DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0664/23/FUL
Proposal: Resurfacing of existing car park at Souter Lighthouse
Location: Souter Lighthouse, National Trust
Coast Road
Whitburn
SR6 7NH

Site Visit Made: 09/11/2023

Relevant policies/SPDs

Whitburn Neighbourhood Plan

1 WNP Policy WNP3 - Sustainable Design and Construction

2 WNP Policy WNP6 - Green Infrastructure Enhancement and Connectivity

3 WNP Policy WNP7 - Local Landscapes and Seascapes

4 WNP Policy WNP12 - Sewage and Drainage Infrastructure

Local Development Framework

5 LDF CS EA1 - Local Character and Distinctiveness

6 LDF CS EA2 - The Coastal Zone

7 LDF CS EA3 - Biodiversity and Geodiversity

8 LDF CS EA5 - Environmental Protection

9 LDF CS ST2 - Sustainable Urban Living

10 DM1 - Management of Development

11 DM6 - Heritage Assets and Archaeology

12 DM7 - Biodiversity and Geodiversity Sites

13 SPD3 - Green Infrastructure Strategy

South Tyneside Local Plan - Emerging Policy

14 LP Policy SP1 - Presumption in favour of Sustainable Development

15 LP Policy SP2 - Strategy for Sustainable Development to meet identified needs

16 LP Policy SP3 - Spatial Strategy for sustainable development

17 LP Policy 3 - Pollution

18 LP Policy 4 - Contaminated Land and Ground stability

19 LP Policy SP15 - Climate Change

20 LP Policy 7 - Flood Risk and Water Management

21 LP Policy 8 - Flood Risk Assessment (FRA) and Drainage Strategy

22 LP Policy 12 - Coastal Change

23 LP Policy SP21 - Natural Environment

24 LP Policy 33 - Biodiversity, Geodiversity and Ecological Networks

25 LP Policy 34 - Internationally, Nationally and Locally Important Sites

26 LP Policy 37 - Protecting and Enhancing Open Spaces

27 LP Policy 39 - Areas of High Landscape Value

28 LP Policy SP24 - Heritage Assets

29 LP Policy 44 - Archaeology

30 LP Policy 47 - Design Principles

Description of the site and of the proposals

Planning permission is sought for the resurfacing of the existing car park at Souter Lighthouse. The car park is located to the south of the Souter lighthouse complex and to the northwest of the newly constructed Coastal Conservation Centre. The application site is located off the A183 Coast Road between South Shields and Whitburn.

The existing car park was constructed in 1989 and was installed with a compacted aggregate. The applicant has advised that several repairs have been carried out to maintain the area for use as a car park to serve visitors to Souter Lighohuse and Whitburn Coastal Park and the Leas.

The proposal would include resurfacing of the existing car park, there would be no expansion to the footprint of the car park and the parking bay numbers will remain consistent. As such, 58 car parking spaces would be provided, 2 disabled bays, 2 bus bays and a cycle parking bay with cycle storage (approved under application ST/0856/19/FUL and relevant planning conditions). The proposal also includes two small areas of grassland which would be used for the installation of new soakaways.

The current car park has a variety of finishes, tarmac and loose stones of differing colours. The proposal would include a Dense-graded Bituminous Macadam (DBM) surface which would match the current road surface leading to the car park. The car park would include a kerbed perimeter and lined bays. Drainage proposals are also included (2no. new soakaways) to improve drainage with an existing soakaway being retained. Road gully and catchpit details have also been provided.

On the Local Development Framework (LDF) Site Specific Allocations proposals map, the application site is located within designated Green Belt, Great North Forest, and Recreational Open Space. Within Supplementary Planning Document (SPD) 3 'Green Instructure Strategy' it is part of the Coastal Corridor open space which is of 'District' importance. It is also within the Coastal Change Management Area.

The application site would be located within / adjacent to the setting of the following heritage assets:

- Grade II* listed 'Souter Point Lighthouse and Attached Buildings';
- Grade II listed 'Souter Point Lighthouse Foghorn to East of Lighthouse and Steps and Walls to East of Lighthouse;
- Grade II listed 'Walls Extending from Mill Lane Around the Lighthouse and Linked Buildings'; and
- Marsden Lime Kilns Scheduled Monument.

