calculated in line with the CDP. A 'credit' will then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing requirement. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.
- 7.43. The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metres is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing should be a fifth of that normally be sought.

Self and Custom Build

- 7.44. The NPPF (paragraph 65c) recognises that the specific requirement for 10% affordable home ownership does not apply on self-build sites, however, it is considered that affordable provision is still applicable to such schemes in line with para 63 as it is only the 'affordable home ownership' product which is exempt. On sites for self-build homes (10+ units and between 6 and 9 units in designated rural areas), an off-site contribution would be appropriate because the development is unlikely to be attractive to a registered provider and there would (in all likelihood) be five or fewer affordable homes required on the site. The affordable housing contribution would be calculated using the Affordable Housing calculator set out above.

Older Persons Housing

- 7.45. To meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard.
- 7.46. On sites of 10 units or more, we will require a minimum of 10% of the total number of dwellings on the site to be of a design and type that will increase the housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- level access flats;
 - level access bungalows; or
 - housing products that can be shown to meet the specific needs of a multi-generational family.

- 7.47. Where it can be demonstrated that site specific factors such as vulnerability to flooding, site topography, other circumstances which may make a site less suitable for older persons house types or properties built to M4(2) (accessible and adaptable standard) or where step free access cannot be achieved or is not viable, then the requirements will not be applied on all or part of the site as appropriate.

Specialist Housing

- 7.48. The council will support the provision of specialist housing for older people, vulnerable adults and people with disabilities where:

- the development is in an appropriate location with reference to the needs of the client;
- it is designed to meet the particular requirements of residents;
- appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and
- satisfactory outside space, highway access, parking and servicing can be achieved.

- 7.49. Specialist housing for older people, will meet the following standards:

- 100% of accommodation to meet M4(2) Category 2 - Accessible and adaptable dwellings; and
- a minimum of 25% of accommodation to meet M4(3) Category 3 - Wheelchair User Dwellings.

- 7.50. Where it can be evidenced by the applicant to the Council's satisfaction that applying the Optional Standards at these proportions would make the proposal unviable, then proposals for alternative proportions of dwellings which meet the Optional Standards, as proposed by the applicant, will be considered. Where viability considerations dictate that the provision of affordable housing or older people's housing is below the levels set out in the policy, the Council will include an overage payment clause in the Section 106 Agreement relating to the planning permission.

**Question. Do you agree with the proposed approach towards addressing housing need?
Please give reasons for your answers**

8. Green Infrastructure (including open space and sport & recreation)

- 8.1. Green Infrastructure (GI) refers to the network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. GI also encompasses water-based environments such as rivers and smaller watercourse systems, coastal environments, reservoirs, wetlands, ponds and urban Sustainable Drainage systems. These are sometimes known as blue infrastructure or blue spaces.
- 8.2. Depending on the size and scale of a development, proposals should incorporate appropriate GI. This section sets out guidance for the provision of open space as a result of new residential development in County Durham. It does not introduce any new policies but gives guidance on how the existing policies should be interpreted.
- 8.3. The NPPF recognises that access to high quality open spaces can make an important contribution to the health and well-being of communities. It is important that the provision and composition of the open spaces and recreational facilities in a settlement/community are well related to need. It is recognised that quality open spaces and play areas have benefits in terms of health and wellbeing and supporting sustainable communities. This is acknowledged through planning policy and reflects the cross-cutting importance of effective provision.
- 8.4. Policy 26 (Green Infrastructure) of the CDP requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA) . Where it is determined that on-site provision is not appropriate, the Council will require financial contributions secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
- 8.5. On small-scale development, a contribution towards green infrastructure/open space improvement is necessary to make residential development acceptable in planning terms on account that the future residents of these proposed houses would be using the open space in the vicinity and wider area in which the new house(s) would be situated. It is therefore directly related to the development, and fairly and reasonably related in scale and kind to the development (para 57, NPPF).

Open Space Needs Assessment (OSNA)

- 8.6. The OSNA²⁵ was undertaken to provide a robust assessment of needs and deficiencies of open space in order to establish local provision standards. The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site-specific basis.

²⁵ <http://durhamcc-consult.limehouse.co.uk/file/5423371>

8.7. Table 19, shown below, contained within the OSNA provides guidance on what scale of housing generates a need for facilities in the categories listed to be provided on-site. It sets out that schemes between 1 to 19 dwellings should provide an off-site contribution towards GI/open space provision instead of seeking on-site provision.

Table 19 from the OSNA showing requirement for open space, sport and recreation facilities

Type of Provision	1 to 19 dwellings	20 to 49 dwellings	50 to 99 dwellings	100 to 249 dwellings	250+ dwellings
Allotments	off-site	off-site	off-site	off-site	on-site
Amenity / Natural Green Space	off-site	on-site	on-site	on-site	on-site
Parks, Sports and Recreation Grounds	off-site	off-site	off-site	off-site	on-site
Play Space (Children)	off-site	off-site	non equipped	non equipped	on-site
Play Space (Youth)	off-site	off-site	off-site	off-site	on-site

Key:

- on-site provision normally sought
- off-site provision normally required
- non equipped play areas

Calculating the required provision

8.8. Table 16, shown below, of the OSNA sets out the standards required for onsite provision for each typology of open space. This standard is based on a sqm per person and sets out an indicative cost of how much a developer will need to spend to deliver on site provision. It sets out that it costs £1,581 per person to provide new open space to meet the County Durham standard for open space (to be borne by the developer as part of the development scheme). These calculations are to be used to calculate the required quantum of open space in sqm taking account of Table 19 which sets out the thresholds for when different typologies of open space should be delivered on or off-site. The OSNA states that where it is not possible and/or desirable to provide facilities on site, and the council are willing to accept a contribution to improve existing facilities off site, a 50% reduction in the above calculation will be applied in recognition that the cost to upgrade facilities can be less providing new facilities altogether. So, for schemes of 1–19 dwellings where ordinarily there should be off-site contributions in all cases, the £790.50 (50% reduction) per person should be used.

Table 16 below from the OSNA details the costs for providing open space

Typology	Standard (m ²) per person	Cost per m ²	Contribution per person	50% reduction
Allotments	9	£30.00	£270.00	£135.00
Parks and Recreation Grounds	14	£72.00	£1008.00	£504.00
Play Space (Children)	0.5	£170.00	£85.00	£42.50
Play Space Youth	0.4	£170.00	£68.00	£34.00
Amenity / Natural Green Space	15	£15.00	£150.00	£75.00
Total	38.9		£1,581.00	£790.50

Worked Example 1: 4 dwellings proposed on an infill site

8.9. The following example shows a calculation for 4 units. A scheme of 4 units would generate a minimum of 8.8 people (4 x 2.2) based on 2011 census data of 2.2 persons per household. The scheme would fall into the 1st category of Table 19 where a contribution should be sought for all typologies of open space. Table 16 of the OSNA sets out the costings, therefore the contribution should be: 8.8 x £790.50 = **£6,956.40**.

Worked Example 2: 98 dwellings proposed on an edge of settlement site

8.10. The following example shows a calculation for 98 units. A scheme of 98 units would generate 216 people (78 x 2.2) based on 2011 census data of 2.2 persons per household. This scheme would fall into the 3rd category of Table 19 where some typologies of open space should be provided on site, and a contribution sought for the others.

8.11. Table 16 of the OSNA sets out the costings, therefore the contribution should be: 216 x £673.00 (£790.50 – £75.00-£42.50) = £145,368 provided that the other typologies are provided on-site in accordance with Table 19.

8.12. The required on-site provision would be as follows:

- Amenity/Natural Green Space 216 x 15sqm = 3,240sqm
- Play Space (Children) 216 x 0.5sqm = 108sqm
- Total = 3,348sqm

Multiplier

- 8.13. A point of clarification around the use of 2.2 and rounding. As 2.2 is the multiplier amount, it is not appropriate to round it up or down. It is based on the average household size in County Durham. In a similar vein as the outcome (8.8 people in this case) is also a multiplier to be applied to the cost of provision (£790.50), it is also not considered necessary to round it up or down.
- 8.14. The 2.2 is the default household size to be applied, however, there may be some instances where it is reasonable to deviate from the standard occupancy multiplier to be applied for the properties depending on the specifics of the scheme. An example of this could be 2-bed bungalows for the over 55s where it is possible that some properties will be single occupancy as some residents may be divorced/widowed and less likely to have children living at home. In such cases a multiplier of 1.5 is acceptable to reflect that some properties will be single occupancy, but that some would also be occupied by couples (a blended approach which captures both scenarios). Similarly, on student accommodation where each unit is likely to be solely single occupancy, a multiplier of 1 should be used.

Financial amounts to be requested

- 8.15. The below table shows the indicative amounts for schemes of between 1 to 19 units.

No. of dwellings in scheme	Likely no. of people	GI/OSNA contribution towards off-site provision (£790.50 x no. of people)
1	2.2	£1,739.10
2	4.4	£3,478.20
3	6.6	£5,217.30
4	8.8	£6,956.40
5	11	£8,695.50
6	13.2	£10,434.60
7	15.4	£12,173.70
8	17.6	£13,912.80
9	19.8	£15,651.90
10	22	£17,391.00
11	24.2	£19,130.10
12	26.4	£20,869.20
13	28.6	£22,608.30
14	30.8	£24,347.40
15	33	£26,086.50
16	35.2	£27,825.60
17	37.4	£29,564.70
18	39.6	£31,303.80
19	41.8	£33,042.90

Playing Pitches

- 8.16. The County Durham PPS identifies where protection, enhancement and the provision of new sites for football (both adult and junior football), cricket, rugby union, rugby league, and hockey should occur. Full details of the recommendations can be found in the PPS²⁶.
- 8.17. The Strategy has been developed to provide:
- A vision for the future improvement and prioritisation of playing pitches.
 - A series of strategic recommendations for the improvement, maintenance, development and, as appropriate, rationalisation of the playing pitch stock.
 - A series of sport by sport recommendations which provide a strategic framework for sport led improvements to provision.
 - A prioritised area-by-area Action Plan to address key issues on a site-by-site basis.
- 8.18. Where development is proposed (for example under Policy 6: Development on Unallocated Sites of the CDP) within the catchment of an existing or proposed pitch site(s) which has clear recommendations identified within the PPS, then a financial contribution will be sought to assist with implementing those recommendations.

**Question. Do you agree with the approach towards Green Infrastructure provision?
Please give reasons for your answers**

²⁶ <https://democracy.durham.gov.uk/documents/s146784/Appendix%20-%20Playing%20Pitch%20Strategy.pdf>

9. Education Provision

Justification

- 9.1. Durham County Council has a statutory responsibility to ensure that there are sufficient school places for pupils within the County. New developments will generate demand for school places in all ages which is above natural population changes. If there is not enough capacity, nearby schools will be negatively impacted by this increase in demand. Therefore, this impact must be mitigated by providing a contribution to create more education infrastructure to support new development.

Assessing Sufficiency of Places

- 9.2. When a development site comes forward the Council will identify which schools or pupil place planning area(s) are considered to be impacted on by the development. Where schools are in close proximity to the proposed development but are in a different pupil place planning area they may still be considered as related schools if they meet the criteria on lack of capacity and can demonstrate a likely demand from families moving to the development.
- 9.3. Contributions will be sought where forecasts suggest that the appropriate educational establishments or pupil place planning area in relation to the development cannot reasonably accommodate the increase in demand for places. Contributions will be sought in the cases where development will result in a specific school or school place planning areas having less than 5% surplus space.
- 9.4. When assessing the nearest school(s) to a development(s) to assess and calculate any developer contributions, the Council will apply a distance of 2 miles from the development measured by the shortest available safe walking route. In some cases, the Council would not wish the nearest school to be the one that is extended. It will also be the case that for some secondary schools the nearest school to a development will be more than 2 miles away as there are far fewer secondary schools than primary schools across the county. The Council's School Places and Admissions Team can provide advice and guidance in relation to school rolls and forecasted pupil numbers.

Pupil Yield Methodology

- 9.5. New residential property generates demand for school places in all age groups over and above natural population changes. The council has undertaken research in line with the guidance from the Department for Education (DfE) on a number of existing housing developments throughout the County to determine the average number of pupils produced from development. Certain types of development do not generate pupil demand, such as care homes and student accommodation, so were not included in this study.

- 9.6. During the study, each residence in the developments are allocated a postcode and this was cross checked with information provided by schools via the pupil census. The pupil census lists all the pupils attending schools in County Durham together with their address including the postcode.
- 9.7. The research has taken into account housing developments over the last 20 years, and accounts for market trends and changes. The detailed research indicates that the expected pupil yields from specific local 'family' housing developments are as follows;
- **0.3 primary aged pupils per house** (i.e. broadly 3 houses typically generate one primary aged pupil)
 - **0.12 secondary aged pupils per house** (i.e. just under 10 houses typically generate one secondary aged pupil)
- 9.8. The pupil yields reflect demand for places generated rather than actual children moving to the development. It also recognizes that some children will not need to change schools and some may attend private, selective or faith schools.

Cost of Additional Places

- 9.9. The contributions for each excess pupil place required is based on information supplied by the National School Delivery Cost Benchmarking exercise and BCIS all-in Tender Price Index. The current costs per pupil place are as follows;
- Primary place = £17,650
 - Secondary place = £17,321
- 9.10. The Council will review the above costs on an annual basis using the BCIS all-in Tender Price Index and any revised cost per pupil will be advertised in advance of adoption from the 1st April every year. The council will seek to undertake a County Durham specific benchmarking exercise every 4 years which will be based on actual projects delivered within the county and this will inform the revised cost per place. Following this benchmarking exercise, the Council will continue to use the BCIS all-in Tender Price Index until the next benchmarking exercise.

Exemptions

- 9.11. There will be no requirement to calculate demand on school places from developments of less than 10 dwellings. Similarly, exemptions could be agreed for specialist housing, where it can be demonstrated that the likelihood of mitigation for education being required is not needed.

Calculation Example

- 9.12. The following example shows a calculation for 100 dwellings in an area where there is available surplus school capacity of 10 primary places and 5 secondary places (having regard to maintaining 5% surplus places).

Number of dwellings x Pupil yield (less available surplus spaces) x Cost of places = developer contributions

Primary Example:

100 dwellings x 0.3 = 30 places – 10 surplus spaces = 20 places required.

20 x £17,650 = **£353,000** developer contribution

Secondary Example:

100 dwellings x 0.12 = 12 places – 5 surplus places = 7 places required

7 x £17,321 = **£121,247** developer contribution

Large Scale Developments

- 9.13. Where developments are in excess of 300 dwellings (including phased proposals or the cumulative impact of multiple or phased proposals) and potentially trigger the need for a new school, discussions and negotiations will be needed to agree the following;

- can the existing school(s) in the school place planning area to be expanded?
- location;
- design;
- specification;
- size;
- number of classrooms;
- non-teaching space; and
- play area provision etc.

Securing the financial contribution

- 9.14. Financial contributions required would be secured at the time planning permission is granted (either outline or full) by way of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990. The section 106 agreement would set out an appropriate trigger for the payment of contribution, and it is expected that the contribution should be a single payment rather than provided in stages.

**Question. Do you agree with the approach towards Education provision?
Please give reasons for your answers**

10. Health Provision

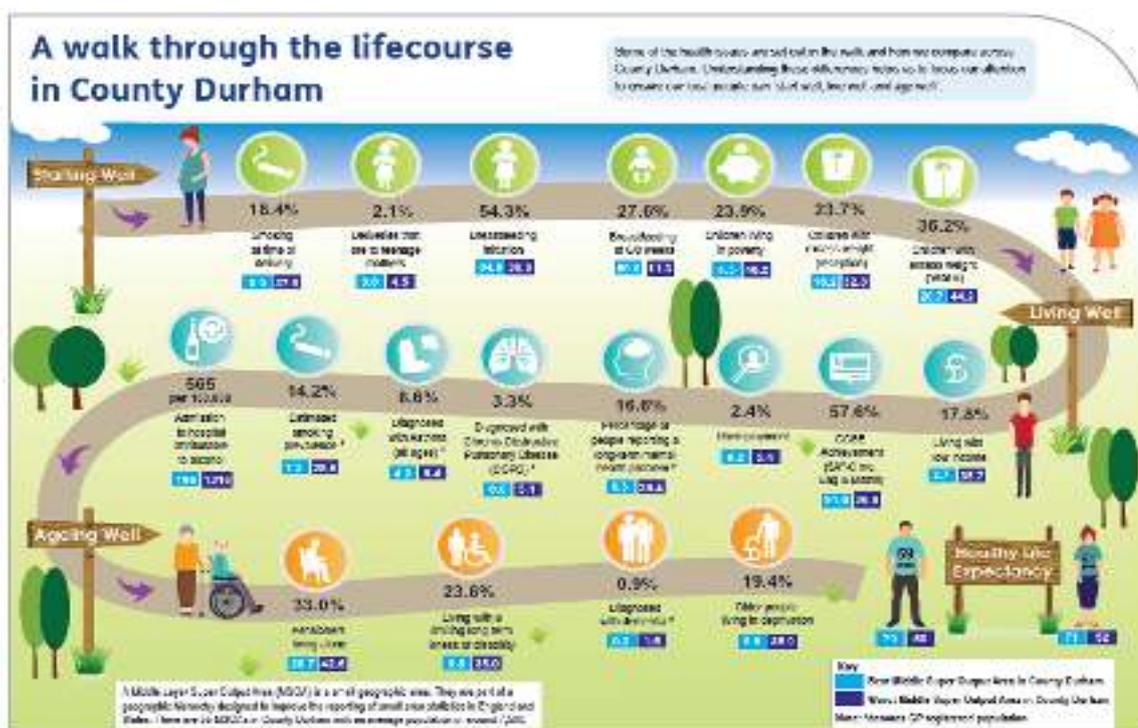
Justification

- 10.1. The council's Director of Public Health (DPH) has a statutory duty to assess health needs and status of the local authority population, to protect the health of that population, and to ensure that its health improves. The DPH must also ensure that residents in the local authority area have equitable access to health care services. Outcomes in terms of health care in County Durham are generally similar to or worse than the England average.

Health Life Expectancy

- 10.2. Using a life course approach, it is also possible to assess key health related behaviours, conditions or outcomes which will have an impact upon the health of an individual.

The picture below details a walk through the lifecourse in County Durham



Assessing Supply and Demand

- 10.3. Where there is any new development that causes an increase in demand for health services, and health partners can demonstrate that their current facilities cannot physically accommodate the expected increase in demand, then contributions towards health services will be sought. It is expected that health partners will also be able to demonstrate that any such mitigation is deliverable, including the recruitment of appropriate staff (which will be the responsibility of the health provider).

Patient Yield Methodology

- 10.4. New residential developments generate a demand for health services over and above natural population changes. Accurately predicting the number of additional GP patients likely to be produced from new housing developments is not straightforward as it depends upon various factors including the location and type of housing.
- 10.5. Taking into consideration deprivation in County Durham, it is estimated that 1,700 patients create the need for one full time equivalent (F.T.E) GP. Based on current Census information, the household formation rate in the County is 2.2 people per dwelling. This would result in 773 dwellings, creating the need for one GP (F.T.E). In order to assess the impact on primary care health services, GPs (in collaboration with the CCG) must clearly demonstrate that the development will have a direct impact on existing provision, and that they cannot support the increase in patient numbers.

Cost of Additional Provision (Physical Treatment Space)

- 10.6. The contribution for the provision of additional GP space will generally be calculated on the basis that each GP requires 16sqm of consulting floorspace and 16sqm of treatment floorspace – unless health partners can evidence additional requirements.
- 10.7. Build costs will be based on BCIS all-in Tender Price Index (lower quartile) for Health Centres, Clinics, Group practice and Surgeries plus 15% for fit out and external costs, rebased to County Durham. The current BCIS rate is £1,808 per sqm + 15% externals = £2,079.20 per sqm. Therefore, where evidence is provided to support the need for GP mitigation, this will result in a cost of £86.07 per dwelling.
- 10.8. Durham County Council will review the above costs on an annual basis using the BCIS all-in Tender Price Index and any revised the cost per dwelling will be advertised in advance of adoption from the 1st April every year.

Calculation Example

- 10.9. The following example shows a calculation per GP (F.T.E)

$1,700 \text{ patients per GP} / 2.2 \text{ persons per dwelling} = 773 \text{ dwellings per GP}$
$£1,808 \text{ per sqm} + 15\% \text{ externals} = £2,079.20 \text{ per sqm}$
$32\text{sqm} \times £2,079.20 = £66,534.40 \text{ (per F.T.E GP consulting space)}$
$£66,534.40 / 773 \text{ dwellings} = £86.07 \text{ per dwelling}$

Exemptions

10.10. There is no requirement to calculate demand on GP health services from developments of less than 10 dwellings.

Large Scale Developments

10.11. Where developments (including the cumulative impact of multiple or phased proposals in an area) are in excess of 750 dwellings (including triggering the need for new build facilities) discussion and negotiations will need to take place to agree the following:

- Can existing facilities be expanded
- Location
- Design
- Specification, and
- Size

Securing the financial contribution

10.12. The required financial contributions would be secured at the time planning permission is granted (either outline or fully) by way of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990. The section 106 agreement would set out an appropriate trigger for the payment of said contribution, and it is expected that the contribution should be a single payment rather than provided in stages.

Question. Do you agree with the approach towards Health provision?

Please give reasons for your answers

11. Transport and Digital Infrastructure

- 11.1. There are no specific formulas or contributions set out for transport or digital infrastructure at developments sites as the costs of providing this infrastructure will depend on the specific characteristics of each individual site.
- 11.2. This short section is to signpost developers and other interested stakeholders to the relevant policies in the County Durham Plan and /or in other SPDs that will need to be taken into consideration when providing transport and digital infrastructure as part of the planning process.

Transport

- 11.3. The costs associated with providing transport infrastructure to development can be determined by having regard to the following policies and documents:

County Durham Plan - Policy 21 (Delivering Sustainable Transport)

- 11.4. Policy 21 of the County Durham Plan states that:

The transport implications of development must be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. All development²⁷ shall deliver sustainable transport by:

- delivering, accommodating and facilitating investment in safe sustainable modes of transport in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles;
- providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users;
- ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements

- 11.5. The policy sets out how development sites should link to local cycling routes as set out in the Local Cycling and Walking Infrastructure Plans (LCWIPs) and have regard to local bus routes to improve the provision of sustainable transport to new development sites. Where measures outlined in a travel plan or in the design of a new site are insufficient to mitigate the impact of increased vehicular trip generation, transport infrastructure improvements will be

²⁷ Mineral extraction, waste management and householder extensions excluded.

required, either by design or by way of a financial contribution. See Policy 21 of the CDP for the full policy.

- 11.6. Policy 21 also goes on to set out a number of general principles for designing parking provision of cars, cycles, and powered two wheelers, which should also be taken into consideration. These standards are set out in full in the Parking and Accessibility SPD²⁸ which is briefly overviewed below.

Parking and Accessibility SPD

- 11.7. The Parking and Accessibility Supplementary Planning Document (SPD) sets out the councils parking and accessibility standards in greater detail, building on the general principles set out in CDP Policy 21 (Delivering Sustainable Transport). Parking standards are an essential part of the design of planning applications and wont usually require specific contributions in a form of a section 106 agreement.