The application site is in close proximity to European designated sites, namely the Durham Coast Special Area of Conservation (SAC) (which is approximately 140 metres to the east), and the Northumbria Coast Special Area of Protection (and worldwide Ramsar Site) is positioned approximately 1.72 km to the north and 1.37 km to the south of the application site. It is located within close proximity to the nationally designated Durham Coast Site of Special Scientific Interest (SSSI) (which is approximately 140 metres to the east). It is located in close proximity to local designations namely The Leas Candidate Local Wildlife Site (170 metres), Marsden Lime Kilns Candidate Local Wildlife Site (110 metres to the north west), Marsden Quarry Candidate Local Wildlife Site (within 100 metres), and Kitchener Road Candidate Local Wildlife Site (within 300 metres). A wildlife corridor is also positioned to the east.

In support of the application the applicant has submitted the following:

- Design and Access Statement including Planning and Heritage Statement.
- Ecology and method statement.
- Drainage details, including drawings and soakaway and rainfall calculations.
- Accompanying drawings.

Planning History

Planning permission was granted (ref: ST/0856/19/FUL) for the construction of a proposed Coastal Conservation Centre at the Whitburn Coastal Park, Whitburn (the WCCC).

Planning permission was subsequently granted (ref: ST/0595/22/FUL) for the installation of services to the previously approved Whitburn Coastal Conservation Centre (WCCC), with associated trenching and electric and data supplies for the new centre, including the replacement of an existing septic tank with below ground sewage pumping chamber to serve the existing Souter Lighthouse complex and the WCCC.

Planning permission was granted (ref: ST/1183/15/FUL) for the installation of 2 no. pay and display car park machines. The proposal would not impact upon the location and retention of these machines.

Publicity / Consultations **(**Expiry date: Site notice expiry date 17/11/2023 and Neighbour notification expiry date 16/11/2023 **)**

1) Neighbour responses

None

2) Other Consultee responses

Environmental Health – contaminated land
No comments in relation to land contamination

Local Highway Authority
No issues arise from the proposal.

The details of the application have been examined and are considered acceptable, the Highway Authority therefore has no objections to the proposal.

Whilst this car park is remote from the adopted highway the dropped kerb detail shows a 10mm face of kerb, which does not comply with Inclusive Mobility / Equality Act 2010 compliance for disabled users and is required to be 0-6mm.

Countryside

The following initial comments were received:

Comments relate to its potential to impact on biodiversity including designated sites; statutorily protected species; and priority species and habitats listed in the UKBAP and/or Durham BAP.

The applicant has submitted no specific documents relating to ecology to inform their application however an ecology section is included within the below, other submitted documents will be used to form a full response but may not be listed below:

- Design and Access Statement & Heritage Statement. National Trust. Uploaded 14th September 2023.

A brief statement relating to ecology is included within the Design and Access Statement and the second paragraph states that all work will be within the existing car park with no removal of grassed or other vegetated areas adjacent the site. Similarly, the third paragraph states no adjacent habitats will be lost or impacted. This is incorrect as the soakaways, gullys, inspection chambers and catchment pits will impact the surrounding grassland which is comprised of either amenity grassland or species rich neutral grassland. No information has been provided on where these grasslands are so it is not possible to determine if works are situated in the lower biodiversity value amenity grassland however as both habitats are common and widespread, the mix of temporary and permanent impacts is not considered significant.

It is stated within the third paragraph that impacts on any species of note are likely to be negligible and limited to species crossing the site – no species are named. There are several breeding ponds used by amphibians within Whitburn Point LNR (specifically toads – a priority species under Section 41 of the NERC act and thus a material consideration for planning), with toads being recorded within the vicinity of the car park (as per studies undertaken to inform the Coastal Conservation Centre). This has not been adequately considered. Gullys, inspection chambers and catchment pits pose entrapment risks during construction and operation phases.

The risk to amphibians from the construction process and operational drainage infrastructure must be considered. Justification as to how the design prevents potential entrapment and harm to these species must be provided or a redesign of features to be installed should be undertaken. Works should be undertaken to a method statement (to be provided to the LPA for approval) which includes appropriate working methods related to amphibians and mammals such as leaving no open trenches, or if trenches must be left open - ramps should be placed within them to prevent entrapment.

Following the submission of further information, these subsequent comments were received:

- The applicant has taken regard of the evidence and moved gullypots as per the research findings.
- The applicant has set out a method statement to be followed during the construction phase to reduce potential impacts.
- A ramp is to be used to reduce the risk of entrapment but no specifics were provided. The ramp should be no less than 300mm in width and angled no greater than 45°. The ramp must be made of a non-slip material such as wood.

- Additionally, it would be beneficial for the applicant to check the drains daily for any species that may have become trapped. This should be done in the months immediately following installation, if anything is found, options to further reduce this risk should be sought.

Case Officer comment: The Council's Countryside Officer, has clarified that the method statement is suitable and a condition that the works be undertaken in accordance with it would be appropriate to reduce potential impacts. An informative to identify specific requirements for the ramp is recommended. A further condition is recommended requiring the submission of a risk assessment for the checking of drains and how often they should check drains in relation to the time of year and furthermore, that should species be found to be trapped the applicant must then submit details to further reduce the risk.

Lead Local Flood Authority (LLFA)
The following initial comments were received:

With regards the application, prior to approval the LLFA would need clarification on the following:

- Infiltration test results
- Soakaway design calculations (clarification on catchment areas for each soakaway)
- Drainage modelling software…mdx file

Following the submission of the above information, the following final comments were received:

The LLFA are satisfied with the information provide and approve the drainage design in line with the following drainage details;

- Proposed Drainage + Levels Souter/Carpark/Resurface_03_ Rev 1
- JCC24-001-C-DR-200-P1-Proposed-Engineering-Layout

Tyne and Wear Archaeology
A previous application for the construction of the Coastal Conservation Centre included a Heritage Statement by Mark Newman for National Trust North Region, which concluded that the site has very low archaeological potential due to its previous industrial use, remediation, and the subsequent creation of the country park (HER event 5459 report 2019/110). In addition, the applicant has provided a Design and Access Statement and Heritage Statement which states that a watching brief was maintained during groundworks prior to construction of the Whitburn Coastal Conservation Centre, which observed modern made ground to a depth of 2.7m. No archaeological work is therefore required for this application.

Historic England
Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. Recommend that you seek the views of your specialist conservation and archaeological advisers.

Historic Environment Officer
The National Trust has provided a robust heritage statement that explores heritage values and assesses significance.

I would agree with the Trust's assessment, *'… the proposals are appropriate to this setting, proportionate and overall will have a negligibly beneficial effect on the heritage values of the site. Its overall heritage significance – which is not high – will remain largely unaltered'.*

I am therefore supportive of the proposal.

Natural England

No objection subject to appropriate mitigation being secured.
Consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Durham Coast Special Area of Conservation, and, Northumbria Coast Special Protection Area and Ramsar site *https://designatedsites.naturalengland.org.uk/.*
- damage or destroy the interest features for which Durham Coast Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Submission of a Construction Environment Management Plan

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures as outlined in the appropriate assessment are appropriately secured in any planning permission given.

Natural England's response provides further advice on designated sites/landscapes and advice on other natural environment issues.

Whitburn Neighbourhood Forum
No response received

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The statutory development plan comprises the Whitburn Neighbourhood Plan (WNP) and the Council's adopted Local Development Framework (LDF) development plan documents. Adopted supplementary planning documents are capable of being material considerations in planning decisions.

The National Planning Policy Framework (NPPF), introduced December 2023 (and which replaced the July 2021 version of the same), is a material consideration in all planning applications.

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the

Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that were listed earlier in this report are not appraised in detail in the assessment set out below.

There is also a requirement for Marine Plans to be considered in relation to planning applications that affect England's marine areas.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty).