- 11.8. However, in addition to land take-up, there may be cost implications relating to providing EV chargepoint or secure parking provision for cycle parking.

- 11.9. The SPD sets out specific standards for:

- Car parking at origin and destination
- Parking for blue badge holders
- Electric vehicle charging bays
- Cycle parking

- 11.10. Other SPDs and County Durham Plan Policies

- The Building for Life SPD requires consideration to be given to public transport access as part of a new development, including maximising public transport accessibility through the layout of the development
- The Residential Amenity SPD includes a brief section on amenity of garages
- CDP Policies 22 (Durham City Sustainable Transport) and 24 (Provision of New Transport Infrastructure) may also carry cost where they apply to a specific transport development proposal.

Digital Infrastructure

- 11.11. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) of the CDP provides the planning policy guidance for developers to ensure residential and commercial premises are serviced by good quality, high speed broadband connections. Developers are encouraged to work with the commercial broadband suppliers during the development of proposals to ensure where possible that premises have the opportunity of being services with fibre broadband to the door. Where this is not possible for commercial reasons, developers,

²⁸ Need link once it is on the website

again working with commercial providers will be expected include appropriate infrastructure within the development to enable future seamless installation. The exact cost for either the provision of services or appropriate infrastructure will vary on a site by site basis and whether commercial agreements are entered into between developers and providers. Full details are included within Policy 27.

Do you have any comments on the Transport and Digital Infrastructure Section?

12. Habitats Regulations Assessment

Justification

12.1. The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019 have created a national site network on land and at sea, including both the inshore and offshore marine areas in the UK.²⁹ The national site network includes:

- Existing SACs and SPAs
- New SACs and SPAs designated under these Regulations

12.2. Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to:

- Fulfil the commitment made by the government to maintain environmental protections
- Continue to meet our international legal obligations, such as the Bern Convention, the Oslo and Paris Conventions (OSPAR), Bonn and Ramsar Conventions.

12.3. There are nine SACs, and SPAs in County Durham which are predominantly located in the western uplands and along the coastline. The Council has a duty to ensure that all the activities it controls, including land-use planning does not harm any of the sites or the natural processes that support them. In order to determine whether planning proposals are likely to harm the national site network or not, an assessment of their effects is required. This is known as Habitats Regulations Assessment (HRA). Whilst it is the responsibility of the Council, as the competent authority, to undertake the HRA, those proposing or submitting planning applications will need to provide the Council with sufficient information and evidence to enable the assessment to be undertaken.

12.4. If following HRA, taking mitigating measures into account, it is established that harm is likely to occur, or if there is uncertainty over the effects of a planning proposal, the Council will be required to proceed on a precautionary basis and not grant consent. The Council would only be able to grant consent under these circumstances if three additional, sequential tests (known as derogations) are met. These tests must be interpreted strictly and include:

- no feasible less damaging alternative solutions to the proposal exist;
- imperative reasons of overriding public interest can be demonstrated; and
- compensatory measures can be secured.

12.5. In practice it is likely that only a small minority of proposals will reach this stage of consideration and meet the tests.

²⁹ <https://cieem.net/brexit-changes-to-the-habitats-regulations/>

Coastal European Protected Sites

- 12.6. HRA undertaken by the Council and supported by independent bird and coastal visitor surveys has established that recreational pressure could harm County Durham's coastal national site network. Development types which increase recreational pressure (e.g. residential development, visitor accommodation/attractions) falling within 6km of the coastal European Protected Sites could contribute to harmful effects. For example, the disturbance of important breeding and over wintering bird populations.

Contributions

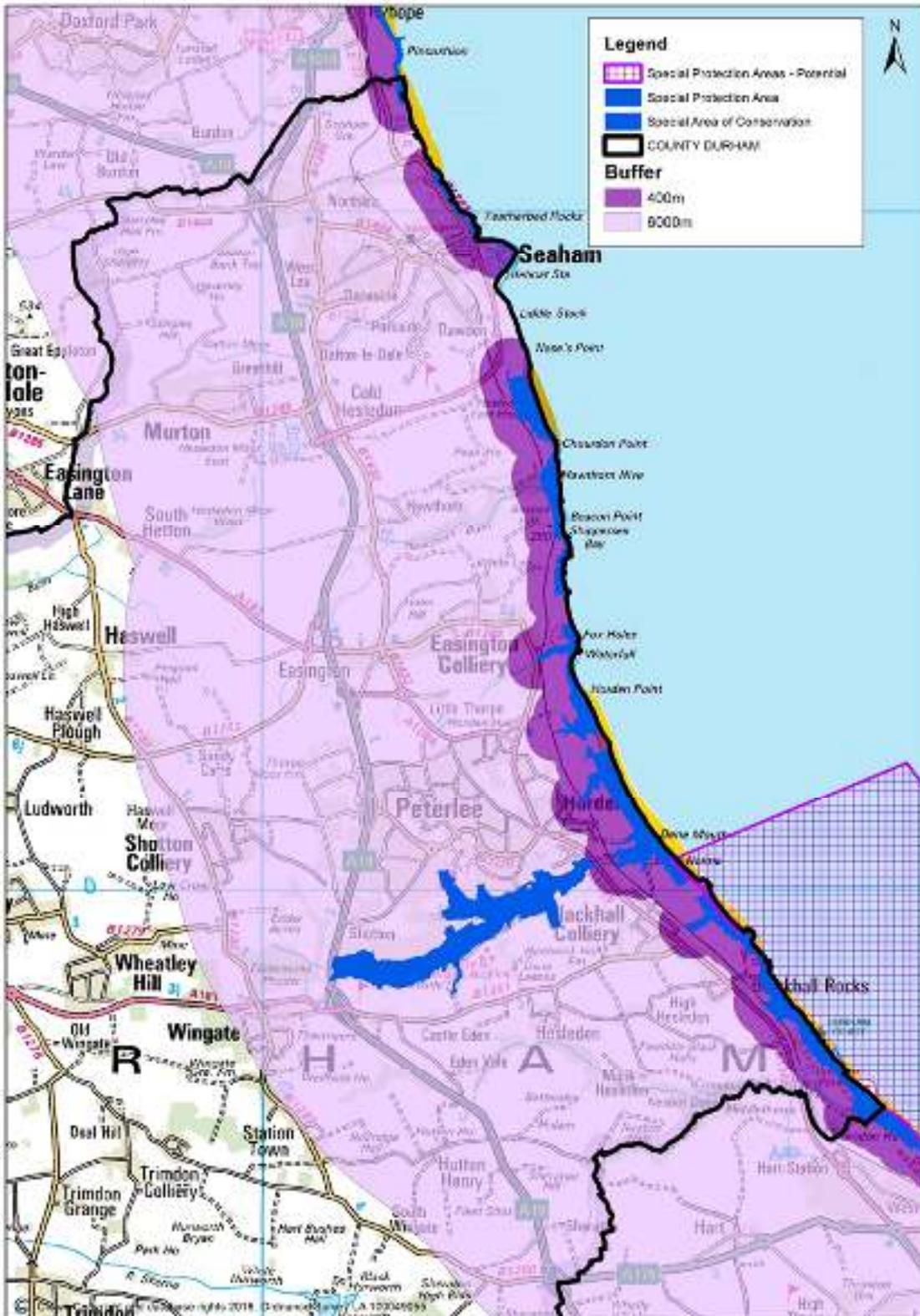
- 12.7. The Council has developed a coastal avoidance and mitigation strategy to implement a programme of monitoring and mitigation measures to address potential adverse effects on County Durham's coastal European Protected Sites, which can be caused from increased visitor pressures resulting from new planned residential and tourist development.
- 12.8. The Strategy requires a planning contribution of £662.43 per net new dwelling (or equivalent) for the housing sites allocated as part of the County Durham Plan, and £756.61 per net new dwelling (or equivalent³⁰) for windfall sites between 0.4 and 6km as a straight line (as the crow flies) from the boundary of our coastal N2K sites. The contribution will fund the following avoidance and mitigation measures:
- provision of alternative greenspaces to reduce the number of visits to the coast on a daily/weekly basis, with particular reference to high risk users as identified in the HRA of the County Durham Plan (2018), thereby reducing the levels of recreational disturbance predicted;
 - a series of mitigation measures on the coast to manage visitors, and prevent disturbance levels at the point of impact; and
 - the implementation of a monitoring strategy to understand the impacts of the mitigation and avoidance strategy and enable amendments to improve it where deemed necessary.
- 12.9. Whilst this does not avoid the necessity of undertaking an HRA for planning applications on a site by site basis, this provides the recommended mitigation to address likely increases in recreational impacts caused by increased houses and tourism development.
- 12.10. There will be a general presumption against new development which is likely to increase recreational pressure within 0.4km of the European Protected Sites boundary. Within this zone it is likely that an adverse effect can only be avoided or mitigated in exceptional circumstances. Any development with a 0.4km straight line distance of the boundary of Durham's Coastal SAC and SPA sites will be assessed on its own merits with regards to the 2019 Regulations. If significant impact cannot be precluded, a detailed project-level AA must ensure no adverse effect.

³⁰ Examples of other development (not a conclusive list) that will be required to contribute includes hotel/B&B rooms, caravan pitches and camp sites. Due to their bespoke nature these will be assessed on a case by case basis.

HRA Developer Guidance

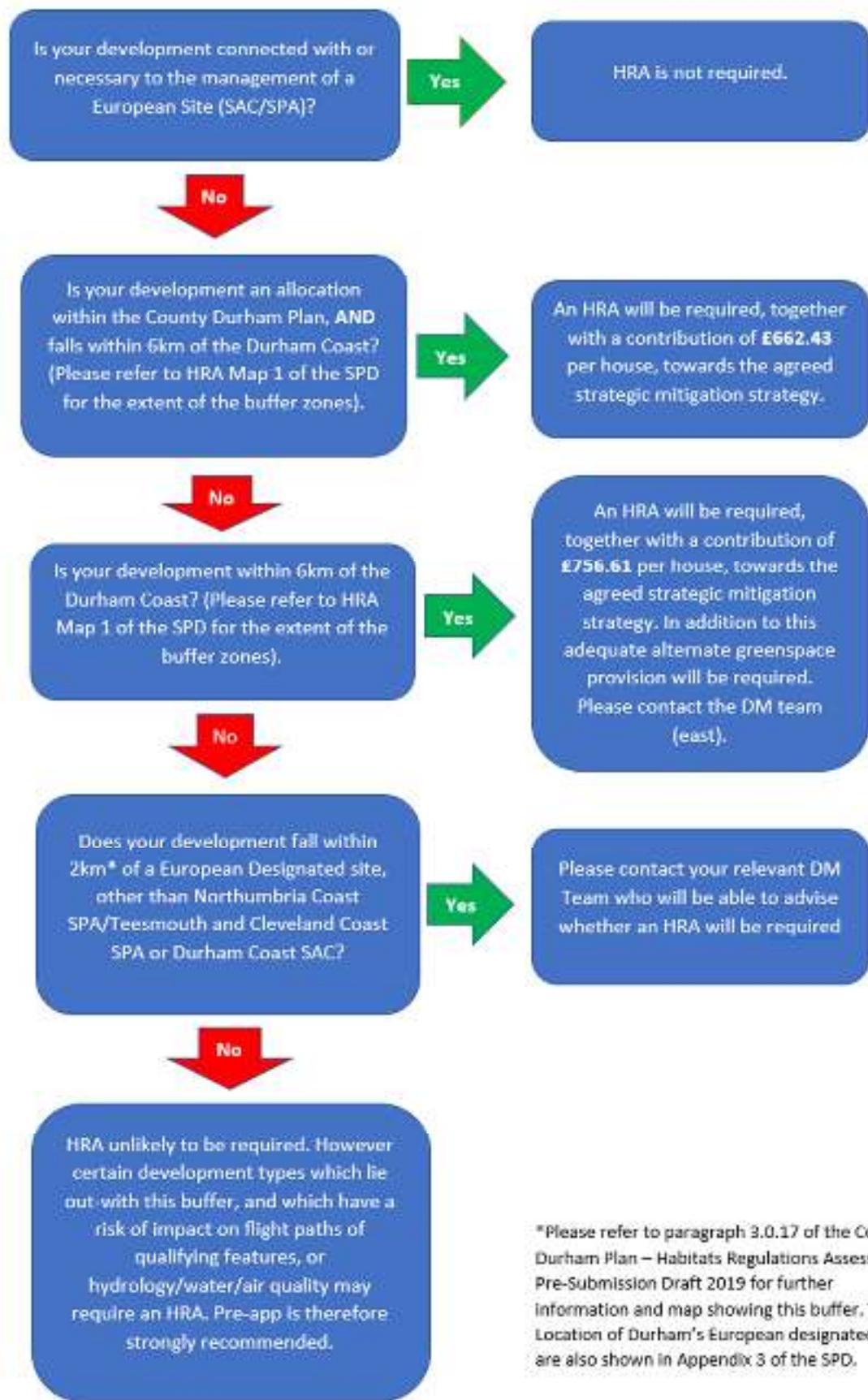
- 12.11. Detailed developer guidance is provided in Appendix 3 of the SPD and aims to explain the responsibilities of the Council and developers in respect of HRA, the stages in the process and sets out in greater detail the coastal avoidance and mitigation strategy.
- 12.12. If you are able to answer yes to either questions 1 or 2 below, all sections of the HRA Developer Guidance document (Appendix 3) are relevant. If you are able to answer yes to question 3 only, please refer to The Regulations and Stages in the HRA Process and Participant Responsibilities sections. NB: HRA Map 1, below, highlights the 0.4 and 6km buffers zones but can also be viewed on the County Durham Plan Policies Map.
1. Is my development either within the boundary of a European Protected Site or within 0.4km of the designation boundary?
 2. Is my development between 0.4km and 6km of a coastal European Protected Site(s) and likely to increase either the resident population or visitor levels to Durham's coastline?
 3. Is my development outside of the 6km buffer, but its characteristics may result in impacts (direct and/or indirect) on the coastal designated sites?

HRA Map 1 shows the 400m and 6km buffer zones for the Coastal European Protected Sites



Summary Flowchart

12.13. This flow chart provides a summary of the process to determine whether an HRA is necessary and the contribution required.



*Please refer to paragraph 3.0.17 of the County Durham Plan – Habitats Regulations Assessment Pre-Submission Draft 2019 for further information and map showing this buffer. The Location of Durham’s European designated sites are also shown in Appendix 3 of the SPD.

Coastal Avoidance and Mitigation Strategy

12.14. Recreational pressure and associated disturbance along the coast comes from two distinct pathways:

- **Residential pressure within a local catchment** – Residents are likely to visit frequently and consistently e.g. to walk the dog or exercise.
- **Visitor pressure from a wider catchment** – Visitors are likely to be ‘tourists’ from within and outside the region and are likely to visit less frequently.

12.15. A three-pronged approach to the strategy is required to avoid likely significant effects to the coastal national site network and includes:

Measure 1

General presumption against any net increase in development within 0.4km of the coastal sites.

Measure 2

Provision/enhancement of alternative natural greenspace to reduce the frequency of visits to the coastal sites by residents and hence reduce pressure on them.

Measure 3

Coastal access management and monitoring measures to reduce and monitor the effects of residents and those from a wider catchment who visit the coastal sites.

12.16. A 6km recreational catchment has been defined within which the strategy should be applied. Measures 2 and 3 should be applied from 0.4km from the perimeter of the coastal national site network to 6km from the perimeter of the network as the crow flies. Further detail on each of the measures is provided in the HRA Developer Guidance in Appendix 3 of this SPD.

12.17. Where development/project proposals fall within this 6km zone of influence, a shadow HRA or similar will be required to support the proposals, demonstrating no adverse impact on the integrity of the relevant national site network sites. The proposed Mitigation Strategy detailed below can be included where it is deemed adequate to address likely impacts identified.

12.18. The supporting information for the HRA should build upon the Council's existing evidence base, with additional supporting information and surveys where required, and including an assessment of in-combination effects and discussion with neighboring local authorities where relevant.

12.19. If either insufficient mitigation or information to support an Appropriate Assessment is supplied alongside proposals within the 0.4 to 6km buffer, the Council will need to apply the precautionary approach and will seek further information from the applicant, which may delay determination of the proposal. The Council will be minded to recommend refusal of proposals in the event that either:

- the necessary mitigation cannot be secured;

- evidence to inform the Appropriate Assessment is not provided which supports, to the Council's satisfaction, a conclusion of 'no likely significant effects'; and
- the three sequential tests of absence of alternatives, IROPI and compensation cannot be demonstrated.

Implementation

12.20. The Strategy requires a planning contribution of £662.43 per net new dwelling (or equivalent) for the housing sites allocated as part of the County Durham Plan, and £756.61 per net new dwelling (or equivalent) for windfall sites between 0.4 and 6km as a straight line (as the crow flies) from the boundary of our coastal N2K sites.

12.21. This has been calculated by simply dividing the number of likely net new dwellings (from allocated sites coming forward through the County Durham Plan within 6km of our coastal N2K sites, by the total cost of measures 2 and 3 as detailed within Appendix 3.

Measure 2 + Measure 3 (Tier 1) / housing allocations = £662.43

$$\text{£70,000} + \text{£257,902} / 495 = \text{£662.43}$$

12.22. For **Windfall** sites we have calculated a total figure based on historic rates of delivery in the catchment over the last 5 years. This is divided this by the total cost of mitigation measures for Measure 3, Tier 2 Coastal Access Management and Monitoring Measures.

Measure 3 (Tier 2) / Windfall = £756.61

$$\text{£280,702} / 371 = \text{£756.61}$$

12.23. If appropriate, planning permission will be granted subject to conditions. Proposers/ land owners of small scale residential developments (less than 10 dwellings) will be given the choice as to whether to enter into either a Section 106 agreement or a unilateral undertaking.³¹ Where Section 106 agreements are required, these are to be agreed and entered into, prior to the determination of a planning application. Any payments made to the Council by Section 106 agreements should be paid no later than the commencement of the development to ensure that mitigation is in place prior to occupation. If the development is likely to be built in major phases, payment by instalment will be considered.

12.24. Where specific measures and/or works (by the developer or, by others who are better placed to provide them) are needed to avoid and mitigate the effect that occupiers of a development will have on a coastal national site network site(s), these should be undertaken and in place before or in conjunction with those occupiers moving in. Consequently, in some cases the Council will, by planning condition or obligations, restrict the occupation of a development until related avoidance and mitigation measures and/or works are complete.

12.25. Where contributions are secured and paid under a Section 106 Agreement with the Council, the receipt and use of contributions can be tracked and information on spending will, on

³¹ A unilateral undertaking is a legal document made pursuant to Section 106 of the Town and Country Planning Act 1990. This document provides that if you receive planning permission and decide to implement the development, you must make certain payments to the Council in the form of planning contributions.

request from a contributing developer, be made available subject to the Council's reasonable costs being met.

Tourism Development

12.26. Where proposed tourism development is identified as having, in itself, a potential significant adverse impact on the national site network sites, permission will be subject to the specific provision of suitable mitigation measures appropriate to the circumstances. Due to the type of impact, and unknown location of proposals which are likely to come forward, it is likely that proposals will contribute to the Coastal Access and Management Measures. The amount and type of CAMMS and the level of financial contribution will be calculated on a site-by-site basis by utilizing a range of data including coastal bird data and information on the likely increases in users of the coast. This approach will ensure that bespoke CAMMS are identified to deal with specific impacts arising from any tourism development.

Measure 2: Greenspace provision

12.27. Whilst alternative greenspace for the allocated sites has been accounted for, the provision or enhancement of alternative greenspace for windfall sites should be funded by developer contributions unless adequate onsite provision is being made. The calculation of costs will be undertaken on a case-by-case basis and will take account of acquisition costs if required, cost of enhancement measures and maintenance, and management costs in perpetuity.

12.28. There will be a general presumption against any development on an alternative greenspace that has been enhanced/identified as mitigation to address likely impacts due to an increase in recreational disturbance by a development proposal, within 6km of the Durham Coast and associated Natura 2000 sites. Any developed proposed on these sites will be subject to a full HRA.

Measure 3: Coastal Access Management and Monitoring

12.29. Developer contributions will be used to fund the actions identified within the tables in Appendix 3.

Question. Do you agree with the approach towards HRA mitigation?

Please give reasons for your answers

13. Biodiversity Net Gains

Justification

13.1. Policy 42 of the County Durham Plan states that:

- “Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and provide net gains for biodiversity including by establishing coherent ecological networks.”

13.2. Underpinning the policy within the Local Plan is the following paragraphs from the NPPF:

- paragraph 170(d) requires planning decisions to provide net gains in biodiversity,
- paragraph 174(b) requires plans to identify and pursue opportunities for securing measurable net gains for biodiversity; and
- paragraph 175(a) states that if significant biodiversity losses cannot be avoided, mitigated, or compensated then permission should be refused.

13.3. The following guidance should be used by applicants and their ecological consultants who are working on development projects within County Durham to ensure that appropriate evidence is supplied with the planning application and the Biodiversity Net Gain (BNG) is delivered.

13.4. This SPD does not provide guidance on how to use the biodiversity metric, used to inform BNG delivery. The Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change. Guidance on how to use the DEFRA biodiversity metric is available at the Natural England publications website³². The use of the metric and the provision of BNG are additional to the legal obligations and planning policies which require an applicant to properly assess and mitigate/compensate impacts on protected/priority species as part of development management. It is also separate from other considerations such as open space standards and green infrastructure, although it may be inherently linked as biodiversity gain can be delivered as part of open space provision required as part of either the Open Space Needs Assessment or Habitat Regulations Assessments (HRA).

13.5. Development proposals must clearly demonstrate that an overall BNG will be achieved. In general, for Major applications the Council will be seeking 10% net gains and will require use of the DEFRA metric. For Minor applications there is no percentage BNG increase stipulated, and a DEFRA metric may not be required depending on the habitats at the development site.

13.6. It should be noted that Natural England have released (July 2021) a Small Sites Metric for use on sites with 1 – 9 houses and a development area less than 0.5ha as a beta test. Further details can be found on their website³³. The Small Sites Metric is likely to be used for most Minor applications, given the current guidance on the thresholds for its use provided by Natural England.

³² <http://publications.naturalengland.org.uk/publication/5850908674228224>

³³ <http://publications.naturalengland.org.uk/publication/6047259574927360>

- 13.7. The guidance on BNG within this document regarding minor applications will be reviewed once the Council has examined the Small Sites Metric and held discussions with Natural England to determine the extent of its potential uses for Minor applications as part of the consultation process for this SPD.
- 13.8. Review of the BNG guidance will also be required when the Environment Bill becomes law and additional guidance is provided by DEFRA and Natural England.