The main issues relevant to the determination of this application are:

- Impact on green belt;
- Impact on undeveloped coast;
- Impact on open space;
- Impact on heritage assets and archaeology;
- Design and visual impact;
- Impact on residential amenity;
- Impact on highway safety;
- Impact on contamination;
- Impact on drainage; and
- Impact on biodiversity.

Green Belt

Green Belt Policy Context

On the adopted South Tyneside Local Development Framework (LDF) Site Specific Allocations proposals map, the application site is located within Green Belt. LDF Core Strategy Policy EA1 seeks to conserve the best qualities of South Tyneside's built and natural environment with Criterion B stating the need for the Council to protect and enhance the openness of the Green Belt.

Paragraph 142 of NPPF (December 2023) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 of NPPF states that Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 154 of NPPF states that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt, subject to certain exceptions including e.g. b) the provision of appropriate facilities (in connection with the existing use of the land) for outdoor sport; as

long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; and

Paragraph 155 lists certain other forms of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Green Belt Assessment

Given that the proposal is for the resurfacing of an existing car park that serves the Souter Lighthouse complex including the newly constructed Whitburn Coastal Conservation Centre (WCCC) and the wider Whitburn Coastal Park, firstly it must be determined whether or not the proposed works fall under an exception listed within Paragraph 154 or 155 of NPPF. If the building operations cannot be considered as one of the exceptions, as defined by NPPF, they would be inappropriate development. Therefore, in order to be an acceptable form of development, the LPA would need to conclude that the 'other considerations' amount to 'very special circumstances' in the specifics of this case.

The applicant has stated that they consider the proposal would constitute the provision of appropriate facilities for outdoor sport and recreation (NPPF paragraph 154 exception b) and would not constitute inappropriate development. The development proposed relates to an existing car park and does not extend beyond the current car park footprint. The proposal relates to resurfacing and an engineering operation to the existing car park. The applicant has therefore stated that they consider the development would preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.

The Local planning Authority concurs with the applicant's statement on Green Belt in so far as the proposal would meet an exception as defined in paragraph 155 of the NPPF and that the development would preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. The proposal would therefore accord with national policy and adopted South Tyneside LDF Core Strategy Policy EA1.

Undeveloped Coast / Coastal Erosion

On the adopted South Tyneside LDF Site Specific Allocations proposals map, the application site is located within the undeveloped coast. LDF Core Strategy Policy EA2 seeks to reinforce the coastal zone as a strategic multi-purpose corridor, with Criterion A stating the need to conserve and enhance the character of the undeveloped coast as a high quality natural environment and resource for biodiversity and outdoor recreation.

The proposal would ensure the continued provision of car parking to serve the Souter Lighthouse complex and Whitburn Coastal Park and The Leas. As such, this would continue to provide a facility that would conserve and enhance the character of the undeveloped coast as a high quality natural environment and resource for biodiversity and outdoor recreation. The works themselves would be located within the existing car park area and set sufficiently inland from the coast. The Council's Environmental Protection Officer has raised no objections to the proposal in relation to coastal erosion.

Given the above, it is considered that the proposal would conserve the character of the undeveloped coast and have no unacceptable impacts in relation to coastal erosion. It would therefore accord with adopted South Tyneside LDF Core Strategy Policies EA2.

Open Space

The application site forms part of Whitburn Coastal Park which is designated as Strategic Recreational Open Space on the adopted South Tyneside LDF Site Specific Allocations proposals map. It is part of the Coastal Corridor, and a 'District' site in the hierarchy of parks and formal other spaces. Paragraph

9.13 of Supplementary Planning Document (SPD) 3 'Green Infrastructure Strategy' states that 'District' sites are large with the potential to attract visitors from outside the Borough, and as such they have potential to be developed into flagship destination sites that contribute to wider tourism within the Borough.

The Whitburn Neighbourhood Plan identifies the importance of green spaces for recreational use, their biodiversity and historic interest. Policy WNP6 supports development proposals which restore, maintain and enhance the connectivity and biodiversity value, landscape value and where relevant, recreational value of the areas of local green infrastructure. The Neighbourhood Plan identifies that consultations have shown residents considerably value the existing green spaces and support the designation of these spaces as Local Green Spaces. Green spaces contribute to the health and wellbeing of the community, by providing access to nature and an opportunity to exercise.

Whitburn Neighbourhood Plan policy WNP7 (Local landscapes and Seascapes) seeks proposals that support the conservation of the coastal areas.

The Whitburn Neighborhood plan proceeds to state, (paragraph 5.30) that '*Coastal landscapes are highly valued. These coastal parts of the Neighbourhood Area are designated for their nature conservation and biodiversity value, and the significance of these designations is reflected in the policies in this section. The coastal area is also an important area for recreation*.'

Paragraph 103 of NPPF states that existing open space, sports and recreation buildings on land should not be built on unless:

a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
c) The development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.

As identified above, the proposed development would not develop a new car park, rather resurface an existing car park, which has been operational for a considerable time. As such the proposal would not result in the loss of open space within the Whitburn Coastal Park. The works would have no material impacts on the quality and amenity value of the open space, with mitigation and reinstatement of grass / turf, which, as described in greater details below, would be subject to planning condition requiring works are carried out in accordance with the approved Method Statement.

It is considered that the proposal would accord with adopted South Tyneside LDF Core Strategy Policy SC6, and the associated SPD3, adopted South Tyneside LDF Site Specific Allocations Policy SA7 and policies WNP6 and WNP7 of the Whitburn Neighbourhood Plan.

Heritage Assets and Archaeology

The proposed development includes resurfacing works to the existing hard surfaced car park, which currently has a mixture of surface treatments. No alterations to the fabric of the listed building would be undertaken.

The proposed works would be positioned within the setting of the Grade II* and Grade II listed buildings associated with Souter lighthouse, and within the setting of the Marsden Lime Kilns Scheduled Monument (albeit over a considerable distance). The applicant's Heritage Statement concludes that the proposal would have no unacceptable impacts on any built heritage assets.

Historic England and the Council's Historic Environment Officer has been consulted on the application and has advised that there would be no impact on heritage significance.

In terms of the proposed works, the Tyne and Wear County Archaeologist has been consulted on the proposed development and has advised that the previous planning application for the construction of the Coastal Conservation Centre included a Heritage Statement, which concluded that the site has very low archaeological potential due to its previous industrial use, remediation, and the subsequent creation of the country park (HER event 5459 report 2019/110). In addition, the submitted Design and Access Statement and Heritage Statement for this application, states that a watching brief was maintained during groundworks prior to construction of the Whitburn Coastal Conservation Centre, which observed modern made ground to a depth of 2.7m. As such, no archaeological investigation will be required in association with this application.

Given the above, it is considered that the proposed works would not undermine the significance of the heritage assets or impact on archaeological deposits and remains and it is therefore considered the proposal would accord with adopted South Tyneside LDF Development Management Policy DM6.

Design and Visual Impact

The application site is positioned in a sensitive location (as explained above). Whitburn Neighbourhood Plan policy WNP7 (Local landscapes and Seascapes) identifies that development proposals should include consideration to the impact of the development on the character of the local landscape. Locally important landscapes include Whitburn Coast, and coastal areas (amongst others) and seeks proposals that support the conservation of the coastal areas.

The proposed works would be contained to an existing hard surfaced car park area. There is variance across the car park area currently, with differing surface treatment (both finish and colour) and there are areas of standing surface water. Although the proposed surface treatment would differ to the existing, it is considered that the proposal would introduce continuity, providing one coherent surface treatment, which would match that of the adjoining access road. As such, the works themselves would have a minimal impact post construction. New soakaways are proposed adjacent to the car park with areas of turf replaced, as set out within the submitted method statement. Conditions are recommended in this regard.

Subject to these conditions it is considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (A and C) and policy WNP7 of the Whitburn Neighbourhood Plan.

Residential Amenity

The resultant surface treatment would be visible from the surrounds, including neighbouring properties however, the development would be resurfacing an existing car park rather than introducing a new use or hard surface area and therefore will not substantially alter the existing position. Given the nature of the proposals and given separation distances between the proposal and nearest residential properties, it is considered that it would have no unacceptable impacts on the amenities of the occupiers of neighbouring properties. It considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (B).