General Principles

- 13.9. The BNG process embeds the mitigation hierarchy, this is a hierarchical approach first seeking to avoid impacts, then to minimise them, then take on-site measures to rehabilitate or restore biodiversity, before finally offsetting residual, unavoidable impacts. All methods of avoidance and on-site mitigation must be fully explored before any off-site compensation is considered.
- 13.10. Development projects should achieve net gains at every stage of the mitigation hierarchy, for example development projects should avoid losses and seek biodiversity enhancements on retained habitats. The advantage of this approach is that biodiversity gains are more straightforward and cost effective than if losses are incurred.
- 13.11. Publicly accessible open space can be used for biodiversity delivery; for example, the provision of alternate accessible greenspace for the purposes of the HRA can be combined with semi-natural habitats to provide for biodiversity. It should be noted that the condition of semi-natural habitats within accessible spaces will be impacted upon due to recreational pressure and this should be accounted for within the metric.
- 13.12. All planning applications should use the latest version of the DEFRA Biodiversity Metric to ensure a consistent approach. It should be noted that BNG considers biodiversity in the whole and the metric only forms part of the BNG assessment. The DEFRA metric provides a quantified net gain assessment and applicants should be wary of relying wholly on the metric. For example, issues may arise when a quantified net gain is shown but the development severs ecological connectivity or impacts a locally rare habitat. Priority species and important species assemblages are not accounted for within the metric and specific compensation might be required for any identified important ecological receptors.
- 13.13. Both qualitative and quantitative assessments should be used to assess the development site and design BNG outcomes. The inclusion of in-built engineered nests and roosts for birds, bats and invertebrates into the fabric of new builds can deliver for net gains and should be included where possible. The metric does not account for such actions and the consultant ecologist in assessing BNG should factor in these items.
- 13.14. All semi-natural habitats, whether on-site or off-site, that play a role in delivering for biodiversity net gains will be subject to a Biodiversity Management & Monitoring Plan which will cover a minimum of 30 years.

When the Calculations Show a Net Loss or that BNG cannot be achieved on site

13.15. If this is the case, then the following options must be considered:

1. re-design the proposed scheme to avoid a net loss of biodiversity: The mitigation hierarchy must be adequately demonstrated within the Preliminary Ecological Appraisal or Ecological Impact Assessment. It may be possible to re-design a proposed development to avoid a net loss of biodiversity;
2. provision of compensation on land owned or controlled by the applicant where habitat enhancement, restoration or creation can be undertaken. In this case the receptor site would also need to be subject to ecological surveys and an assessment using the metric to prove that the land can deliver the required number of biodiversity units³⁴ to achieve net gains. The receptor site would then be legally linked to the application through a planning obligation in a Section 106 (S106) agreement; and/or
3. the applicant enters into an agreement with a delivery provider (a third-party organisation or broker who will create or restore and manage habitats) for off-site BNG. The applicant would need to provide evidence in the form of documentation from a BNG delivery provider to demonstrate that they have secured the required level of biodiversity units.

13.16. The Council does not have to offer to take on responsibility of delivering the off-site BNG instead of the applicant; it should be the responsibility of the applicant to try and deliver the BNG even if it requires purchase or renting of land to deliver the off-site requirements. However, to try and facilitate development in County Durham the Council is considering how it can provide a role in this process; a further two options may be available should there be clear evidence that the options above are not available and the Council has land available for the purposes of offsetting at the time of the application.

4. the Council provides the land upon which the applicant delivers the habitat creation or enhancement works required to deliver the required level of biodiversity units. The applicant will lease the land from the county council for a period of 30 years and be responsible for the management of the land, maintenance of any infrastructure and be responsible for all liabilities. The applicant will be responsible for collecting baseline ecological data on the land to inform the metric. The land will revert to the County Council at the end of the 30-year term; or
5. the applicant provides the Council with a financial contribution or tariff per biodiversity unit to deliver the required biodiversity units.

13.17. The sum of money required for 1 Biodiversity Unit will be £15,000³⁵ index-linked (and pro-rata i.e., 0.4 Biodiversity Units = £6,000). This tariff rate will be reassessed on an annual basis.

³⁴ A biodiversity unit is a unit of account. Metrics assign all habitats a unit value according to their relative biodiversity value (e.g. species-rich grassland is more valuable than species-poor grassland). The scores assigned to habitats vary between the different metrics.

³⁵ £15k based on DEFRA net gain proposals consultation

Outline applications

- 13.18. At the outline stage the Council will need to determine if, in principle, the application has the capacity to comply with BNG requirements.
- 13.19. Outline applications often do not have a fixed layout, but usually include some form of parameters plan or illustrative masterplan, which can be used as a basis for the proposed habitats plan.
- 13.20. Landscape plans for outline applications are often not developed in any detail until the reserved matters stage however, the applicant's project team need to work together to determine what areas may be available for biodiversity enhancements and agree a basic package of enhancements, which could realistically be delivered. It is also important that other land uses within the development are considered at this stage (e.g., the requirement for allotments, pitches, play areas etc.), which will have implications for land use allocations.
- 13.21. At outline stage, it may be necessary to make some assumptions to fulfil the requirements of the DEFRA metric. For example, the metric could be based on a worst-case scenario (e.g., assume all built development areas could be categorised as "Urban – Suburban/ mosaic of developed/ natural surfaces") to ensure that subsequent reserved matters applications can also apply the metric once the details of the scheme are available.
- 13.22. Some minor applications will not require the use of the DEFRA metric or a Biodiversity Management and Monitoring Plan (see section on Minor Applications for details), where this is the case the only requirement at outline stage is for a Habitat Baseline Plan, Proposed Habitats Plan, and a Biodiversity Net Gain Statement. A S106 will secure the delivery of a revised Proposed Habitat Plan. All Major Applications and Minor Applications requiring a DEFRA metric should follow the guidance below.

Evidence requirements for outline applications:

- 13.23. Alongside the standard Preliminary Ecological Assessment (PEA) and other survey work recommended by the PEA the following documents / plans are required to assess BNG.
- **Habitat Baseline Plan.** This usually forms part of the PEA. The plan must clearly show the areas covered by each of the existing habitat types and the area in hectares (ha) of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). Linear features should also be shown alongside their length in metres (m).
 - **Proposed Habitats Plan.** This plan should, as far as possible, show proposed habitat types or linear features being retained, enhanced, and created. Estimated areas and or lengths of each habitat type or linear feature should also be included. Any other proposed biodiversity enhancements (including for priority species) should also be shown on this plan e.g., bird and bat boxes. This information can be placed within the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans.
 - **Proposed Biodiversity Metric.** The information in the metric should be directly related to the Habitat Baseline Plan and the Proposed Habitats Plan. The completed spreadsheet

must be submitted. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the 'comments' column. All assumptions made in the calculations should be clearly identifiable. Different habitat parcels should be individually referenced and identifiable on the relevant drawing so that these can be cross-referenced with the metric.

- **BNG Statement.** The consultant ecologist should provide a statement, which can be held within the PEA, explaining the proposed net gain delivery. This statement is especially important when items such as built-in bird, bat and invertebrate nesting boxes and other items not identified within the metric are being used to help deliver net gains. Any compensation for priority species or important species assemblages not accounted for within the metric should be detailed in the BNG statement.
- **Proposed outline Biodiversity Management and Monitoring Plan.** At outline application stage an outline Biodiversity Management & Monitoring Plan (BMMP) is required. This document should provide the Council with sufficient information to determine that the habitat creation and long-term management (30 years) is deliverable for both on-site habitats and any off-site habitats created or enhanced.

13.24. If the proposed metric shows that net gain requirements can be met on site, then the delivery of on-site net gains, the production of a revised Habitats Plan, revised DEFRA metric and BMMP will be secured through a planning obligation in a Section 106 (S106) agreement.

13.25. If the proposed metric determines that net gains cannot be met on-site, then one of the following options will need to be agreed with the Council and appropriate evidence provided:

- **Off-site location provided by applicant.** If the applicant proposes to provide compensation on land owned or controlled by the applicant, then the compensation land must be clearly identified as part of the application and be included within the proposed DEFRA metric and BMMP.

The consultant ecological consultant using the proposed DEFRA metric will determine a reasonable area of land and type of habitats required for compensation; identification of this land area by the applicant provides the Council with the confidence that the applicant can deliver net gains.

The delivery of a revised DEFRA metric, Habitats Plan and BMMP for on-site and off-site locations commensurate with the scale and type held within the proposed DEFRA metric will be secured through a planning obligation in a Section 106 (S106) agreement.

- **BNG Delivery Provider.** If the applicant has decided to use a third party or broker to deliver any off-site biodiversity requirements the Council will require evidence in the form of documentation from a BNG delivery provider to demonstrate that the broker can deliver the required level of biodiversity units.

The proposed metric will determine a reasonable number of biodiversity units required to deliver net gains. Documentation from the broker provides the Council with the confidence that the broker can deliver net gains.

The delivery of a revised DEFRA metric, Habitats Plan and BMMP for the development site and documentation from a BNG delivery provider demonstrating that the required level

of off-site biodiversity units to achieve net gains will be delivered shall be secured through a planning obligation in a Section 106 (S106) agreement.

- **Durham County Council Land use.** The use of Council land must be agreed with Corporate Property and Land (CPAL) and be clearly identified as part of the application and included within the DEFRA metric and BMMP.

The proposed metric will determine a reasonable area of land required for compensatory habitats, identification of this land area and agreement by CPAL provides the Council with the confidence that the applicant can deliver net gains.

The delivery of a revised DEFRA metric, Habitats Plan and BMMP for on-site and off-site locations commensurate with the scale and type held within the proposed DEFRA metric will be secured through a planning obligation in a Section 106 (S106) agreement.

- **BNG Tariff.** An estimated financial contribution will be calculated using the metric results and the tariff rate at the time of the application.

The proposed metric will determine a reasonable number of biodiversity units required to deliver net gains and hence the amount of financial contribution required. Calculation of an estimated financial contribution at the time of the application provides the Council with the confidence that the applicant can provide the financial contribution.

A S106 will secure the submission of revised DEFRA metric based on the finalised Habitats Plan, the amount of tariff payable to the Council will be calculated using the revised DEFRA metric and the tariff rate at the time of the outline application.

Major Applications

13.26. In the case of major applications, requirements are as follows:

- Requires the use of the latest version of the DEFRA metric,
- The Council will seek 10% net gain.
- Any off-site land requirements should ideally be met by the applicant or via a broker.

Evidence Requirements for Major Applications

13.27. Alongside the standard Preliminary Ecological Assessment (PEA) and other survey work recommended by the PEA and validation checklist the following documents / plans are required to assess BNG.

- **Habitat Baseline Plan.** This usually forms part of the PEA. The plan must clearly show the areas covered by each of the existing habitat types and the area in hectares (ha) of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). Linear features should also be shown alongside their length in metres (m).
- **Proposed Habitats Plan.** This plan should clearly show habitat types or linear features being retained, enhanced, and created, and the area or length of each habitat type or linear feature; it must be colour-coded so that each habitat type is easily identifiable.

Other proposed biodiversity enhancements (including for priority species) and protected species mitigation areas should also be shown on this plan e.g., bird and bat boxes. This information can be placed within the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans.

- **DEFRA Biodiversity Metric.** The information in the metric should be directly related to the Habitat Baseline Plan and the Proposed Habitats Plan. The completed spreadsheet must be submitted. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the 'comments' column where appropriate. All assumptions made in the calculations should be clearly identifiable. Different habitat parcels should be individually referenced and identifiable on the relevant drawing so that these can be cross-referenced with the metric. A minimum level of 10% BNG overall will be expected.
- **BNG Statement.** The consultant ecologist should provide a statement, which can be held within the PEA, explaining how net gains have been achieved. This statement is especially important when items such as built-in bird, bat and invertebrate nesting boxes and other items not identified within the metric are being used to help deliver net gains. Any compensation for priority species or important species assemblages not accounted for within the metric should be detailed in the BNG statement.
- **Habitat Creation, Management and Monitoring Plan.** At application stage an outline Biodiversity Management & Monitoring Plan (BMMP) is required. This document should provide the Council with sufficient informed to determine that the habitat creation and long-term management (30 years) is deliverable for both on-site habitats and any off-site habitats created or enhanced. The production of a detailed BMMP and its delivery will be secured through appropriate legal agreements.

13.28. The BMMP should include the following:

- location and description. An assessment of the site where habitat enhancement / creation is to take place, this is required to ensure that the habitat creation/enhancement is possible at the specified location;
- features or factors influencing the management of the site. This may include management constraints e.g., access for machinery or livestock, or legal constraints such as the presence the presence of protected or invasive species. Other factors may include soil nutrient levels or information pertaining to hydrology;
- target Habitat descriptions;
- outline details of the habitat management over the 30-year period;
- monitoring protocols and timetables. This is required to ensure the successful establishment/restoration of the habitat, evaluating the success of management activities and provide feedback for management. Monitoring intervals are likely to be the first year of commencement and years 2, 5, 10, 15, 20 and 30 depending on the habitat type being discussed; and
- management plan review. The Management Plan should be subject to a review every 10 years. The review should include an appraisal of the habitats present at the site (based on the monitoring surveys), assessment of the success of the management plan to date and any required revisions to the plan.

13.29. When delivery of 10% net gains is not possible within the development boundary the following options are available to the applicant, each option has evidence requirements that must be provided at the time of the application.

- **Off-site location provided by applicant.** If the applicant proposes to provide compensation on land owned or controlled by the applicant, then the compensation land must be clearly identified as part of the application and be included within the DEFRA metric and BMMP.
- **BNG Delivery Provider.** If the applicant has decided to use a third party or broker to deliver any off-site biodiversity requirements the Council will require evidence in the form of documentation from a BNG delivery provider to demonstrate that they have secured the required level of biodiversity units.

13.30. A further two options may be available should there be clear evidence that the options above are not available.

- **Durham County Council Land use.** The use of DCC land must be agreed with Corporate Property and Land and be clearly identified as part of the application and included within the DEFRA metric and BMMP.
- **BNG Tariff.** The financial contribution will be calculated using the metric results and the tariff rate at the time of the application. The payment of the tariff will be secured through an appropriate legal mechanism or unilateral undertaking.

Minor Applications

13.31. In the case of minor applications, requirements are as follows:

- May require the use of the DEFRA metric depending on the scale of impacts³⁶,
- The Council will expect net gains to be achieved (but no percentage is specified),
- Option to provide the Council with a financial contribution rather than provide an off-site location and long-term management.

13.32. The Council is providing a lower threshold for minor developments on land that contains low distinctiveness habitats such as improved pasture and sealed surfaces. This is in line with DEFRA Guidance:

For the purposes of BNG assessment, it is recommended that Councils set lower thresholds to define small-scale development with a low impact on biodiversity, that can follow a simplified BNG approach. It is important to note that ecological survey and assessment may lead to a change in the level of impact predicted for a development project. Where this happens, it may no longer be appropriate to follow a simplified route, and the main guide should be used.

³⁶ The approach to BNG for Minor Applications will be reviewed in the future, with the likely application of the 'Small Sites Metric'.

- 13.33. For minor applications, the Council may request the use of a metric depending on the level of impacts on biodiversity.
- 13.34. Where the habitats or linear features on site are of Low distinctiveness and in Poor to Moderate condition (DEFRA metric classifications) the Council is unlikely to ask for a metric calculation. This will need to be confirmed with the Council Ecologist as other factors may determine the requirement for the use of the metric. For example, ecological connectivity and the location of the development site within a strategically identified area for biodiversity may trigger the need for the use of a metric.
- 13.35. Should the PEA identify UK Priority Habitats or habitats of higher distinctiveness then the application will be dealt with as per the methodology for Major Applications and the mitigation hierarchy should be applied alongside NPPF para 175 a:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Evidence Requirements for Minor Applications

- 13.36. Alongside the standard Preliminary Ecological Assessment (PEA) and other survey work recommended by the PEA the following documents / plans are required to assess BNG.
- **Habitat Baseline Plan.** This usually forms part of the PEA. The plan must clearly show the areas covered by each of the existing habitat types and the area in hectares (ha) of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). Linear features should also be shown alongside their length in metres (m).
 - The PEA and associated habitat baseline plan will enable the Council ecologist to determine if a metric is required to support the application.
- 13.37. If a metric is requested, then the following information will be required:
- **Proposed Habitats Plan.** This plan should clearly show habitat types or linear features being retained, enhanced, and created, and the area or length of each habitat type or linear feature; it must be colour-coded so that each habitat type is easily identifiable. Other proposed biodiversity enhancements (including for priority species) and protected species mitigation areas should also be shown on this plan e.g., bird and bat boxes. This information can be placed within the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans.
 - **DEFRA Biodiversity Metric.** The information in the metric should be directly related to the Habitat Baseline Plan and the Proposed Habitats Plan. The completed spreadsheet must be submitted. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the 'comments' column where appropriate. All assumptions made in the calculations should be clearly identifiable. Different habitat

parcels should be individually referenced and identifiable on the relevant drawing so that these can be cross-referenced with the metric.

- **BNG Statement.** The consultant ecologist should provide a statement, which can be held within the PEA, explaining how net gains have been achieved. This statement is especially important when items such as built-in bird, bat and invertebrate nesting boxes and other items not identified within the metric are being used to help deliver net gains. Any compensation for priority species or important species assemblages not accounted for within the metric should be detailed in the BNG statement.
- **Habitat Creation, Management and Monitoring Plan.** At application stage an outline Biodiversity Management & Monitoring Plan (BMMP) is required. This document should provide the Council with sufficient information to determine that the habitat creation and long-term management (30 years) is deliverable for both on-site habitats and any off-site habitats created or enhanced. The production of a detailed BMMP and its delivery will be secured through appropriate legal agreements

13.38. When delivery of net gains is not possible within the development boundary the following options are available to the applicant, each option has evidence requirements that must be provided at the time of the application.

- **BNG Tariff.** The financial contribution will be calculated using the DEFRA metric results and the tariff rate at the time of the application. The payment of the tariff will be secured through an appropriate legal mechanism or unilateral undertaking.
- **Durham County Council Land use.** The use of DCC land must be agreed with Corporate Land and Property and clearly identified as part of the application and included within the DEFRA metric.
- **BNG Delivery Provider.** If the applicant has decided to use a third party or broker to deliver any off-site biodiversity requirements the COUNCIL will require evidence in the form of documentation from a BNG delivery provider to demonstrate that they have secured the required level of biodiversity units
- **Off-site location provided by applicant.** If the applicant proposes to provide compensation on land owned or controlled by the applicant, then the compensation land must be clearly identified as part of the application and included within the DEFRA metric.

13.39. If a metric is not requested, then the following information will be required:

- **Proposed Habitats Plan.** This plan should clearly show habitat types or linear features being retained, enhanced, and created, and the area or length of each habitat type or linear feature; it must be colour-coded so that each habitat type is easily identifiable. Other biodiversity enhancements (including for priority species) and protected species mitigation areas should also be shown on this plan e.g., bird and bat boxes. This information can be placed within the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans.
- **BNG Statement.** This statement, which can be held within the PEA, details how the application meets the net gain requirements through the provision of wildlife friendly features within the site. For example, the species of invertebrates, birds and bats

benefiting from the provision of built-in nesting features or green walls and greater ecological connectivity generated through the inclusion of native hedgerow planting.

Purpose and Location of Off-Site BNG

- 13.40. The main priority for any off-site BNG must be the conservation, restoration and re-creation of priority habitats and ecological networks.
- 13.41. Off-site BNG should be delivered with the boundaries of County Durham.
- 13.42. The DEFRA metric incorporates '**strategic significance**' into its calculations of an off-site habitats' ecological value. Delivering off-site compensation within the areas identified within the Ecological Opportunities Map as priority locations creates a higher value '**strategic position multiplier**' within the metric and therefore makes meeting net gain requirements easier. By the same token development within the core areas or priority locations should be avoided as impacts within identified strategic locations for biodiversity incurs a penalty within the metric.
- 13.43. The Council is developing an Ecological Opportunities Map that shows core areas of broad habitat types (woodland and grassland) and using the focal species approach has identified the priority locations for habitat creation and restoration. The wetland mapping has not yet been produced and in the interim it is proposed to use the Natural England Great Crested Newt Risk Zones (Northumberland, Durham, Tyne & Wear and Tees Valley) as a proxy. Delivery of compensation for wetlands within the Amber Zone³⁷ will be regarded as being within a strategically significant area.
- 13.44. The restoration or enhancement of Local Wildlife Sites is automatically regarded as being delivery within a strategically significant area.
- 13.45. The biodiversity map layers are available at <https://www.durham.gov.uk/maps>.

**Question. Do you agree with the approach to the delivery of Biodiversity Net Gains?
Please give reasons for your answers**

³⁷ Amber zones contain main population centres for GCN and comprise important connecting habitat that aids natural dispersal.

14. Conclusion and Next Steps

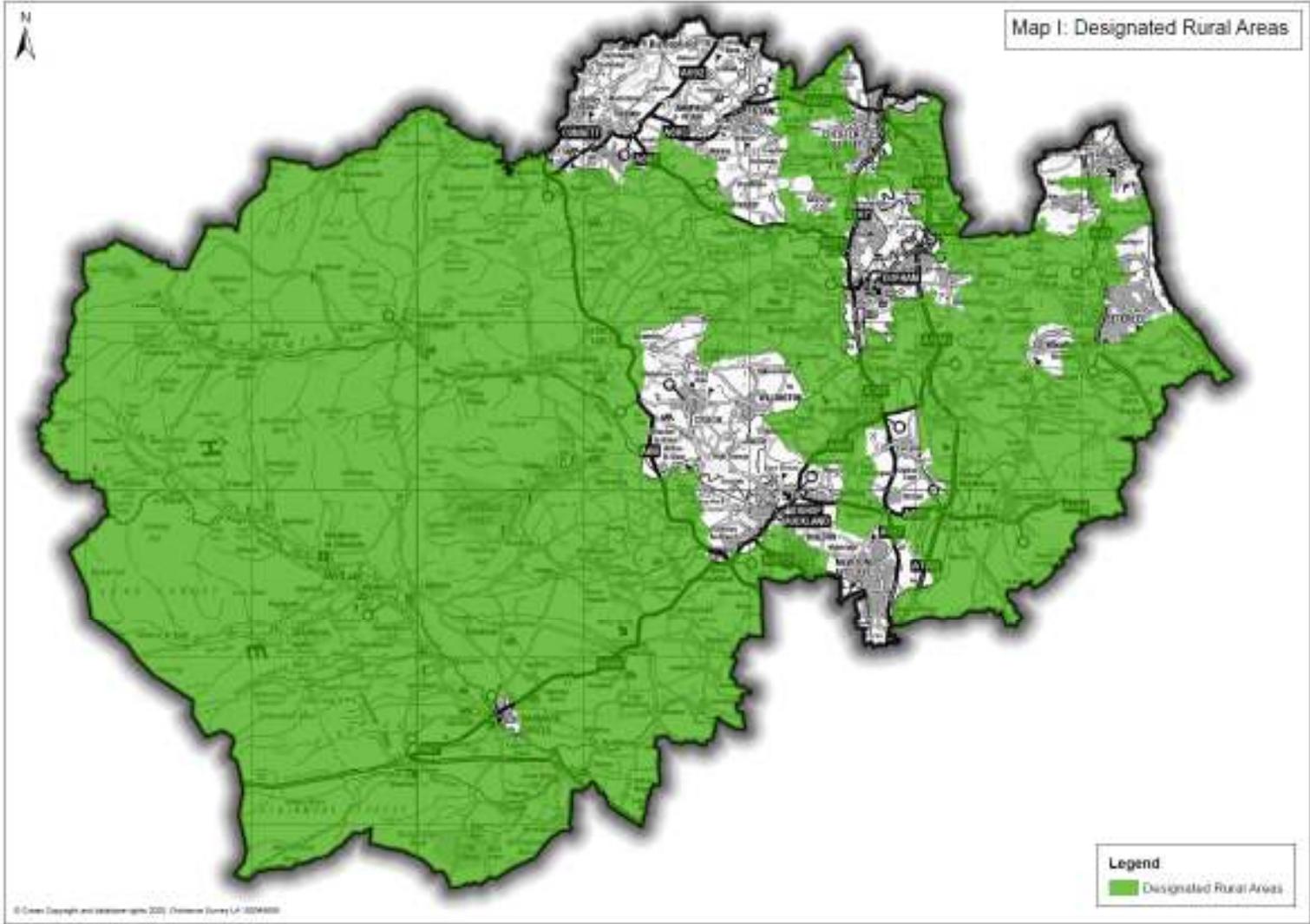
- 14.1. The SPD has been prepared, with regard to, national policy and the requirements set out in the CDP and sets out the Council's approach to determining and securing developer contributions for new development across the county.

Next Steps

- 14.2. Following this consultation, officers will review and consider all of the comments made. These comments and our responses will be published and changes made where possible. We will give reasons where it has not been possible to make a change. The revised Development viability, affordable housing and financial contributions SPD will then be published for a second round of consultation as soon as practicable.

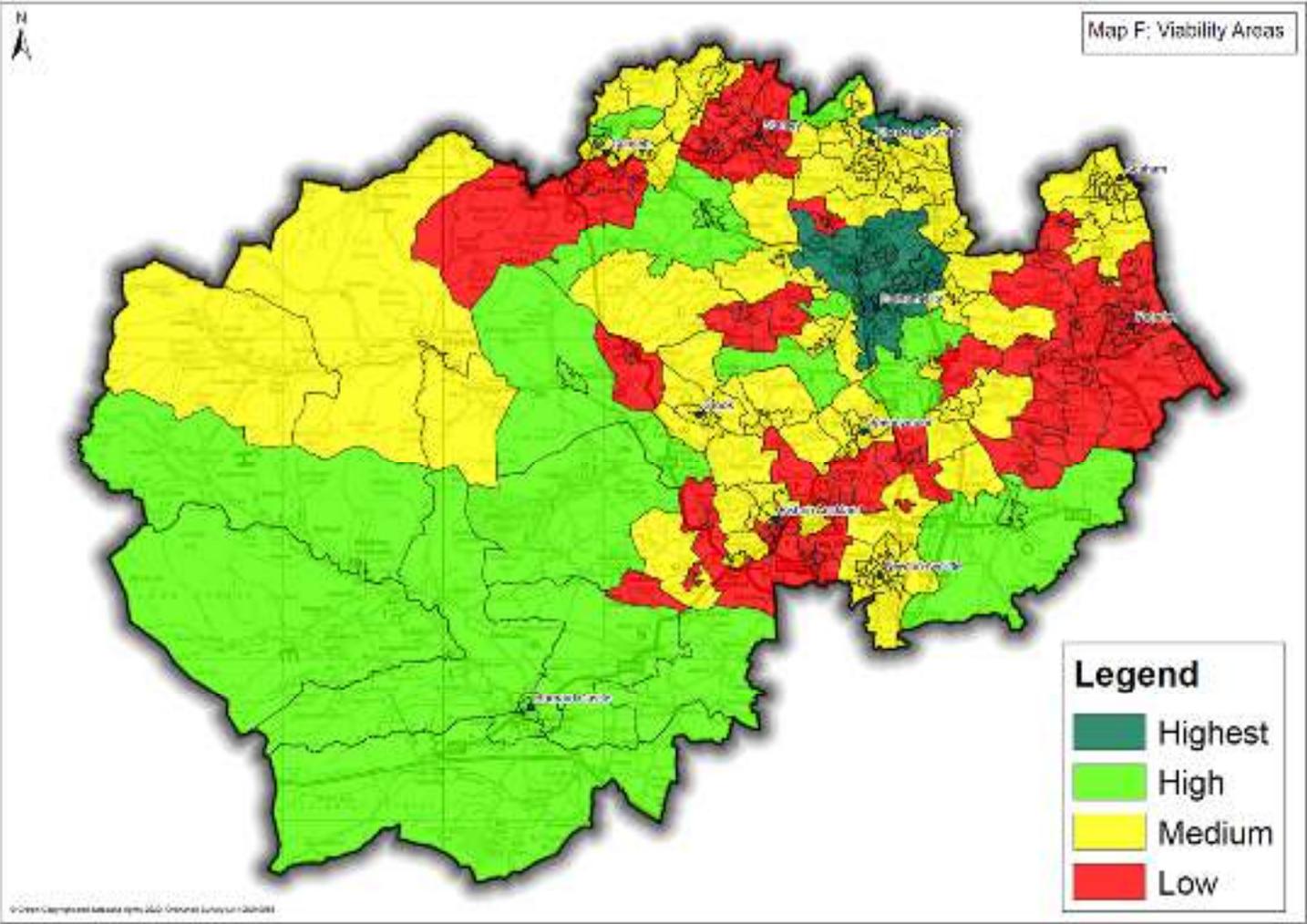
Appendix 1 – Designated Rural Areas

Map I shows Designated Rural Areas



Appendix 2 - Viability Areas

Map F shows Viability Areas



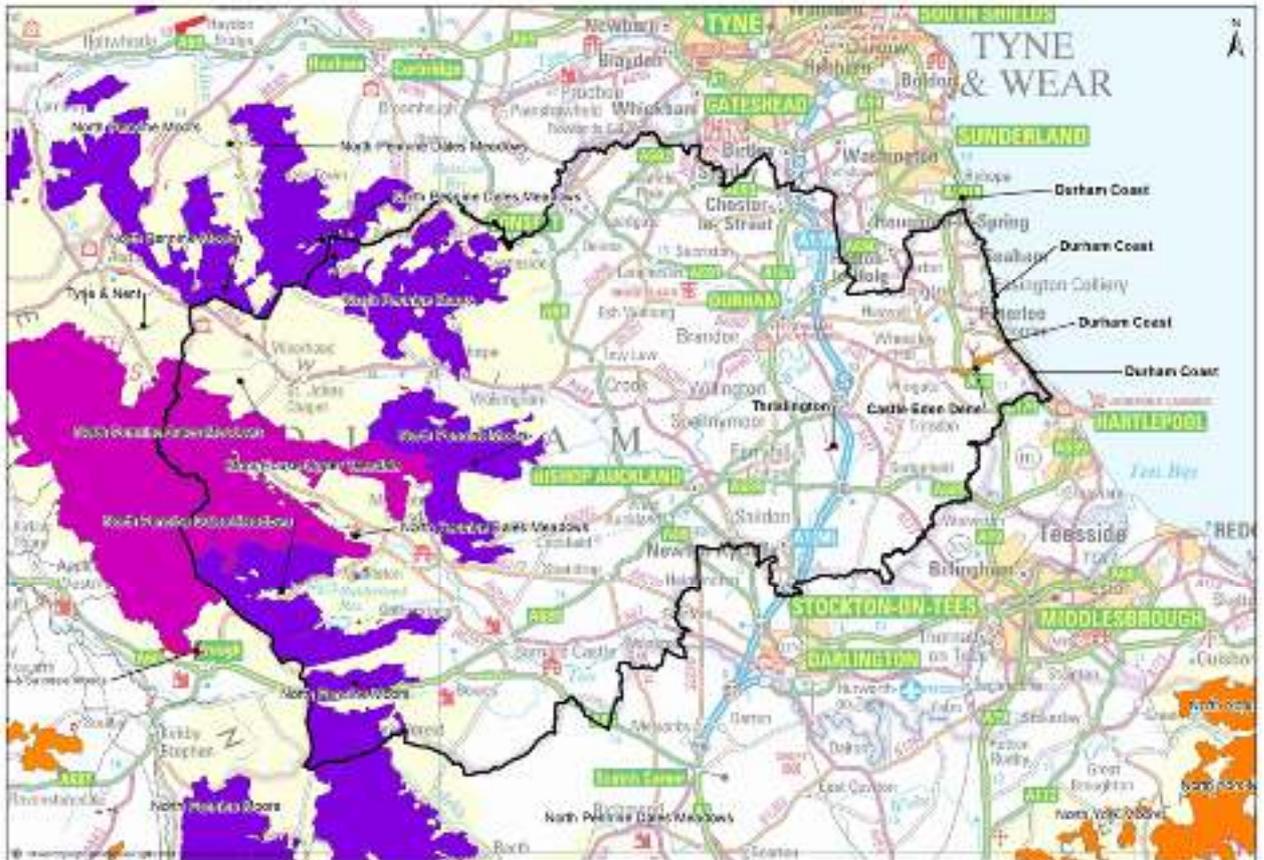
Appendix 3

Habitat Regulations Developer Guidance

The Regulations

1. The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019, referred to as the '2019 Regulations' implement in Great Britain the requirements of the EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Fauna, referred to as the 'Habitats Directive' (Council Directive 92/43/EEC) and protect areas classified under Directive 2009/147/EC referred to as the 'Birds Directive.' The regulations aim to protect a network of sites now called the **national site network**, that have rare or important habitats and species threatened at a pan European level in order to safeguard biodiversity.
2. County Durham has a number of designated sites that fall into the national site network, including:
 - **Special Areas of Conservation (SAC):** protected because they make a significant contribution to conserving habitats and species listed in the Habitats Directive.
3. In County Durham there are 6 whole or part SACs which are predominantly divided between the western uplands and the coastline. These are:
 - Castle Eden Dene
 - Durham Coast
 - Moor House-Upper Teesdale
 - North Pennine Dales Meadows
 - North Pennine Moors
 - Thrislington

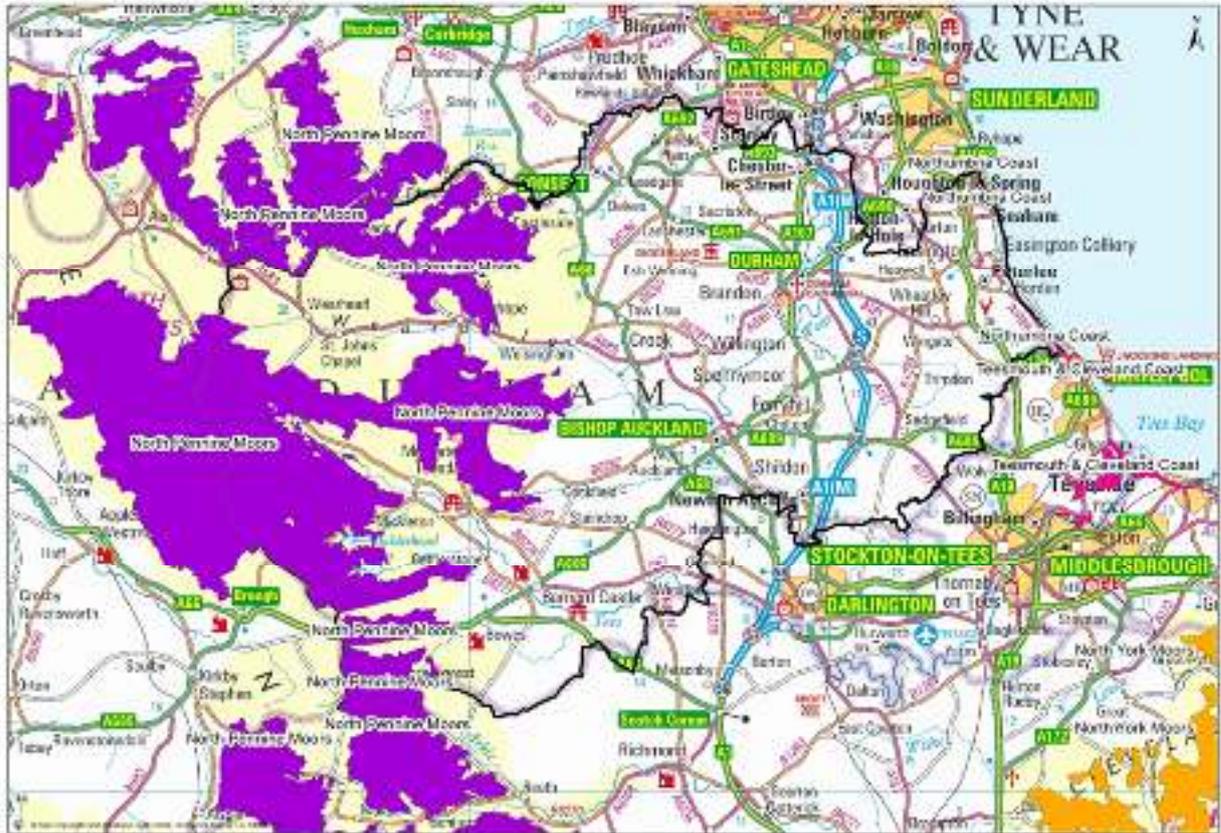
HRA Map 2 shows SAC's within and bordering County Durham



4. **Special Protection Areas (SPA):** protected because they constitute internationally important areas for breeding, feeding, wintering or the migration of rare and vulnerable species of birds listed under the Birds Directive.
5. In County Durham there are 3 whole or part SPA's, which are predominantly divided between the western uplands and the coastline.
 - North Pennine Moors
 - Northumbria Coast
 - Teesmouth & Cleveland Coast
 - Proposed extension to Teesmouth & Cleveland Coast (pSPA)
6. Each SPA has a list of qualifying bird species for which it is designated.
7. Land not within the SPA but used by the qualifying bird species of the site may also be protected as 'functional land' (determined through bird surveys) utilized by and necessary to support the SPAs bird populations.

8. A sub-set of the coastline designated as SPA is also designated as an internationally important wetland under the Ramsar Convention of 1971 and receives the same level of protection as a European site.

HRA Map 3 shows SPA's within and bordering County Durham



9. Under Regulation 63 of the Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019, the Council (as a Competent Authority) has a duty to ensure that all the activities it regulates have no adverse effect on the integrity of any of the European Protected Sites. The only exception to this arises where plans and projects are able to demonstrate Imperative Reasons of Overriding Public Interest (IROPI). The Council must assess the possible effects of a plan or project on any sites and shall agree to them (give consent), only after ascertaining that they will either not adversely affect sites or the tests of IROPI have been met. The term Habitats Regulations Assessment (HRA) has come into use for describing the overall assessment process including screening for likely significant effects and the specific Appropriate Assessment stage.
10. It is important to understand that the HRA will address not only the instigating plan or project but must also consider the in combination (cumulative) effect the plan or project may have along with other plans or projects which may be generated from multiple, diverse sources. Plans or projects which are geographically separate from the site but which may still have an indirect effect on the site, (for example increased air pollution or recreational use) will also need to be considered. It is also necessary to recognize that effects (including cumulative effects) may extend beyond administrative boundaries and that there will be a need to consult with

neighbouring authorities. In Durham this will apply to all national network sites along with the functional land supporting the qualifying birds of the SPA.

11. The precautionary approach to the HRA process means that a “significant effect” should be considered likely if it cannot be completely excluded on the basis of the available information. The absence of information is not a basis to assume no negative effect.

HRA Findings

12. Previous HRA undertaken by Durham County Council and supported by independent bird and coastal visitor surveys determined that recreational pressure and associated disturbance could have a detrimental effect on the habitat and species for which County Durham's coastal national network sites (Durham Coast SAC, Northumbria Coast SPA and Teesmouth and Cleveland Coast SPA) were designated. These sites collectively host the only example of vegetated sea cliffs on magnesian limestone exposures in the UK, important over wintering wader populations and internationally important breeding populations of Little Tern. The research undertaken as part of the HRA has identified that development types which increase recreational pressure, (e.g. Residential development, visitor accommodation or attractions) falling within 6km of the coastal national site network are likely to contribute to detrimental effects. For further information please see Appendix C to this document and the 2018 HRA of the County Durham Plan.

Sub-Regional Working

13. The coastal national site network extends into five authorities in the region³⁸ and recreational pressure arising in County Durham or its neighbouring authorities is not limited to its own administrative boundaries. Therefore, in order to be sure of a consistent approach, Durham County Council is working jointly at a sub-regional level to implement complimentary avoidance and mitigation measures and will endeavour to continue to do so in the future.

Document Status

14. This guidance document is a working document and will be reviewed for its effectiveness at least every 5 years or sooner if new evidence emerges or monitoring results indicate that a more urgent review is required. The Council is confident that the measures advocated will be effective, however if for some reason specific measures are not found to be working, these will be readdressed.

Further Information

15. For further information on Habitats Regulations Assessment, please contact the Ecology Team at ecology@durham.gov.uk

³⁸ Including Northumberland County Council, South Tyneside Council, Sunderland City Council, and Hartlepool Borough Council

Stages in the HRA Process and Participant Responsibilities

16. A staged approach is adopted for undertaking an HRA:

- Screening
- Appropriate Assessment
- Avoidance and Mitigation
- Absence of alternatives, IROPI and compensation

17. For each of these stages it is the responsibility of the applicant or proposer of a plan or project to provide sufficient information, in a suitable format, to the Council as the competent authority. The timing and content of each stage will be agreed in advance by the proposer and Durham County Council. A flowchart showing the stages is included at Appendix A.

Stage 1 Screening

18. The purpose of the screening stage is to determine whether the plan or project is connected with or necessary for the management of the site and if not whether it is 'likely to have a significant effect' on a national network site (either alone or in combination with other plans and projects) and therefore require appropriate assessment.
19. There is no formal requirement for a screening stage in the habitats legislation, however, screening is a useful assessment tool. The assessment acts as a coarse filter which should not require extensive supporting evidence to establish where Likely (is it possible, not is it probable) Significant (i.e. not trivial or inconsequential) Effects will occur. The Council will decide how screening should be applied in each case, depending on the likelihood of significant effects on a national network site. Please note that the precautionary principle applies to the screening stage, therefore if Likely Significant Effects cannot be ruled out, an appropriate assessment will be required.
20. However, if at this stage it can be concluded that no likely significant effects arise from the plan or project then no further stages of the HRA are required. It is strongly in an applicant's interests to ensure that any need for formal screening is identified as early as possible. In practice they should seek to confirm this during pre-application discussions with the Council to help minimise delays.
21. Following the outcomes of recent caselaw (People Over Wind and Sweetman, 2018) changes have been made to this guidance document to reflect the new judgement. Where previously as a result of the "Dilly Lane" case, (*R on the application of Hart DC v Secretary of State for Communities and Local Government* [2008].) it was concluded that mitigation or compensation measures that were part of the project could be taken into account at the screening stage of the Habitats Regulations Assessment (HRA). If such measures were capable of avoiding or offsetting the effects on the national network site, then a finding of "no significant effects" could be made at the screening stage, and a full HRA assessment would not be required. This has allowed projects which adopted adequate mitigation to proceed in the UK without full HRA.

22. In the new judgement (*People Over Wind and Sweetman* (2018)) the CJEU concluded that mitigation measures could not be considered as part of the project, and thus the screening stage of HRA should not take account of them. This will undoubtedly be tested further in the courts in coming months and years, but it seems that the issue is whether the mitigation measures proposed can genuinely be considered as part of the project, in that they would happen in any case, irrespective of the national network site. If not, then they should be considered mitigation measures, and considered at the Appropriate Assessment stage of HRA.
23. The implications of this are that all development proposals within 6km of the County Durham Coastline and associated national network sites, would be likely in future to need to proceed to full HRA as they would be unlikely to be able to demonstrate an absence of significant effect in the absence of the proposed mitigation. In many cases, this would simply be a need to carry out further assessment work. However, it could have some implications for the success of schemes in some cases, since the "test" at the appropriate assessment stage is more stringent, being "beyond reasonable scientific doubt" rather than the screening stage test "on the basis of objective information".

Stage 2. Appropriate Assessment

24. If, after screening, it is undetermined whether adverse effects are likely or screening process identified particular adverse effects either alone or in combination, then an assessment of only those identified effects i.e. An Appropriate Assessment, on the qualifying features of the SAC/SPA must be carried out. The Appropriate Assessment utilises evidence to further refine and quantify the identified effects, and to consider them in combination with any proposed mitigation, and any other plans and projects.
25. It is the responsibility of the Council to undertake the Appropriate Assessment and to determine whether there will be an adverse effect on the integrity of the national network site. At the end of the assessment process Durham County Council must be certain that there will be no adverse effect on the Conservation Objectives of the site before it can consider allowing the plan or project to proceed. It is the responsibility of the applicant or proposer to provide sufficient information and evidence in an appropriate format for the Council to carry out the assessment. This will be in the form of a "shadow" Appropriate Assessment, likely to consist of a suite of specialist surveys and desk studies including an assessment of in combination plans or projects. The Council must consult Natural England on the assessment process and have regard to any representations made. If at this stage it can be concluded that no adverse effects arise then no further stages of HRA are required.

Stage 3. Avoidance and Mitigation

26. Where likely significant effects continue to be identified following Stage 2, avoidance measures, followed by mitigation measures should be considered further. Please note that mitigation measures should be proven to be deliverable and the Appropriate Assessment will also need to ensure that residual effects (after mitigation) do not act in combination with other plans and projects (cumulative effects). Where adverse effects are still identified, the plan or project should be altered until adverse effects are cancelled out fully.

Stage 4. Absence of alternatives, IROPI and compensation

27. If after stage 3 an adverse effect on the integrity of the national site network site(s) remains, the proposal can only proceed providing the following three sequential tests are met:
- There must be no feasible alternative solutions to the proposal which are less damaging to the affected national site network site(s);
 - There must be ‘imperative reasons of overriding public interest’ (IROPI) for the plan or project to proceed; and
 - All necessary compensatory measures must be secured to ensure that the overall coherence of the national site network is protected.
28. The purpose of the assessment of alternative solutions is to determine whether there are any other feasible ways to deliver the overall objectives of the proposal which will be less damaging to the integrity of the national site network site(s) affected. For the assessment to be passed the Council must be able to demonstrate objectively the absence of feasible alternative solutions. The applicant is primarily responsible for identifying alternatives. Alternative solutions are limited to those which would deliver the overall objective as detailed in the original proposal. Please note that where housing developments are considered to adversely affect a national site network site(s), alternative locations for housing are often available and therefore it is difficult to demonstrate the absence of alternatives.
29. Where the absence of alternatives can be demonstrated, and the proposal will affect a Special Area of Conservation (SAC) Annex I feature, the Council can normally only consider IROPI reasons relating to human health, public safety or beneficial consequences of primary importance to the environment. Other IROPI reasons can only be considered having obtained and had regard to the opinion of the devolved administrations, JNCC and any other person the appropriate authority considers appropriate in developing its opinion. The appropriate authority will also take account of the broader national interest in developing their IROPI opinion.
30. Where the absence of alternatives and IROPI can be demonstrated, the ability to secure suitable compensation must also be demonstrated. The Council, with Natural England are initially responsible for ensuring that suitable compensation is identified. Such measures must offset the negative effects caused by the proposal and must be secured before consent is given and complete before the adverse effect on the designated site occurs.
31. For further information on this stage please refer to web page <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>

HRA and the Development Management Process

32. It is likely that in most cases the HRA process will stop at either stage 2 or 3 above, with either avoidance or mitigation measures being applied. At this stage the developer must have provided Durham County Council with an adequate “shadow” Appropriate Assessment and the Council must be satisfied that the proposed mitigation it contains will be sufficient to completely avoid

or nullify all likely adverse effects on the qualifying features of the national site network site(s) and will therefore not undermine the sites Conservation Objectives.

33. Pre application discussion with Durham County Council's Development Management team should be carried out as early as possible in the decision-making process. This is needed to correctly inform the HRA process and confirm the structure and content of an Appropriate Assessment if it is required and to determine the level and nature of any subsequent mitigation required. This must be done in advance of any planning application, most effectively through Durham County Council's Development Management pre-application consultation system. Failure to do so may result in significant delays to the Development Management process.
34. HRA can be carried out for strategic plans and/or individual plans or projects down to the level of very small-scale developments where an impact on the qualifying features of a national site network site has been identified. A strategic approach to HRA is encouraged where a landowner/developer owns multiple holdings for sale or development all of which may be subject to HRA. A holistic, master planning, approach will allow for efficiencies in assessment of impacts and ease of identification of appropriate mitigation at a plan level rather than the process stalling if sites are treated individually.
35. HRA at a strategic plan level is more efficient allowing for:
 - The early identification of plans or projects which may have an impact on national site network site/s
 - Early stage screening to eliminate individual plans or projects
 - Early stage recognition of those individual plans or projects which will be subject to Appropriate Assessment
 - More effective assessment of in combination effects across plans or projects
 - The identification of early stage requirements for mitigation
 - Single consultation with external consultees for multiple sites in one plan
 - Cumulative mitigation proposals where possible
 - Coordinated HRA and Appropriate Assessment
 - Efficiencies in mitigation, maximising development potential
 - Ease and speed within the Development Management process.

Coastal Avoidance and Mitigation Strategy

36. Recreational pressure and associated disturbance along the coast comes from two distinct pathways:
 - **Residential pressure within a local catchment** – Residents are likely to visit frequently and consistently e.g. to walk the dog or exercise.
 - **Visitor pressure from a wider catchment** – Visitors are likely to be 'tourists' from within and outside the region and are likely to visit less frequently.
37. A three-pronged approach to the strategy is required to avoid likely significant effects to the coastal national site network and includes:

Measure 1

General presumption against any net increase in development within 0.4km of the coastal sites

Measure 2

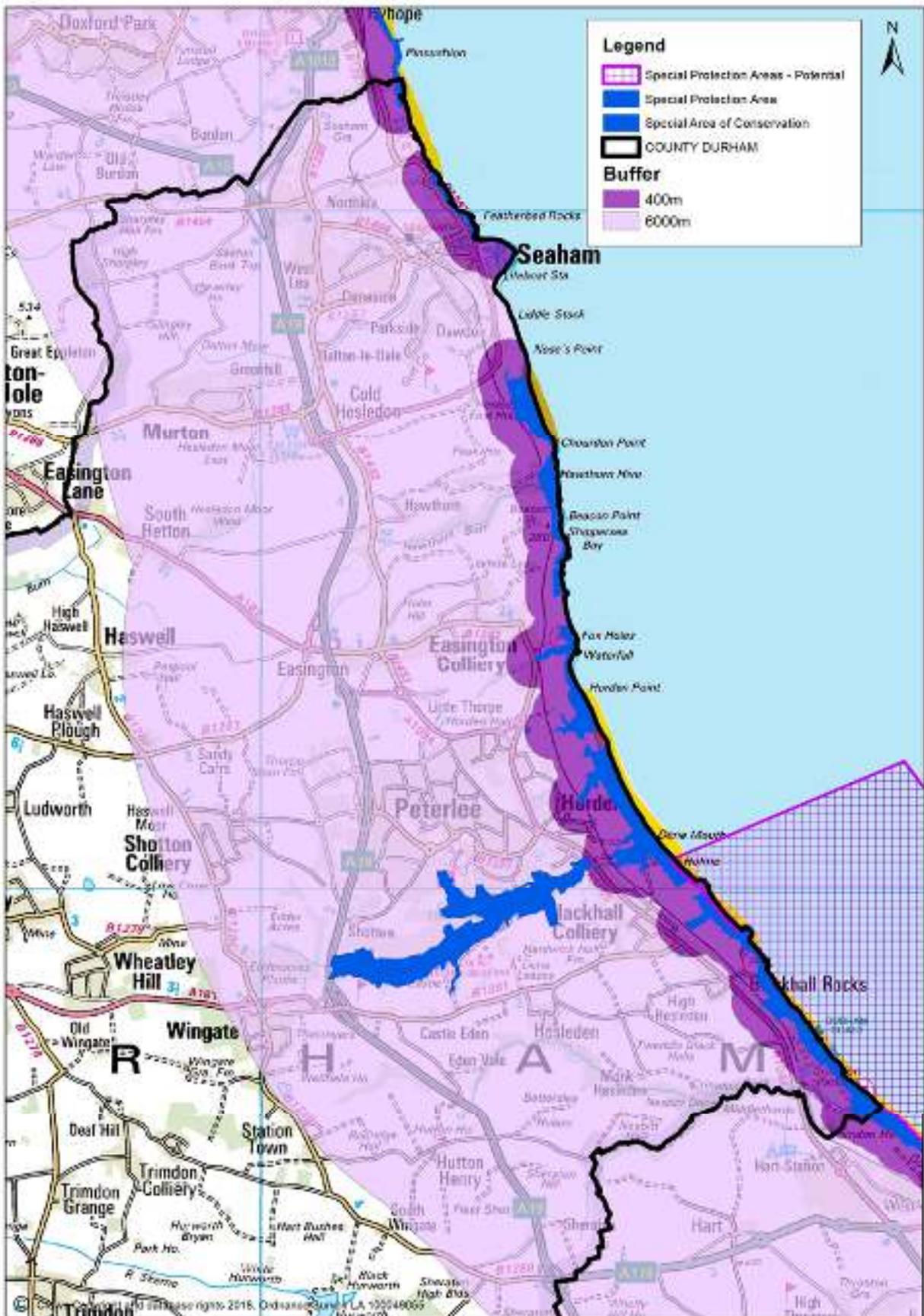
Provision/enhancement of alternative natural greenspace to reduce the frequency of visits to the coastal sites by residents and hence reduce pressure on them.

Measure 3

Coastal access management and monitoring measures to reduce and monitor the effects of residents and those from a wider catchment who visit the coastal sites.

38. A 6km recreational catchment has been defined within which the strategy should be applied. Measures 2 and 3 should be applied from 0.4km from the perimeter of the coastal national site network to 6km from the perimeter of the network as the crow flies. The following map shows the extent of the catchment and associated buffer zones.

HRA Map 4 shows the Recreational Catchment and Buffer Zones



39. Where development/project proposals fall within this 6km zone of influence, a shadow HRA or similar will be required to support the proposals, demonstrating no adverse impact on the integrity of the relevant national site network sites. The proposed Mitigation Strategy detailed below can be included where it is deemed adequate to address likely impacts identified.
40. The supporting information for the HRA should build upon the Council's existing evidence base, with additional supporting information and surveys where required, and including an assessment of in-combination effects and discussion with neighboring local authorities where relevant.
41. If either insufficient mitigation or information to support an Appropriate Assessment is supplied alongside proposals within the 0.4 to 6km buffer, the Council will need to apply the precautionary approach and will seek further information from the applicant, which may delay determination of the proposal. The Council will be minded to recommend refusal of proposals in the event that either:
- The necessary mitigation cannot be secured;
 - Evidence to inform the Appropriate Assessment is not provided which supports, to the Council's satisfaction, a conclusion of 'no likely significant effects'; and
 - The three sequential tests of absence of alternatives, IROPI and compensation cannot be demonstrated.

Types of Development Included

42. This strategy largely concerns itself with the effects arising from net new development related to residential and visitor accommodation. The strategy will apply to applications for full or outline planning permission. Developers making outline planning applications will need to provide complete information on the number of dwellings / units, so that the required calculations for contributions may be made. Without this information, the Council cannot satisfy itself that the level of any proposed contribution is adequate and would be unable to grant planning permission as a result.
43. Reserved matters, discharge of conditions, or amendments to existing planning consents will be considered on a case-by-case basis by the Council. Please note that like for like replacement development is not considered to increase recreational pressure and is therefore not included in the strategy. The types of development that are included are described as follows against the relevant use classes:³⁹

C1 Hotels

The strategy will apply to purpose built hotels, staff accommodation, boarding and guest houses and the change of use to such where levels of guest/staff accommodation are considered by the Council to increase upon any previous levels of residential accommodation provided. The strategy will also apply to extensions to existing C1 uses which increase levels of accommodation.

³⁹ as established through the Town and Country Planning (Use Classes) Order 1987 (as amended)

C2 Residential Institutions

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

44. Certain types of C2 residential accommodation may also be considered not to affect recreational impacts within the 0.4km buffer of coastal European Protected Sites including:

- a) Purpose built schemes for the frail elderly where there is an element of close care provided on site 24 hours a day. This level of care is above that of provision of an on-site wardening service provided for sheltered accommodation. It would be expected that there would normally be an age restriction of 60+ years for the occupants of the units and that the planning permission would be conditioned in such a way that the units could not become open market housing.
- b) Purpose built schemes for the accommodation of disabled people, where by the nature of the residents' disabilities, they are unlikely to have impact on the coastal protected sites.

45. The use of pet covenants or other suitable legally binding agreements by Council's are only considered acceptable by Natural England⁴⁰ in these specific situations:

- The nature of the establishment is such that pressure from residents to own pets is likely to be very low creating an acceptable risk;
- In the context of a residential care home with 24 hour wardening, enforcement is seen as being achievable in terms of time taken to detect infringements and resources on site to achieve enforcement outcomes.

46. Relevant conditions may need to be attached to any planning permission to ensure that no significant effects can arise for the lifetime of the development including for example:

- Preventing further changes of use within the C2 use class and ensuring that units will not become open market housing;
- The applicant/management body will provide a biannual written confirmation to the Council detailing the compliance with the pet covenant, the number of residents and their age;
- The applicant/management body will prevent, through design and enforcement measures, the use of onsite car parking
- for public use of accessing the coast.

⁴⁰ Statement on behalf of Natural England 22/01/2018, Appeal reference APP/D3640/W/17/3184628

C3 Dwelling Houses

47. The strategy will apply to dwelling houses, including affordable houses, flats, annexes, retirement and age restricted properties and the change of use to such. The strategy will apply to the extension of existing C3 uses on a case by case basis.

C4 Houses in Multiple Occupation (HMO)

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

Other Types of Development (Sui Generis)

- **Camp and caravan sites**⁴¹ - The strategy will apply to proposals for temporary, seasonal and permanent camp and caravan sites and extensions to such where the number of pitches or guest accommodation increases. This includes applications to extend temporary planning consent. If subsequently made permanent, no additional contribution will be sought.
- **Mobile and temporary dwellings** – The strategy will apply to proposals for mobile or temporary dwellings. If subsequently made permanent no additional contribution will be sought.
- **Temporary and permanent gypsy and traveller pitches** – The strategy will apply to proposals and temporary and permanent gypsy and traveler pitches and the extension of sites for such. If subsequently made permanent no additional contribution will be sought.
- **Visitor attractions** – The strategy will apply to proposals which are considered likely to increase the visitor draw and appeal of the coast.

Permitted Development

49. The Government allows planning permission for certain classes of development without the requirement for a planning application, although prior approval may be required.⁴²
50. Regulation 3 of the Town and Country Planning (General Permitted Development) (England) Order sets out that development described as permitted development, can be permitted subject to the provisions of the Order and the Conservation of Habitats and Species Regulations. Therefore, where it is considered that a 'significant effect' on the coastal national site network

⁴¹ Camping and caravan sites can include basic ridge /dome tents, yurts, tipis/teepees, geodesic domes, safari-style tents/canvas lodges, bell tents, wooden shepherds huts, wooden wigwams/cocoons/snugs, cabins, chalets, eco-pods or similar structure and caravanning (both static and touring)

⁴² Further information relating to permitted development including temporary permitted development can be found on the Planning Portal Website.

may arise, (or any other national site network site) the development must not commence until written approval has been received by the developer from the Council (or Natural England). In circumstances where significant effects to coastal national site network sites may arise, the proposed development will be subject to the avoidance and mitigation strategy.

Avoidance and Mitigation Measures

Measure 1: Development within 0.4km of Coastal Sites

51. Within 0.4km of the coastal national site network⁴³ the effects of a net new increase in residential⁴⁴ development, is likely to be such that even if measures 2 and 3 of this strategy are implemented, it may not be possible to conclude no adverse effect on coastal designated sites. This is due to the likely higher frequency of visits originating within 0.4km and the potential for increased levels of predation as a result of pet ownership/general urbanisation impacts.
52. There is therefore a general presumption against any net increase in residential development within this 0.4km buffer zone, unless information and evidence to inform the Habitats Regulations Assessment can be provided by the proposer or applicant which is able to satisfactorily demonstrate that it will not adversely affect the integrity of the coastal national site network site in question. For proposals falling within 0.4km it is recommended that early-stage advice should be sought from Development Management Officers. The Council will also consult relevant specialist organisations and Natural England on all proposals for development within the 0.4km buffer zone.

Measure 2: Provision/enhancement of suitable natural greenspace

53. As local visitor surveys show that dog walking is the main activity undertaken at the coast with 'convenience' and 'space for dogs to run around' cited as top reasons for choosing the coast as a dog walking location it is considered essential to tailor mitigation towards this activity given that dog walking is:
- The main recreational activity undertaken at the coast;
 - Considered to be a greater cause of disturbance to qualifying SPA species than visitors without dogs; and
 - Can also adversely affect Durham Coast SAC.
54. The visitor surveys also identified that nearly two thirds of all dog walkers would utilise local green space as an alternative to walking their dog at the coast if it was available. Research also indicates that management of 'green infrastructure' sites that offer desirable habitats and enhance provision of footpaths, can mitigate recreational impacts on nearby valuable conservation areas and statutory nature designations.⁴⁵ The provision or enhancement of

⁴³ Measured as the crow flies from the closest perimeter of the coastal designated site to the closest perimeter of the development site.

⁴⁴ Or other development which may result in an increase in recreational pressure.

⁴⁵ Hornigold K, Lake I Dolman P(2016) Recreational Use of the Countryside: No Evidence that High Nature Value Enhances a Key Ecosystem Service. PLoS ONE 11(11):e0165043. Doi:10.1371/journal.pone.0165043

greenspace for dog walking purposes is therefore considered to contribute towards reducing levels of residential visitor activity at the coast and associated disturbance.

55. There are two ways for applicants to provide or enhance suitable natural greenspace:

- Make a payment contribution towards suitable alternative greenspace sites identified by the Council's; or
- Make onsite provision based upon the principles within this guidance document. For large scale applications (i.e. of 100 houses or more) it is expected that there will be adequate on site provision of alternative greenspace; or
- A combination of the two if some provision can be made onsite, with linking accessible greenspace nearby (within 500m).

56. In order to be effective, green space provision or enhancement of such needs to replicate, as far as possible, the recreational qualities of the designated sites to make them attractive to potential users. Whilst it is not possible to replicate the coastal environment, green space can replicate aspects of coastal land that makes it attractive to dog walkers and include other desirable habitats. In addition to the findings of local visitor surveys, studies from all over the UK repeatedly show that the three most important amenities dog owners seek are:

- Off lead access;
- Close to home; and
- Away from traffic.

57. Taking this into consideration together with Natural England's Suitable Alternative Natural Greenspace (SANG) guidelines, the County Council's Open Space Needs Assessment (OSNA) and Hampshire County Council's Planning for Dog Ownership in New Developments design guidance (2013), the following greenspace criteria are recommended:

- Sites should be semi-natural in appearance in order to provide a similar natural experience as the Durham Coast;
- They should be a minimum of 3ha per 1000 persons and include sufficient sized areas to enable users to walk their dogs off lead without any conflict/fear for their safety (smaller sites would also be considered if they were close to and had good links to other smaller sites, to form a larger total area/network);
- Sites should ideally aim to allow a minimum dog walking penetration of 784m from starting point and a circular dog walk of 2.7km, or link with other sites which together provide this;
- The design of the site, if near to a designated site, should not inadvertently increase access to the designated site, but rather should be self-contained;
- Sites should be within 400 – 500m of the target audience/new housing, unless a larger fit for purpose site is created which has a larger catchment area, with sufficient capacity for additional users;
- They should have adequate car parking if they are larger than 10ha, and would therefore aim to have a larger catchment area;

- Existing green spaces should be assessed to ensure that the proposed use of the site is compatible with its existing use and that there is available carrying capacity.
58. Where existing areas of green space are not already at carrying capacity or have conflicting uses, suitable green space may be created from existing areas of green space where they:
- Meet the criteria outlined above with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public; or
 - They are already accessible but could be changed in character so that it is more attractive to dog walkers who might otherwise visit the coast.
59. In certain circumstances it may be possible to satisfy both the requirements of the coastal avoidance and mitigation strategy and planning requirements regarding green infrastructure provision alongside new development e.g. Meeting targets for semi natural greenspace provision/biodiversity net gains.
60. Required housing numbers within the County Durham Plan has resulted in three allocations within the 6km zone of influence/buffer, 2 sites in Seaham and 1 in Peterlee. Suitable alternative recreational greenspaces have been identified for these sites, which are deemed to have capacity for use by additional residents. These are detailed below:

Lodge Field Plantation

61. Lodge Field Plantation is a small site which is connected to a wider belt of woodland, just south of Lord Byron's Walk, to the north of Seaham. It is owned by the County Council, and comprises primarily amenity mown grass, with a school sports pitch to the immediate west, Seaham School of Technology to the South and a broadleaved woodland to the east.

The following picture shows the location of the Lodge Field Plantation Site.



HRA Table 1 provides details of the proposed enhancements for the Lodge Field Plantation Site.

Proposed enhancements	Benefits	Cost estimate
Wildflower meadow creation with mown footpath through	Increase diversity of site.	£2500
Fencing and gates	To provide increase in security for off lead use by dog walkers.	£2000
Tree/scrub planting	To increase variety of habitats and site and create interest	£500

Malvern Crescent

62. The site forms part of a larger site which has been designated for housing. It consists of a large area of primarily amenity mown grass. A single surfaced path runs through part of the site and leads to well used allotments. Malvern Crescent runs through the southern part of the site. A small area of hardstanding remains in the centre of the site, and a palisade fence with hedgerow cuts through the northern part of the site, forming the original boundary with the former Colliery site.
63. An area of tree planting and over-grown shrubs provide a screen for housing to the north east of the site.

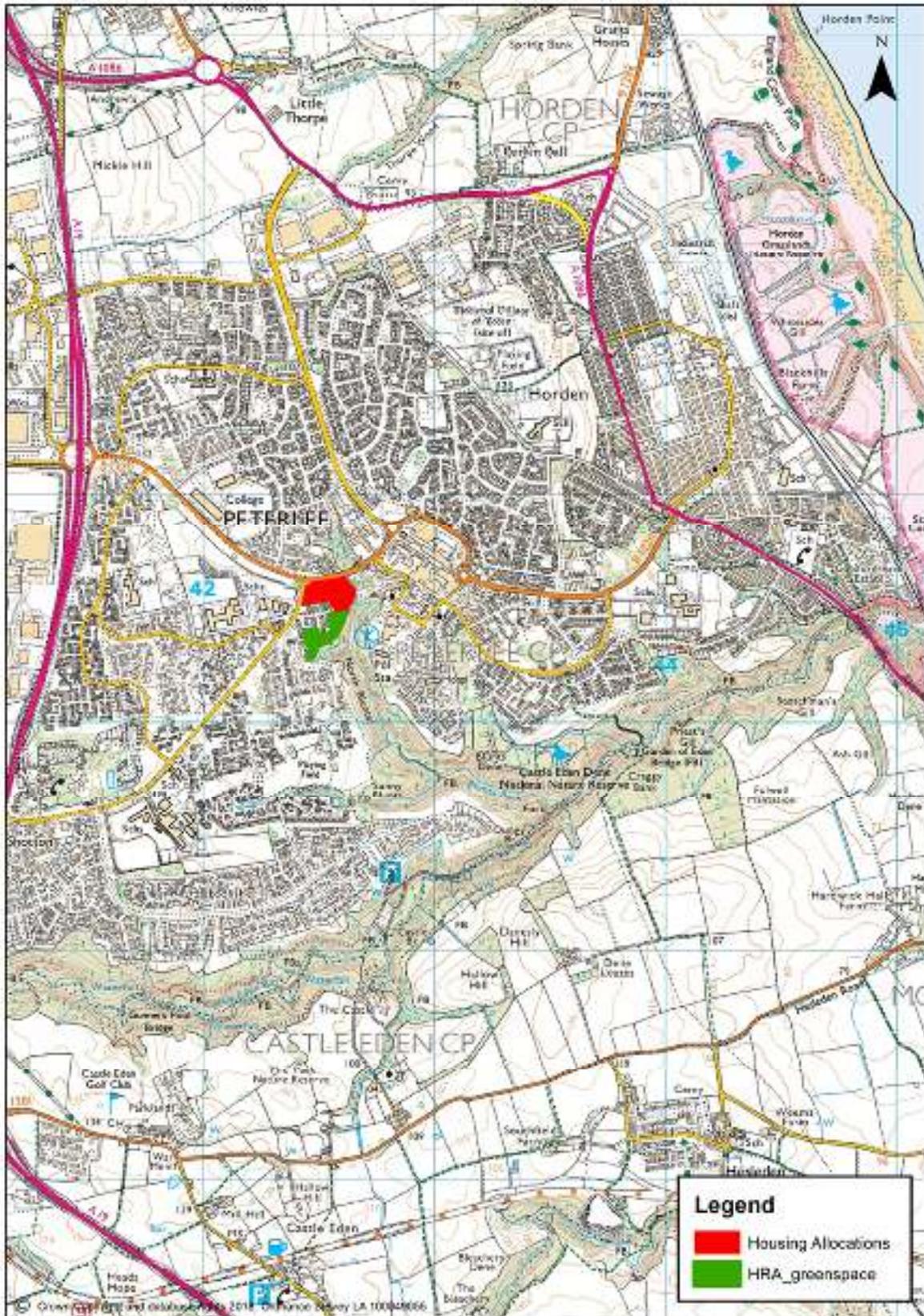
The following picture shows the location of the Malvern Crescent site.



HRA Table 2 provides details of the proposed enhancements for the Malvern Crescent Site.

Proposed enhancements	Benefits	Cost estimate
Surfaced and unsurfaced footpath creation, including circular routes through site	Provide all weather access, as well as multiple options for users.	£36,000
Woodland/tree planting	To create a variety of habitats and increase aesthetics of the site.	£2000
Wildflower grassland areas	As above	£13,800
Fence removal	To allow the joining up of the site, and enable better access route creation.	£1000
Signage/interpretation panels	To inform, raise awareness and create interest on site, assist in navigation through site.	£5000
Fencing to encourage off-lead use by users	To create a 'safe' environment to encourage off-lead use by dogwalkers.	£3000

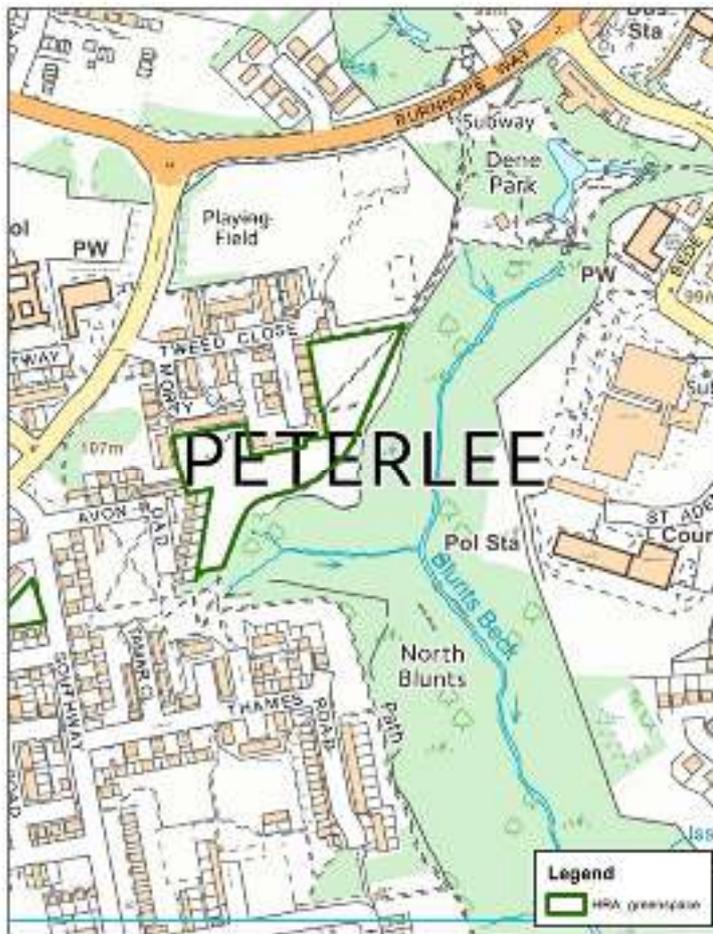
HRA Map 6 shows the Housing Allocations and HRA Greenspace for sites in Peterlee



Tweed/Moray Close

- 64. Area of informal greenspace dominated by amenity mown grass with scattered broadleaved trees. Links in with wider informal greenspace areas which are typical of the development structure in Peterlee.

The following picture shows the location of the Tweed/Moray Close site.

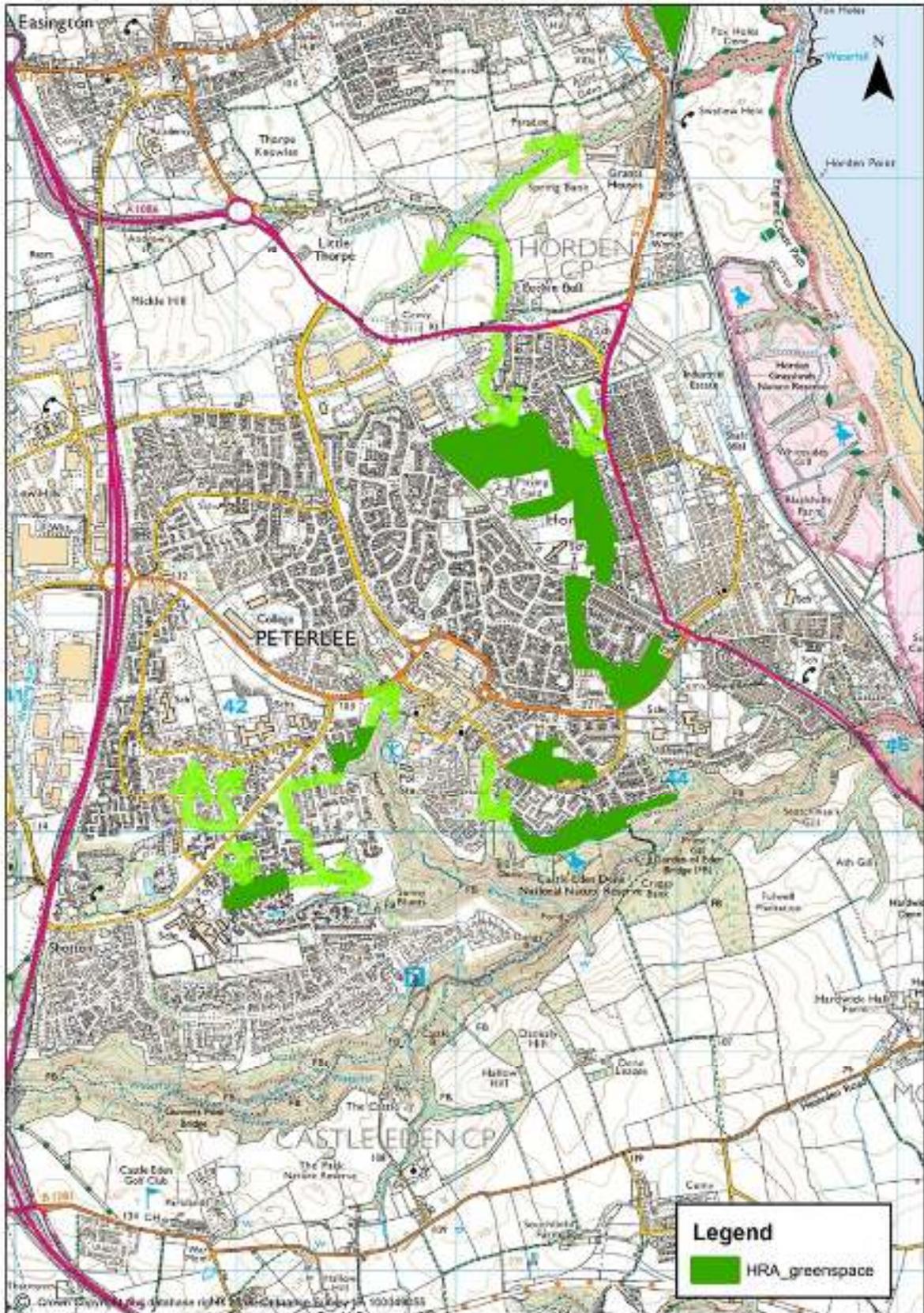


HRA Table 3 provides details of the proposed enhancements for the Tweed/Moray Close Site.

Proposed enhancements	Benefits	Cost estimates
Wildflower meadow creation	Provide a variety of habitats for diversity as well as creating a more attractive site.	£4000
Tree/scrub planting	As above	£200
Mown paths through grassland	To create a variety of access routes through the site.	Already maintained site, no additional cost envisaged.

65. All of the sites detailed above are owned by the County Council, and currently managed as informal amenity greenspaces. It is therefore anticipated that they will continue to be managed as such in perpetuity.
66. In addition to these, additional greenspaces have been identified, which have potential capacity to absorb additional recreational users, if enhanced to improve their attractiveness for use by dog walkers. It is envisaged that these sites have the opportunity to be brought forward with the estimated windfall development within 6km of the Coastal N2K sites, where appropriate. These sites, if brought forward, will be costed on a site-by-site basis **in addition** to the CAMMs (Tier 2) measures identified.
67. The majority of these sites have accessible green interlinking space which feeds into the wider greenspace network. This has been indicated with lighter green lines, as shown in map below.

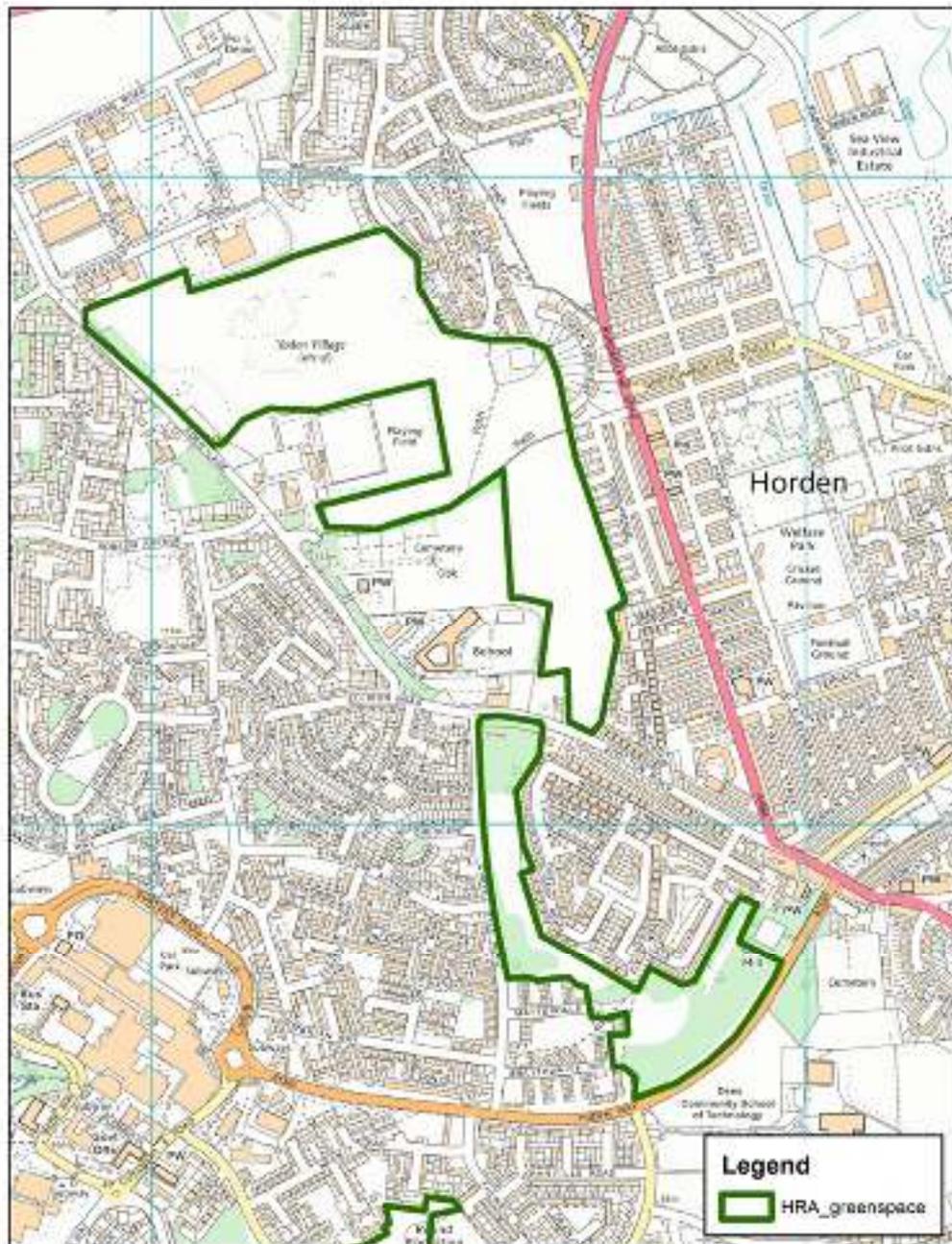
HRA Map 7 shows the Housing Allocations and HRA Greenspace for the wider sites in Peterlee



Medieval Village of Yoden, and associated linking greenspaces

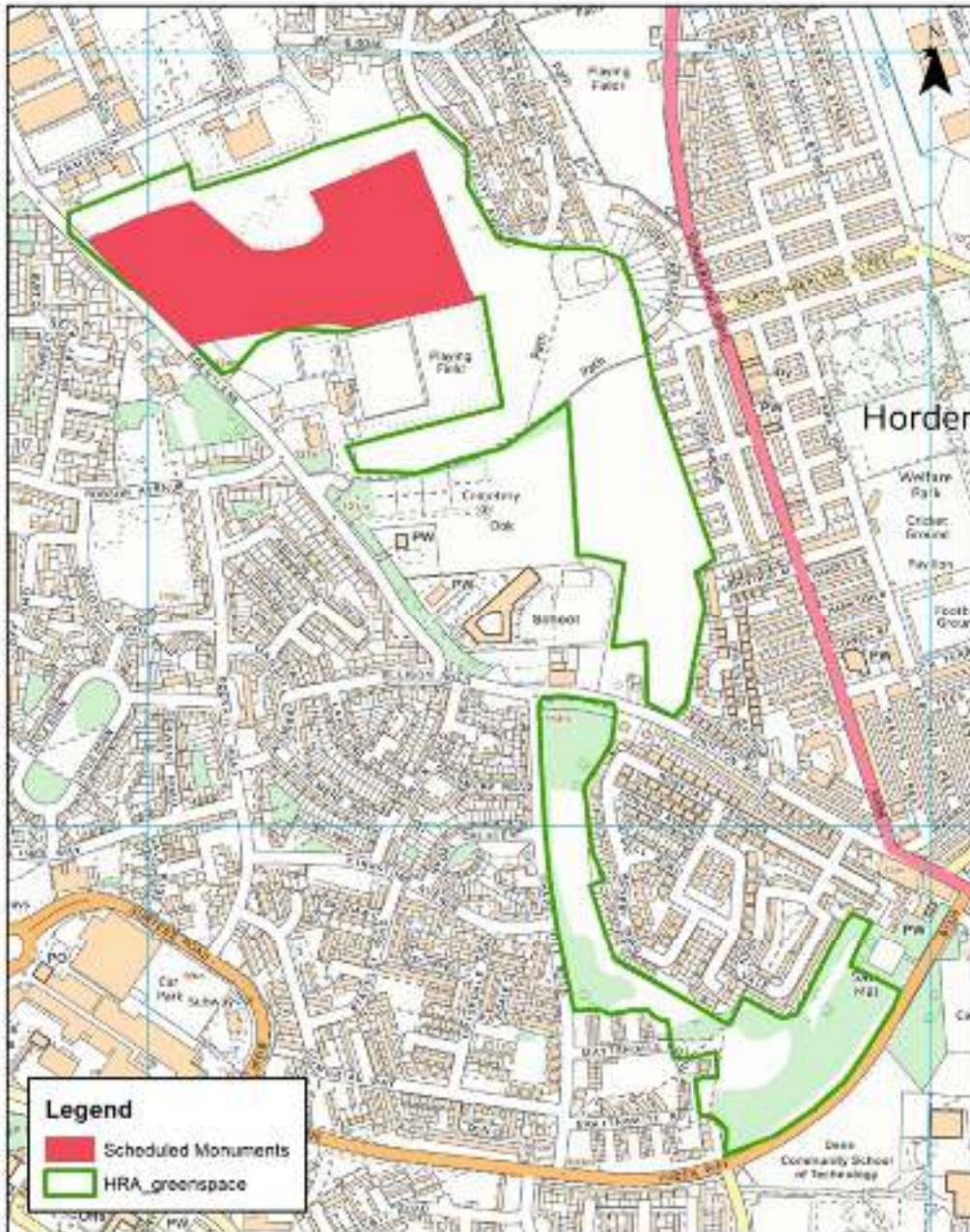
68. The site comprises 2 areas of informal greenspace, predominantly amenity mown with scattered broadleaved trees. The Medieval village of Yoden (the larger of the two sites) incorporates a geological SSSI⁴⁶ (Yoden Village Quarry) and well as a Scheduled Ancient monument to the north of the site (Yoden medieval settlement).

The following picture shows the location of the Medieval Village of Yoden Site



⁴⁶ It is recognized that part of the site is a geological SSSI, and as such not all of the site would be utilised as part of any mitigation measures.

The following picture shows the location of the Medieval Village of Yoden Site and the location of the Scheduled Ancient Monument within the site



HRA Table 4 provides details of the proposed enhancements for the Yoden Village Site.

Proposed enhancements	Benefits	Cost estimate
Footpath creation Approx. 2km surfaced	Increase access through the site, including creation of circular routes favoured by users.	£120,000
Wildflower meadow creation Approx. 4.8ha	Increase biodiversity and aesthetic interest of site/variety of semi-natural habitats.	£33,000
Tree/scrub planting & woodland management	Increase variety of habitats on site to create a more attractive environment to walk in and enjoy. Helps to create the illusion of 'space' and increase capacity of site.	£10,000
Interpretation panels, and signage/way markers	To help inform and raise awareness/educate.	£10,000
Web-based educational resource to create an identity for the site.	Educational awareness for local schools/community groups and other initiatives (geological, archaeology and ecology)	£30,000
Creation of entrance feature and enhanced car parking, including fencing to secure site from roads.	To enable use by visitors further afield thereby increasing visitor catchment. Allowing off lead use by dog walkers.	£500,000

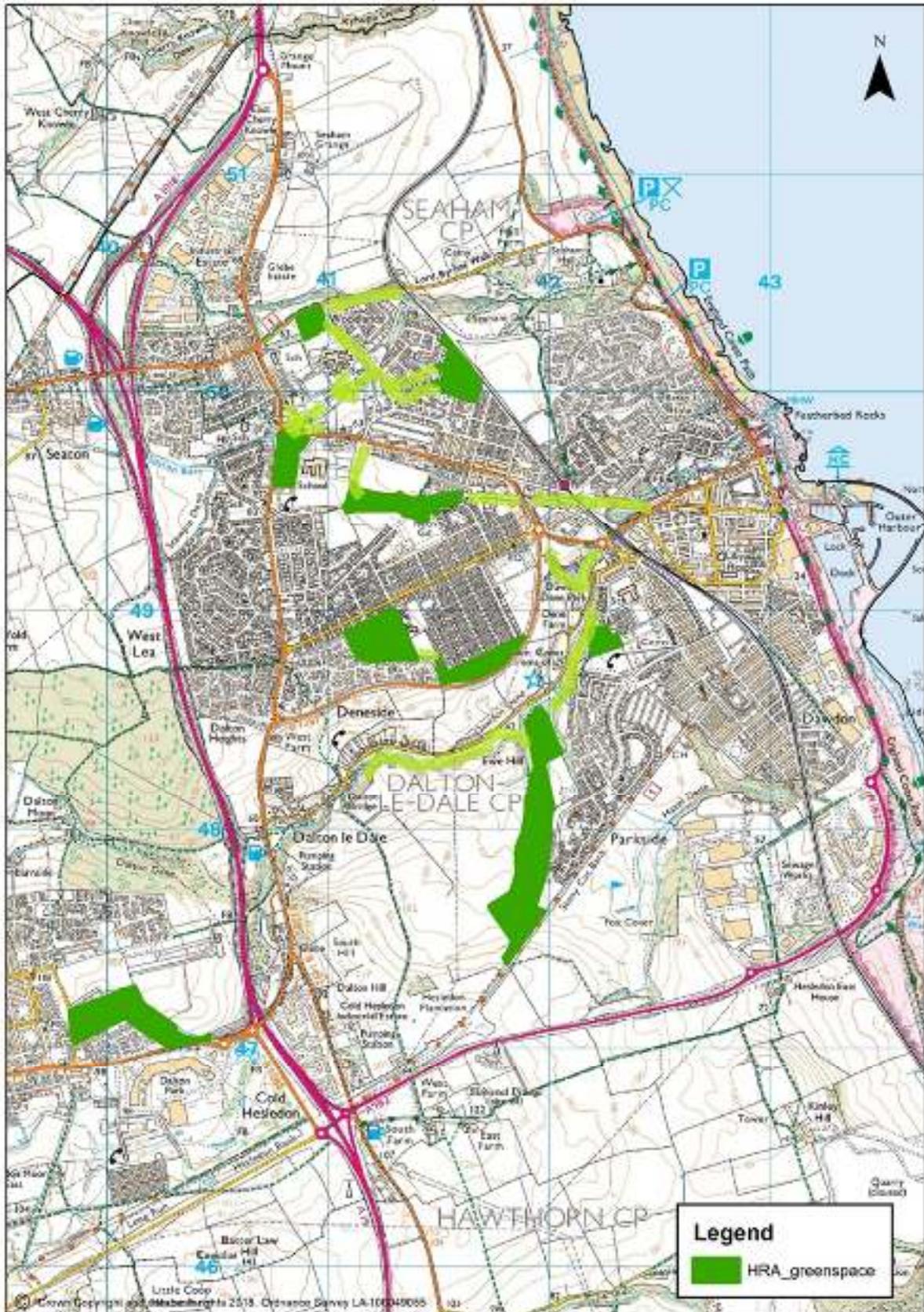
This picture shows informal mown access through the Yoden Village site.



This picture shows the rough grassland extending through the Yoden Village Site.



HRA Map 8 shows greenspaces for the wider sites in Seaham



The Lawns

69. Predominantly amenity mown grass which was laid down after the former terraces were demolished. The former streets and street lamps are still present on site.

The following picture shows the location of The Lawns site.



HRA Table 5 provides details of the proposed enhancements for The Lawns Site.

Proposed enhancements	Benefits	Estimated costs
Removal of tarmac roads/and associated infrastructure.	Creates a more natural environment.	£31,200
Wildflower meadow creation	Provides variety in habitats which dog walkers look for.	£5000
Surfaced footpath creation	Sited to provide circular routes through the site, enabling all weather access.	£20,000
Tree/scrub planting	To enhance aesthetic value of the site, and create a variety of habitats.	£300
Interpretation panels/signage	To raise awareness and value of the site.	£3000
Pond/wetland creation.	To enhance aesthetic value of the site, and create a variety of habitats.	£500

This picture shows the former Lawns housing site now maintained as informal recreational space.



This picture shows the Lawns site from a different angle.



Haven House

70. Large area of amenity mown grass. A single surfaced path runs through the site from north to south.

71. A railway line forms the eastern boundary, whilst a housing estate surrounds the site along the other boundaries.

The following picture shows the location of the Haven House Site.



HRA Table 6 provides details of the proposed enhancements for the Haven House Site.

Proposed enhancements	Benefits	Cost estimate
Circular footpath route (surfaced) and links to wider network.	Provides all weather route for users.	£15,000
Unsurfaced/mown paths through long grass as alternatives.	Gives alternative route to avoid other walkers if needed.	No cost as site already mown.
Tree/scrub planting	To partly screen railway and provide a more attractive site for recreational enjoyment.	£300

Creation of long and short grass areas (wildflower meadow creation)	To enhance diversity of site and to provide aesthetic interest/variety of habitats.	£9000 (not including future management)
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This picture show the Haven House site maintained as informal green space.



Measure 3: Coastal Access Management and Monitoring

72. The third measure is coastal access management and monitoring. The principles of such measures include:

- Recognition of highly sensitive areas, particularly bird roosting sites
- Rationalisation of access points and footpaths, to avoid highly sensitive areas
- New signage diverting people away from sensitive areas and towards alternative areas
- Community engagement and wardening
- Educational initiatives which raise awareness of the vulnerabilities of qualifying species and associated responsible visitor behaviour
- Monitoring of changes in the qualifying species and habitats

- Monitoring changes in recreational use

73. The measures have been divided into two tiers:

- **Tier 1** mitigation measures are those that allow the public to continue to be able to enjoy visiting the SPA for recreation, in ways that do not damage the sensitive/qualifying habitats or species for which the site is designated. The aim is to reduce unauthorized activity, guide and educate visitors to reduce preventable disturbance and to focus on **protection of the most sensitive areas, and at the most sensitive times of year**. The Tier 1 CAMMS measures are targeted upon specific identified areas along the coast that are subject to high levels of disturbance; by prioritising action at these locations the Tier 1 CAMMS will deal with the most pressing issues of recreational impact at the coast. It is appropriate that housing allocations are used to deliver solutions to known recreational conflicts at the coast, especially as the spatial distribution of the housing allocations links well with the most sensitive areas. These will therefore be paid for by the County Durham Plan allocations;
- **Tier 2** secondary measures have been identified which provide general mitigation across the wider area, through raising awareness and changing behavior over time. It is deemed that these measures will be paid for by Windfall development and this approach is considered appropriate as the specific geographical location of windfall sites cannot be predicted, and specifying CAMMS at given locations at this point in time is not regarded as being a sound approach. The CAMMS are informed by data from coastal bird and visitor surveys and as such additional specific locations for CAMMS may be identified in the future. It is possible that windfall development may tie in geographically with an identified sensitive area in the future and in such cases geographically specific CAMMS may then apply.

74. The measures are required **in addition** to the provision/enhancement of alternative greenspace in order to address the identified impacts of all recreational users of the coast, including those associated with visitor pressure from a wider catchment.

75. It is acknowledged that some windfall sites coming forward may not be within adequate proximity to a suitable alternative greenspace, however enhancements to the wider network of greenspaces within the 6kmn buffer zone may be regarded as appropriate greenspace provision in these cases. In all cases contributions will be expected to fund the Coastal Access Management and Monitoring measures.

76. Monitoring will be crucial in providing a method of fine-tuning of the avoidance measures to increase their effectiveness and maximize benefits.

Implementation and Monitoring

77. The Strategy requires a planning contribution of £662.43 per net new dwelling (or equivalent) for the housing sites allocated as part of the County Durham Plan, and £756.61 per net new dwelling (or equivalent) for windfall sites between 0.4 and 6km as a straight line (as the crow flies) from the boundary of our coastal N2K sites.

78. This has been calculated by simply dividing the number of likely net new dwellings (from allocated sites coming forward through The Plan) within 6km of our coastal N2K sites, by the total cost of measures 2 and 3 as detailed above.

$$\text{Measure 2 + Measure 3 (Tier 1) / housing allocations} = \text{£662.43}$$
$$\text{£70,000 + £257,902 / 495} = \text{£662.43}$$

79. For *Windfall* sites we have calculated a total figure based on historic rates of delivery in the catchment over the last 5 years. This is divided this by the total cost of mitigation measures for Measure 3, Tier 2 Coastal Access Management and Monitoring Measures.

$$\text{Measure 3 (Tier 2) / Windfall} = \text{£756.61}$$
$$\text{£280,702 / 371} = \text{£756.61}$$

80. If appropriate, planning permission will be granted subject to conditions. Proposers/ land owners of small scale residential developments (less than 10 dwellings) will be given the choice as to whether to enter into either a Section 106 agreement or a unilateral undertaking.⁴⁷ Where Section 106 agreements are required, these are to be agreed and entered into, prior to the determination of a planning application. Any payments made to the Council by Section 106 agreements should be paid no later than the commencement of the development to ensure that mitigation is in place prior to occupation. If the development is likely to be built in major phases, payment by instalment will be considered.

81. Where specific measures and/or works (by the developer or, by others who are better placed to provide them) are needed to avoid and mitigate the effect that occupiers of a development will have on a coastal national site network site(s), these should be undertaken and in place before or in conjunction with those occupiers moving in. Consequently, in some cases the Council will, by planning condition or obligations, restrict the occupation of a development until related avoidance and mitigation measures and/or works are complete.

82. Where contributions are secured and paid under a Section 106 Agreement with the Council, the receipt and use of contributions can be tracked and information on spending will, on request from a contributing developer, be made available subject to the Council's reasonable costs being met.

Tourism Development

83. Where proposed tourism development is identified as having, in itself, a potential significant adverse impact on the national site network sites, permission will be subject to the specific provision of suitable mitigation measures appropriate to the circumstances. Due to the type of impact, and unknown location of proposals which are likely to come forward, it is likely that proposals will contribute to the Coastal Access and Management Measures. The amount and type of CAMMS and the level of financial contribution will be calculated on a site by site basis by

⁴⁷ A unilateral undertaking is a legal document made pursuant to Section 106 of the Town and Country Planning Act 1990. This document provides that if you receive planning permission and decide to implement the development, you must make certain payments to the Council in the form of planning contributions.

utilizing a range of data including coastal bird data and information on the likely increases in users of the coast. This approach will ensure that bespoke CAMMS are identified to deal with specific impacts arising from any tourism development.

Measure 2: Greenspace provision

84. Whilst alternative greenspace for the allocated sites has been accounted for, the provision or enhancement of alternative greenspace for windfall sites should be funded by developer contributions unless adequate onsite provision is being made. The calculation of costs will be undertaken on a case-by-case basis and will take account of acquisition costs if required, cost of enhancement measures and maintenance, and management costs in perpetuity.
85. There will be a general presumption against any development on an alternative greenspace that has been enhanced/identified as mitigation to address likely impacts due to an increase in recreational disturbance by a development proposal, within 6km of the Durham Coast and associated Natura 2000 sites. Any developed proposed on these sites will be subject to a full HRA.

Measure 3: Coastal Access Management and Monitoring

86. Developer contributions will be used to fund the actions identified within the following tables:

HRA Table 7 shows details of the Tier 1 Access Management and Monitoring Measures

No.	Action	Justification	Cost	20 year present value (PV @3.5 %) cost.
1	Monitor the nature conservation interest in SPAs every 3 years	Action is directly linked to the future management of the SPA's. Monitoring provides confidence that should populations and their distribution decline, the measures within this action plan can be amended accordingly.	Bird surveys £2,500 every 3 years	£12, 098
2	Monitor the SAC and the adjacent reversion ⁴⁸ areas every 6 years	Action is directly linked to the future management of the SAC. Monitoring provides confidence that should recreational trampling/nitrification of qualifying habitat increase the measures with this action plan can be amended accordingly.	£12,000 every 6 years	£34,581
3	Monitor recreational usage of the SAC and SPA (summer and winter) every 3 years	Action is directly linked to the future management of the SAC and SPA's. Monitoring provides confidence that should recreational disturbance increase the measures within this action plan can be amended accordingly.	£10,000 every 3 years	£50,147
4	High tide roost areas Fence off/advise against public access (particularly during the autumn/winter months) the high tide roosts as identified in the Coastal Bird study, i.e. <ul style="list-style-type: none"> • Noses Point; • Blackhall Rocks; and • Blackhall Colliery 	Positive effects derived – restricting access to sensitive areas and influencing responsible visitor behaviour.	£80,000	£80,000

⁴⁸Arable reversion involves reverting cultivated land into natural habitat.

5	<p>Identify highly sensitive areas where visitors are not encouraged through:</p> <ul style="list-style-type: none"> • Provision of interpretation; • Removal of carparks where deemed necessary. 	Positive effects derived – restricting and controlling access to areas which have been identified as sensitive through supporting surveys.	£60,000	£60,000
6	<p>Develop and deliver opportunities to diffuse visitor pressure inland from SAC and SPA. Path network exists, requires promotion of existing network through production of leaflets to diffuse visitor use away from SPA/SAC and to key mitigation sites.</p> <p>Promotional publications will include New home packs 'introduction of Beachcare key messages, Codes of Practice and Dog Control behaviors.</p>	Potential for positive effects in tourism of raising awareness of SAC/SPA and responsible visitor behaviour.	£21,076	£21,076
Total				£257,902

HRA Table 8 details the Tier 2 Coastal Access Management and Monitoring Measures

No.	Action	Justification	20 year present value (PV @3.5 %) cost.
1	<p>Beachcare and Wardening programme:</p> <p>Funding of a Warden (Scale 9) or similar role within DCC to undertake SAC, SPA and little tern awareness raising and engagement, alongside projects to protect and enhance the habitats and species associated with the designated areas.</p> <p>Fund the Heritage Coast Team to undertake projects that include but are not restricted to</p> <ul style="list-style-type: none"> • Rationalisation of pathways to prevent damage to sensitive areas • Install and maintain footpaths and fencing • Beach cleans, habitat protection and enhancements and volunteer management. 	<p>Positive effects derived – raising awareness and influencing responsible visitor behaviour.</p> <p>Positive effects derived – aims to encourage use of path network away from sensitive areas of the coast</p> <p>Scale 9 full time.</p>	£280,702

Monitoring

87. Whilst developer contributions will be sought towards the cost of monitoring as part of measure 3, the following table 9 and explanatory note explains how the Council intends to monitor the effectiveness of all measures advocated:

HRA Table 9 Monitoring Measures

Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Application of 0.4 – 6km buffer	Housing consents/completions within the buffer zone Tourism type development consents/completions within the buffer zone	Number and size of dwellings approved Number of tourism type developments approved	Monthly through existing development management systems	No trigger – this monitoring element provides baseline information for the measures below	The necessary actions are detailed in the rows below
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Greenspace provision/enhancement and Coastal Access Management Measures	Average household size	Based on the results of the 2011 Census	Via Census 2021 data (the initial analysis of the census will provide this information and could be expected to be published before the end of 2020 based on the analysis of the 2011 census)	Significant change (more than 0.1 per household)	Review the extent to which this changes either the need for open space provision or funding of coastal access management measures.

Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Greenspace provision/enhancement and Coastal Access Management Measures	Funding received	Reported from Council finance	Kept as a live spreadsheet	Receipts are insufficient to deliver open space provision/enhancements or access management measures in tandem with housing delivery/tourism development	Increase mitigation rate for future schemes
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Greenspace provision/enhancement and Coastal Access Management Measures	Funding spent	Reported from Council finance	Kept as a live spreadsheet	Payments to deliver open space provision/enhancements or access management measures are falling below actual housing delivery/tourism development	Either: Bring other greenspaces on stream Introduce conditions regarding phasing of housing or refuse consents until sufficient open space capacity/access management measures are in place.

Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Greenspace Provision/Enhancement	Green Space Provision/Enhancement	Area of open space provided/improved	Kept as a live spreadsheet	The provision of green space capacity falls below the rate at which residents are increasing in the locality	Either: Bring other greenspaces on stream Introduce conditions regarding phasing of housing or refuse consents until sufficient open space capacity/access management measures are in place.
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Coastal Access Management Measures	Implementation of coastal access management measures	Measure delivered	Kept as a live spreadsheet	Decrease in bird population and/or deterioration in habitat due to recreational pressure	Either: Introduce other mitigation measures such as byelaws restricting dog walking Introduce conditions regarding phasing of housing or refuse consents until sufficient open space capacity/access management measures are in place.

Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Greenspace Provision/Enhancement and Coastal Access management Measures	Visitor data	Use of coastal sites (numbers and location) Use of green spaces provided/enhanced (hectares and location)	Automated counters at green spaces provided/enhanced and key coastal sites Face to face surveys every 2 to 3 years.	Evidence that green spaces provided/enhanced are not being used Decrease in bird population and/or deterioration in habitat due to recreational pressure	Either: Bring other green space on stream Introduce other mitigation measures such as byelaws restricting dog walking Introduce conditions regarding phasing of housing or refuse consents until sufficient open space capacity/access management measures are in place.
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Greenspace Provision/Enhancement and Coastal Access management Measures	Bird data	WeBs data if available Bird surveys	WeBs data annually Bird surveys every 3 years	Subject to natural change, evidence that qualifying bird populations are either consistently decreasing or are being forced into smaller areas over an 8 year trend period	Either: Amend or implement further access management measures Introduce other mitigation measures such as byelaws restricting dog walking.

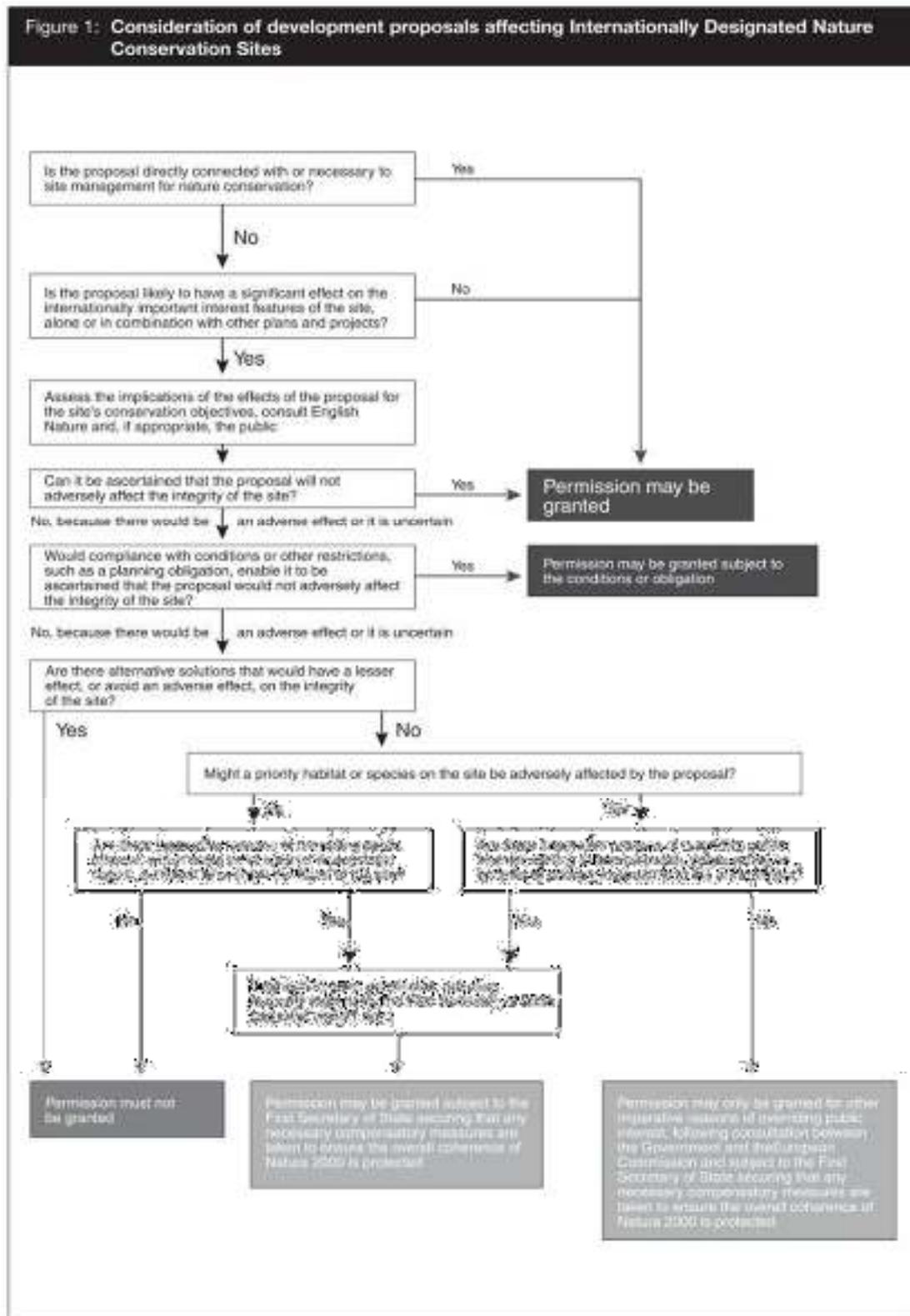
Relevant Natura 2000 Site(s)	Mitigation Measure	How will the Measure be monitored?	How will the Outcome be Monitored?	When will the measure be monitored?	Trigger for Review of Measure	Actions to rectify potential failure of mitigation
Durham Coast SAC, Northumbria Coast SPA, Teesmouth and Cleveland Coast SPA.	Greenspace Provision/Enhancement and Coastal Access management Measures	Habitat monitoring	Condition of habitat within the SAC and SPA	Every 6 years	Subject to natural change, deterioration or change in the habitat	Either: Amend or implement further access management measures Introduce other mitigation measures such as byelaws restricting dog walking, targeted enforcement activity in relation to dog fouling.

Explanatory Note

- Housing consents/completions and tourism development within 0.4 – 6km – the aim of this row is to provide a clear understanding of where new housing and tourism development is being delivered
- Average household size – The mitigation needs to focus on the number of people who are being diverted from the coast and how to best manage local populations (in addition to visitors) when they do access the coast. This information, when combined with row 2, will give a clear understanding of where, and by how much the population within the coastal zone is increasing.
- Funding received – This will enable the Council to track whether the payments are coming in as anticipated.
- Funding spent – This will enable the Council to track whether funds are being spent in a timely manner.

- Green space provision/enhancement – This will enable the Council to track the amount of open space that is being provided/enhanced and the capacity of each site.
- Coastal access management measures – This will enable the Council to track whether measures are being implemented that correspond with associated access points to the coast from new housing/tourism development
- Visitor data – Information collated will be used to determine how the coast and alternative green spaces are being used. This will help to continue to justify/modify the recreational catchment and mitigation measures as necessary.
- Bird data – Information collated will be used to determine health of populations and areas that are being used. Mitigation measures can be modified as necessary in response to trends identified.
- Habitat monitoring – Information collated will be used to determine the health of associated SAC/SPA habitat. Mitigation measures can be modified as necessary in response to trends identified.

This flow diagram details the process for considering development proposals affecting European Protected Sites.



HRA Annex B: Description of Coastal European Protected Sites

88. This section aims to provide an introduction to and overview of the coastal European Protected Sites comprising:

- Durham Coast SAC
- Northumbria Coast SPA and Ramsar
- Teesmouth and Cleveland Coast SPA and Ramsar

B1: Durham Coast SAC

89. Durham Coast SAC was designated in April 2005 and covers an area of approximately 394 hectares. Durham Coast SAC is the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. These cliffs extend along the North Sea coast for over 20 km from South Shields southwards to Blackhall Rocks. Their vegetation is unique in the British Isles and consists of a complex mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall-herb fen, seepage flushes and wind-pruned scrub. Within these habitats rare species of contrasting photogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water.

Qualifying Features

- Vegetated sea cliffs of the Atlantic and Baltic coasts.

Conservation Objectives

90. With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed above), and subject to natural change;

91. Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring the;

- Extent and distribution of qualifying natural habitats
- Structure and function (including typical species) of qualifying natural habitats, and
- Supporting processes on which the qualifying natural habitats rely.

Reported Threats / Pressures

92. The Natura 2000 Standard Data form for the site outlines the following threats and pressures which are ranked as high:

- Human induced changes in hydraulic conditions;
- Invasive non-native species;
- Other human intrusions and disturbances;
- Abiotic (slow) natural processes; and
- Fertilisation

93. Natural England's Site Improvement Plan for the Durham Coast expands upon the issues identified as currently impacting or threatening the condition of the features as follows:

Threat/pressure	Description
Natural changes to site conditions	Development and arable land use already come very close to the existing cliff top in many places, constraining the ability of the cliff top habitats to roll back as the cliffs naturally erode. It is uncertain whether there is enough space for natural migration of the SAC habitat (Coastal squeeze).
Inappropriate coastal management	Decades of deposition of colliery spoil at the base of the cliffs has formed an artificial raised beach along much of the Durham coastline which prevents waves reaching the cliff foot. This has slowed the erosion of the cliffs and changed their profile, reducing the slumping which exposes fresh substrate and creates niches for the development of different successional stages of vegetation. It has also reduce the influence of salt spray on the cliff vegetation. The constraint of these natural processes has degraded the diversity of the vegetation, its uniqueness and its scientific interest, and upset the ecological balance allowing scrub and ruderal species to encroach into more sensitive habitats. Deposition of colliery spoil ceased in the 1980s and there have been significant efforts to clean up the beaches since. The remaining spoil is being naturally eroded back by the sea to act directly on the cliff base again. New coastal defenses that interfere with erosional process could have a similar negative impact on the vegetated sea cliffs.
Invasive species	Where scrub is encroaching too far into grassland areas, this is detrimental to the interest feature. This is due to a lack of management e.g. Grazing, and/or because the natural coastal processes which keep the scrub in check, such as erosion and exposure to the elements are constrained. Bracken is spreading into the good grassland in some areas, especially at the mouths of the denes, and sycamore and invasive species like Himalayan Balsam are also most problematic where the denes meet the coast, as the watercourses bring in the seed. Cultivated species from caravan parks and gardens have also colonized parts of the coast and need to be kept in check. Unauthorized burning of scrub makes it more difficult to treat.

Threat/pressure	Description
Fertiliser use	Many of the wet flush/fen areas have become degraded by nutrient enrichment from fertilizer run-off from arable land. Where the hinterland to the SAC has been reverted to low input grassland the issue should resolve over time, though there may be a long lag. In specific areas there is still arable land immediately adjacent to the SAC where run-off is occurring and reversion to grassland would benefit the SAC feature.
Vehicles: illicit	Illegal use of motorbikes, quadbikes and 4X4s occurs in specific areas along the coast, especially around soft cliffs and dunes, causing erosion and damage to vegetation and soils.
Changes to site conditions	There are at least two or three sites on the coast where contaminated/toxic waste has been landfilled into old quarries and as the cliffs erode this is now being exposed. This could lead to pollution of the cliff habitats and changes in vegetation. Also, schemes to address the problem, e.g. by slowing coastal erosion, could be damaging to the SAC in themselves by interfering with natural processes. Rock armoring has already been used in some locations.
Public access	In public access hot spots e.g. close to housing and car parks, dog fouling leads to increased nutrients which can change the species composition of areas of a site, favoring more pernicious species.

Key Environmental Conditions

94. The key environmental conditions required to support site integrity comprise the following:

- Overall length and/or area of cliff habitat to be maintained taking into account natural variation
- There should be no increase in area constrained by introduced structures or landforms
- The range of physical conditions supporting the habitats, and the range of maritime grasslands and other communities should be maintained
- There should be no increase in species untypical of the communities that define the feature
- Reduced risk of trampling/nutrient input.

HRA Map 9 Shows the Durham Coast SAC

SAC features are shown in purple.



B2: Northumbria Coast SPA and Ramsar

95. Northumbria Coast SPA and Ramsar was designated in February 2000 and covers an area of approximately 1,108 hectares. The site comprises several discrete stretches of the coastline in North East England between Spittal in the north of Northumberland to Crimdon Dene in County Durham. The site consists of rocky shore with associated bolder and cobble beaches. These support a rich algal flora and associated fauna and form an important feeding area for wading birds. The areas of sandy beach within the site support a flora which includes *Ammophila arenaria*; marram and *Honkenya peploides*; sea sandwort.
96. A diverse range of recreational activities takes place along the coast including walking, camping, sea angling, bird watching, water sports (water-skiing, sailing, windsurfing and canoeing) and general use of amenity beaches. As well as attracting a large number of day trippers, a sizable population of summer visitors stay in caravan sites and other accommodation along the coast. The site also includes parts of three artificial pier structures and a small section of sandy beach
97. The designated stretches in Durham consist of approximately 55 hectares and broadly pertain to Seaham's coastal area and harbour in the north east of the County and the area of coastline between Blackhall Rocks and Crimdon Dene in the south east of the County. The habitat of the SPA is predominantly classified as Shingle, Sea Cliffs and Islets.

Qualifying Features (Natura 2000 and Ramsar)

- *Calidris maritima* (Purple sandpiper) wintering
- *Arenaria interpres* (Ruddy turnstone) wintering
- *Sterna albifrons* (Little tern) breeding

Conservation Objectives

98. With regard to the SPA (and Ramsar) and the individual species and/or assemblage of species for which the site has been classified and subject to natural change;
99. Ensure that the integrity of the site is maintain or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the;
- Extent and distribution of the habitats of the qualifying features
 - Structure and function of the habitats of the qualifying features
 - Supporting processes on which the habitats of the qualifying features rely
 - Population of each of the qualifying features; and
 - Distribution of the qualifying features within the site.

Reported Threats / Pressures

100. The Natura 2000 Standard Data form for the site outlines the following threats and pressures which are ranked as high:

- Outdoor sport and leisure activities, recreational activities;
- Change in biotic conditions;
- Pollution to marine waters;
- Human induced changes to hydraulic conditions; and
- Other human intrusions and disturbances

101. Natural England's Site Improvement Plan for the Northumberland Coastal area which includes the SPA/Ramsar expands upon the issues identified as currently impacting or threatening the condition of the features as follows:

Threat/Pressure	Description
Public access / disturbance	Little terns are a particularly high priority in relation to disturbance affecting condition. Wintering waders and other species are also at risk. Wildlife tourism is identified as a moderate threat in Northumbria Coast SPA, due to loss of foraging habitat for birds, and there is also disturbance/displacement of birds by dog walkers, light aircraft and watersports.
Changes in species distributions	Populations of the qualifying bird species in Northumbria Coast SPA have declined or changed but it is unclear if this site specific or driven by wider trends in distribution.
Predation	Predation on terns by raptors and other predators
Coastal squeeze	There is loss of irreplaceable habitat caused by the cumulative effect of small scale impacts resulting from existing and new developments adjacent to Northumbria Coast SPA.
Direct impact from third party	Wildlife crime occurs in Northumberland Coast SPA e.g. Egg theft
Fisheries	Dredges (Inc. hydraulic), benthic trawls and seines and shore-based activities are categorized as 'Red' for these interest features as part of Defra's revised approach to commercial fisheries management in EMS's, and requisite mechanisms are being or will be implemented by Northumberland Inshore Fisheries and Conservation Authority (NIFCA). Commercial fishing activities such as potting categorized as 'amber or green' under Defra's revised approach to commercial fisheries in EMS's require assessment and (where appropriate) management. This assessment will be undertaken by NIFCA. For activities categorized as 'green', these assessments should take account of any in combination effects of amber activities, and/or appropriate plans or projects, in the site.

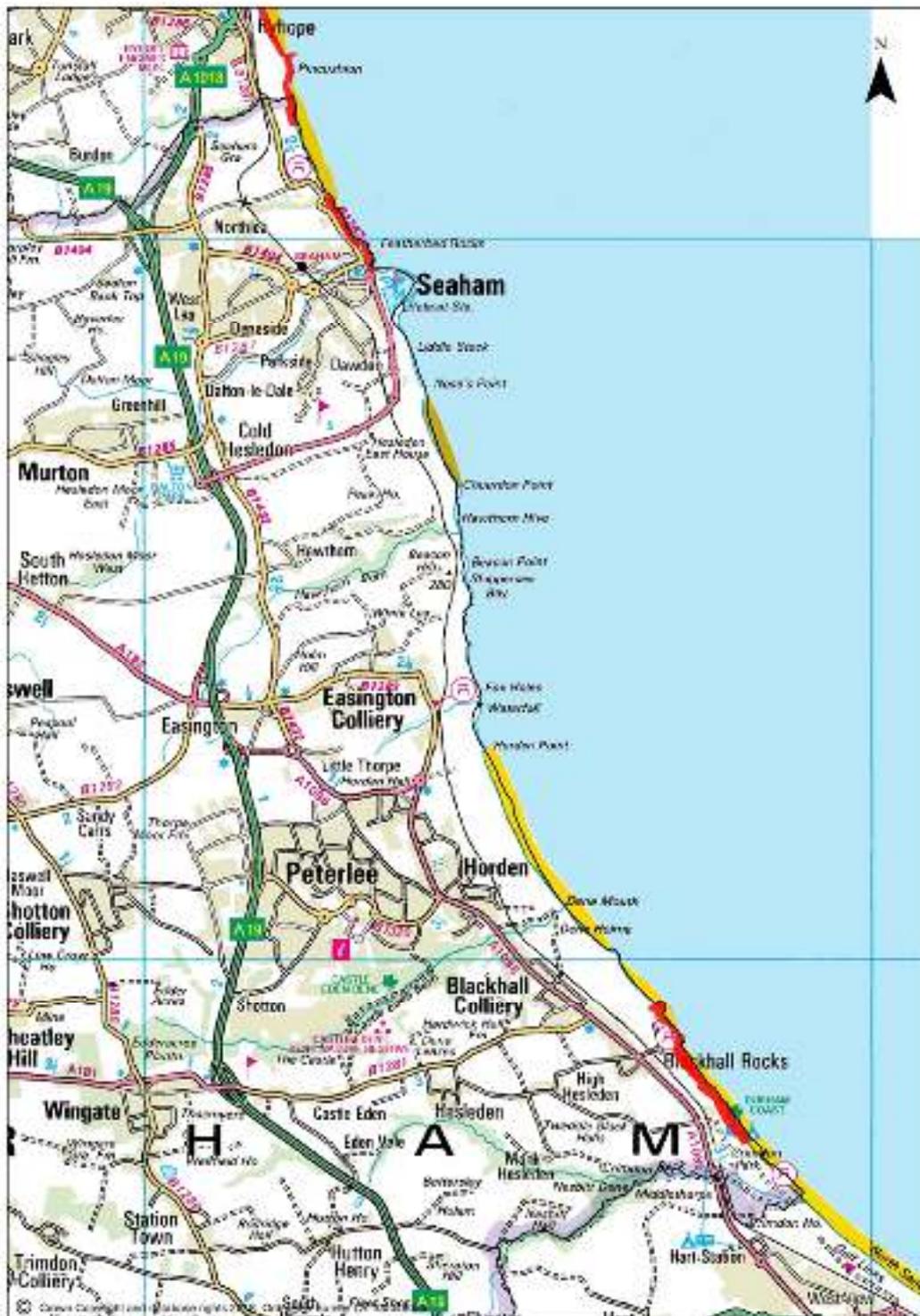
Key Environmental Conditions

102. The key environmental conditions required to support site integrity comprise the following:

- Freedom from disturbance
- Extent and availability of habitat (no decrease) – breeding, feeding areas, roost sites
- Food availability (marine fish, crustaceans, worms and molluscs; epibenthic invertebrates amongst rolling seaweed; surface and sub-surface invertebrates)
- Open landscape
- Protection from predation and human interference.

HRA Map 10 shows the SPA and Ramsar Sites

103. SPA and Ramsar features shown in red. Within County Durham SPA and Ramsar sites overlap the same extents. This maps shows the Northumbria Coast SPA and Ramsar sites to the north and the Teesmouth and Cleveland Coast SPA and Ramsar sites to the south.



B3: Teesmouth and Cleveland Coast SPA and Ramsar

104. Teesmouth and Cleveland Coast SPA and Ramsar was designated in August 1995 and covers an area of approximately 12,210.62 hectares. Teesmouth and Cleveland Coast comprises intertidal sand and mudflats, rocky shore, saltmarsh, freshwater marsh and sand dunes. The Tees Estuary has been much-modified by such activities as land-claim, construction of breakwaters and training walls, and deep dredging. The remaining intertidal areas within the estuary are composed of mud and sand, with some Enteromorpha beds in sheltered areas. Outside the estuary mouth, sandflats predominate, but with significant rocky foreshores and reefs at both Redcar and Hartlepool and anthropogenic boulder beds at South Gare. Moderately extensive sand dune systems flank the estuary mouth, while a smaller dune system lies north of Hartlepool. Surviving saltmarsh is very limited in extent. Behind the dunes and sea-defences a number of significant areas of grazing marsh are found. The site is also referred to as a European Marine Site (EMS) as it consists of areas continuously or intermittently covered by tidal waters or any part of the sea in or adjacent to Great Britain up to the limit of territorial waters.
105. The designated stretch within County Durham's administrative boundary is approximately 1km in length and covers an area of approximately 22 hectares. The area is located between Crimdon Dene and Hartlepool Borough Council's administrative boundary and predominantly consists of coastal sand dunes and sand beaches.

Qualifying Features

Scientific Name	Common Name	Type	Qualifying species (Natura 2000 and/or Ramsar)
Recurvirostra avosetta	Pied avocet	Re-producing	Natura 2000 and Ramsar
Sterna albifrons	Common tern	Re-producing	
Calidris pugnax	Ruff	Non-breeding	
Calidris canutus	Red knot	Wintering	Natura 2000 and Ramsar
Tringa tetanus	Common redshank	concentration	Natura 2000 and Ramsar
Sterna sandvicensis	Sandwich tern	concentration	Natura 2000
Sterna albifrons	Little tern	Re-producing	Natura 2000
N/A	Waterbird assemblage	Wintering	Natura 2000 and Ramsar

Conservation Objectives

106. With regard to the SPA (and Ramsar) and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’ listed above), and subject to natural change.
107. Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the:
- Extent and distribution of the habitats of the qualifying features
 - Structure and function of the habitats of the qualifying features
 - Supporting processes on which the habitats of the qualifying features rely
 - Population of each of the qualifying features, and,
 - Distribution of the qualifying features within the site.

Reported Threats / Pressures

108. The Natura 2000 Standard Data form for the site outlines the following threats and pressures which are ranked as high:
- Outdoor sport and leisure activities, recreational activities;
 - Pollution to marine waters;
 - Human induced changes to hydraulic conditions;
 - Industrial or commercial areas; and
 - Fishing and harvesting aquatic resources.
109. Natural England’s Site Improvement Plan for Teesmouth and Cleveland Coast expands upon the issues identified as currently impacting or threatening the condition of the features. The issues that are considered relevant to Durham’s coastal stretch of the SPA/Ramsar are identified in the following table:

Threat/Pressure	Description
Public access/disturbance	Both breeding Little tern and non-breeding waterbirds are disturbed by recreational beach users. These include walkers, dog walkers and kite surfers.
Direct land take from development	Undesignated land that supports SPA birds (‘functional habitat’) has been negatively affected by development in the recent past.
Water quality	Improvements to wastewater treatment and catchment management and the closure and relocation of wastewater discharges have significantly reduced the inputs of nutrients and organic matter to the Tees. These improvements in water quality have reduced the biomass of the benthic fauna that the estuary supports, and hence the food supply of a number of bird species.

Threat/Pressure	Description
Fisheries	Commercial fishing activities categorized as 'amber or green' under Defra's revised approach to commercial fisheries in EMSs require assessment and (where appropriate) management. This assessment will be undertaken by Northumberland Inshore Fisheries and Conservation Authority (NEIFCA).
Undergrazing	Some of the undesignated land that is used by non-breeding waterbirds is being encroached by scrub and coarse vegetation. Consequently these areas are becoming unsuitable for foraging or roosting
Predation	The little tern colony has suffered from predation in recent years, including from sparrowhawk, kestrel, hedgehog and fox. A large number of eggs were stolen from the site in 2013.
Coastal squeeze	Coastal squeeze will reduce the area of intertidal and upper shore habitats, which are used for foraging and roosting by non-breeding waterbirds and for nesting Little tern.
Changes to site conditions/air pollution.	Sand dunes are accreting along sections of the coast. This may result in some former Little tern breeding sites becoming unsuitable. Nutrient enrichment through nitrogen deposition is likely to encourage vigorous growth of vegetation in embryo.

Key Environmental Conditions

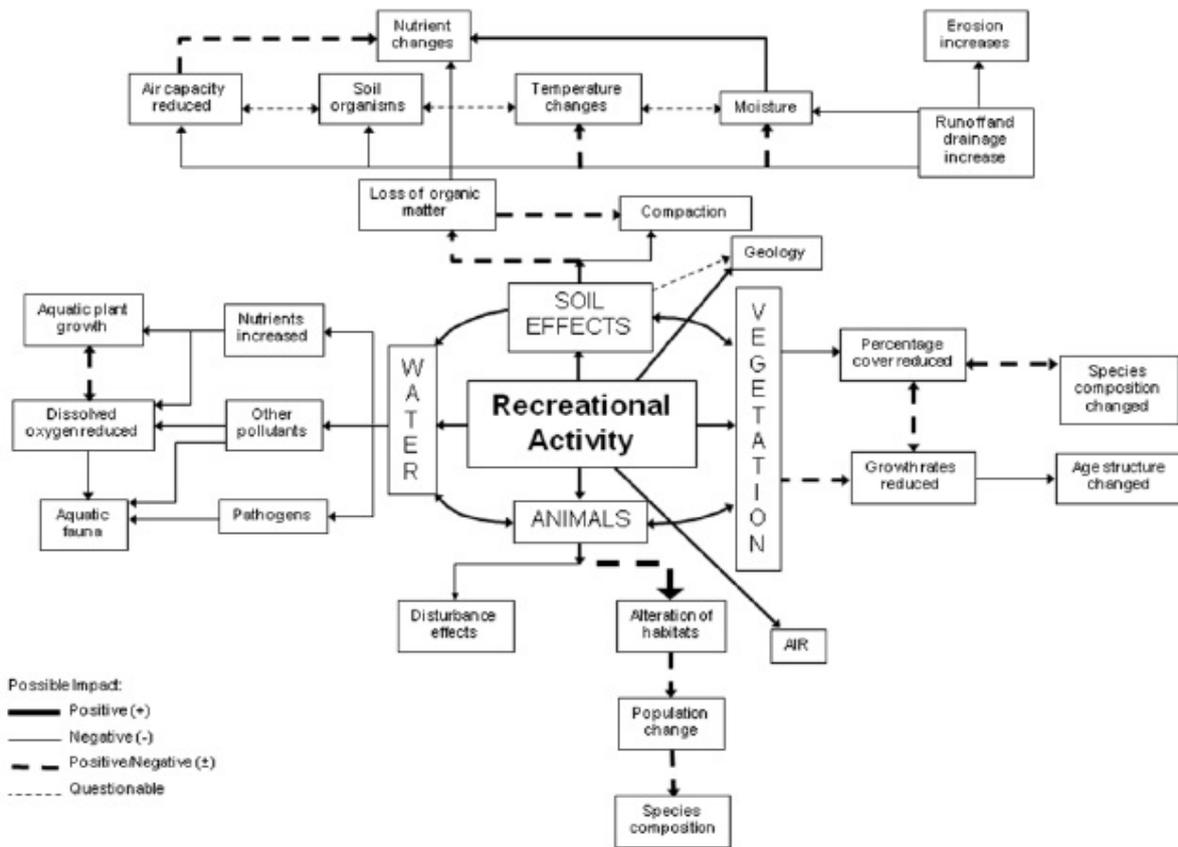
110. The key environmental conditions required to support site integrity comprise the following:

- Food availability (small fish, crustaceans, worms and molluscs, seed bearing plants, surface and sub-surface invertebrates)
- Vegetation structure
- Limited disturbance

Annex C: Impact of Recreational Pressure

111. European protected sites are subject to different types of recreational pressure and have differing vulnerabilities. Studies across a range of species have shown that recreational effects can be complex with a range on interrelating impacts as demonstrated by the following diagram.

The following flow diagram shows the interrelationships between recreational impacts (adapted from Wall and Wright, 1977)



112. This section aims to outline the potential pathways by which increased recreational pressure could adversely affect the coastal European Protected Sites and associated qualifying species.

Durham Coast SAC

113. Durham Coast SAC supports the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. The species rich vegetation community of the cliffs is reliant upon the combination of sea spray, coastal winds, calcareous flushes and the dynamic nature of the cliffs with slippage of the soft limestone bedrock and overlying glacial drifts.

114. The formal description of the qualifying habitat type, in accordance with Annex I of the Habitats Directive is 'vegetated sea cliffs of the Atlantic and Baltic coasts.' Whilst the site is designated for a single interest feature, it is important to note that 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.

115. Increased recreational activity by foot or by vehicle can lead to trampling of qualifying vegetation, erosion and soil compaction. This in turn can lead to the reduction in vegetation cover and the overall health of species in addition to changes to species composition. Walkers with dogs also contribute to pressure on sites through nutrient enrichment via dog fouling.

116. Durham Coast SAC's vegetated sea cliffs are of very limited extent and in some cases only a few metres in width and are highly vulnerable to the impacts from the passage of walkers, horse riders and cyclists. These plant communities are fragile and already under high environmental stress, from among other factors, drought, thin soils and natural sub-aerial erosion. Though highly susceptible to such wear the habitats location on generally steep slopes or dangerous cliff edges, are by their position relatively safe. However, there are some localities where the sea cliff plant community is adjacent to or even on the inland side of the coast path, such as Blackhills Gill, Horden, Beacon Point and Noses Point, but here there is a surfaced footpath that directs and in most parts, confines walkers to the route. There are however many other desire line, and footpaths, some linking back to the main towns along the coast, especially evident at Crimdon, Blackhall Colliery, and Castle Eden Dene in addition to heavy and sustained walking pressure, especially along the coast path.
117. Many studies on the effects of trampling, by feet, horses, cycles and vehicles and on the impacts of soil enrichment including dog fouling are cited in the literature. A useful compendium of this varied research is given in the Natural England (formerly English Nature) commissioned reports relating to the implementation of the Countryside and Rights of Way Act (Lowen et al, 2008, Penny Anderson Associates, 2001). For example, the commissioned report into the effects of access on foot identified that; impacts are greater on wet ground or steep slopes; sensitive species disappear on and beside paths with impacts extending up to 50 metres on either side of the path and about 400 passages per year can result in 50% loss of cover and species.⁴⁹
118. Findings from a variety of experiments and research, and in various localities also support the view that low productivity turf (eg. Magnesian limestone/calcareous grassland) is more prone to trampling than more productive grassland and that recovery from such damage is slower. Even with quite modest pressure it can result in changes in plant composition, reduction in biodiversity, reduction in soil invertebrates, and in soil compaction. Even where diversity appears to be maintained, there can be a shift to more resilient and generalised species rather than the characteristic species of calcareous grassland.
119. In addition to trampling effects, low nutrient sites, typical of many semi-natural habitats including limestone grassland, are especially susceptible to the addition of fertilizer. Sources include atmospheric deposition (mainly nitrogen and ammonia), agricultural run off and dog faeces and urine (phosphorus and nitrogen). Studies show that the eutrophication effects of faeces and urine can impact upon overall species composition and diversity⁵⁰. For example, at Burnham Beeches National Nature Reserve over one year the total amount of urine was estimated at 30 000 litres and faeces at 60 tonnes⁵¹.

⁴⁹ Penny Anderson Associates (2001) Scientific research into the effects of access on nature conservation: Part 1: access on foot. Natural England Commissioned Report NECR012

⁵⁰ Asken Ltd and Penny Anderson Associated Ltd (2005) Dogs, access and nature conservation Natural England (formerly English Nature) Reports Number 649

⁵¹ Barnard, A. (2003) Getting the Facts - Dog Walking and Visitor Number Surveys at Burnham Beeches and their implications

120. In respect of the Coastal SPA sites an increase in recreational activity through both local visitors and tourism by foot or by vehicle is considered likely to increase levels of disturbance to qualifying features and may increase trampling of eggs. Human activity can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas *etc.*) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death.
121. Recreational activity will often result in a flight response (either flying, diving, swimming or running) from the animal that is being disturbed. This carries an energetic cost that requires a greater food intake. Concern regarding the effects of disturbance on wintering birds, stems from the fact that they are expending energy unnecessarily and the time they spend responding to disturbance is time that is not spent feeding.⁵² Disturbance of winter birds therefore risks increasing energetic output while reducing energetic input, which can adversely affect the 'condition' and ultimately survival of the birds at a time when food is scarce. In addition, displacement of birds from one feeding site to others can increase the pressure on the resources available within the remaining sites, as they have to sustain a greater number of birds.
122. Disturbance can also affect roosting birds over high tide periods when the birds' feeding grounds are submerged, again putting a demand on energy reserves. These impacts can affect winter survival, particularly during periods of cold weather. In addition, displacement of birds from one feeding/roosting site to another can increase the pressure on the resources available within the remaining sites, as they have to sustain a greater number of birds. Increased nest predation by natural predators can also occur as a result of adults being flushed from the nest and deterred from returning to it by the presence of people and dogs, leading to an overall reduction in breeding success.
123. A number of studies have also shown that birds are affected more by dogs and people with dogs than by people alone, with birds flushing more readily, more frequently, at greater distances and for longer.⁵³ This is because fast-moving and loud disturbances such as the running and barking of unleashed dogs is generally thought to be more disturbing.⁵⁴
124. In relation to the qualifying species of the SPA's, in their assessment of the England Coast Path, Natural England acknowledge that Purple Sandpiper and Turnstone could be sensitive to increased access to the rocky shore habitats they use for foraging and roosting and that waders like Turnstone can be very sensitive to disturbance from recreational activity and

⁵² Riddington, R et al. 1996 The impact of disturbance on the behaviour and energy budgets of Brent geese Bird Study 43:269-279

⁵³ Gill, J.A. et al. The consequences of human disturbance for estuarine birds RSPB Conservation Review 12:67-72.

⁵⁴ Burger, J. (1981) The effects of human activity on birds at a coastal bay Biological Conservation 21: 231-241

especially dogs. Natural England also acknowledge that as with overwintering birds generally, the response to disturbance is highly variable between sites, even within species and the same species may demonstrate different responses or exposure to disturbance at different times.⁵⁵

125. In relation to Little Tern, these tend to nest in colonies on open beaches (either sand or shingle) and there are a range of studies indicating clear impacts of disturbance, with disturbance affecting both the nesting distribution (Ratcliffe et al. 2008) and breeding success (Medeiros et al. 2007, 2012). Disturbance has also been suggested as a reason for population declines of Red Knot (KL Borgmann 2010) and in the presence of people, birds such as the Redshank, (Curlew and Oystercatcher) will significantly delay their arrival times at low water feeding sites with departures from these feeding sites significantly earlier for the Redshank and Oystercatcher when disturbed (Fitzpatrick and Bouchez, 1998) reducing the time available for feeding. Sandwich Tern very easily desert a breeding site and move to a new area if disturbed in any way (Cullen, 1960).

⁵⁵ Natural England (2018) Appraisal of possible environmental impacts of proposals for England Coast Path – The Wash: Sutton Bridge to Gibraltar Point and Natural England (2017) Access and Sensitive Features Appraisal – Coastal Access Programme: South Bents to Amble. Please note it was not possible to locate a similar report for the North Gare to South Bents section which covers the Durham Coast.