Highway Safety

The Local Highway Authority have raised no objections to the proposal. Advice has been provided in respect of dropped kerbs and an informative is recommended in this regard.

Subject to the above, it is considered that the proposal would accord with adopted South Tyneside LDF Core Strategy Policy A1 and adopted South Tyneside LDF Development Management Policy DM1 (G, H & I).

Contamination

The Council's Environmental Protection Officer has raised no objections to the proposal in relation to contamination. The proposal would resurface an existing car park and involve limited ground excavation works. It is considered that the proposal would therefore accord with adopted South Tyneside LDF Development Management Policy DM1 (M).

Drainage

Whitburn Neighbourhood Plan policy WNP3 identifies that support for proposals will be given which incorporate Sustainable Drainage Systems (SuDS) which maximise benefits for biodiversity and habitats whilst reducing impacts on the local drainage network. Whitburn Neighbourhood Plan policy WNP12 identifies that the net increase in wastewater generation and the impact on the local sewage and drainage network must be carefully considered in any new development proposal. The policy proceeds to identify that development will be supported where it is demonstrated that its surface water drainage will not add to existing site runoff or cause any adverse impact to neighbouring properties and the surrounding environment. Planning proposals will not be supported unless it can be shown by rigorous analysis that there is sufficient capacity in the local sewerage system and that any new connections will not increase the risk of system back up/flooding or cause any adverse impact to the neighbourhood area environment. The policy also refers to development incorporating Sustainable Urban Drainage (SuDS). The policy identifies that proposals which allow surface water drainage into the combined sewer system will only be supported if the developer can demonstrate that the proposal is unable to make proper provision for surface water drainage to ground, watercourses or surface water sewers.

The Council's Environmental Protection Officer (as lead local flood authority) has been consulted on the application and following receipt of further details requested, namely infiltration test results, soakaway design calculations (clarification on catchment areas for each soakaway) and drainage modelling software (mdx file), has raised no objections.

The proposal, which would replace existing hard surfacing to an existing car park would not add to existing site runoff or cause any adverse impact to neighbouring properties and the surrounding environment. Furthermore, as set out above, the proposal would retain an existing soakaway and provide an additional two soakaways.

It has been confirmed that the LLFA are satisfied with the information provide and approve the drainage design in line with the drainage details - Proposed Drainage and Levels Souter/Carpark/Resurface_03_ Rev 1 and JCC24-001-C-DR-200-P1-Proposed-Engineering-Layout. A condition is recommended to ensure that the works are undertaken in accordance with the submitted details.

Subject to the recommended condition, it is considered that the proposal would accord with Whitburn Neighborhood Plan policy WPN3 and WPN12, adopted South Tyneside LDF Core Strategy Policy EA5 and adopted South Tyneside LDF Development Management Policy DM1 (K).

Biodiversity

Ecology

The applicant's submitted Ecology information refers to a previous suite of survey work undertaken to inform the construction of the new coastal conservation centre. The information submitted to accompany this application considers the proposed works, mitigation and methodology.

The submission identifies that the grassland areas comprise semi-improved neutral grassland. This comprises very short mown grass areas, used as amenity grassland, and comprises the majority of the grassland type between the new coastal centre location and the lighthouse to the north. Although short

and regularly mown it does contain a number of indicator species of moderately rich neutral grassland. Although overall this area is moderately species-rich, it does vary and adjacent to paths and septic tanks the grass has less indicators present. In respect of grassland habitats small areas of amenity and semi-natural grassland habitat may be impacted by the proposed soakways. The submission identifies that apart from the catchpit chamber covers, the soakaway areas will retain the original topsoil and ideally original turf, and if so any permanent impacts will be minimal. Furthermore, the application identifies that semi-natural grassland habitats are valued locally and their retention through working methods will be prioritized.

The submission identifies the presence of a range of protected and important species; birds, bats, hedgehog and common toad.

In respect of birds, it is identified that the habitat (grassland) within the application area may provide some limited foraging opportunities for Schedule 1 birds, such as barn owl which have been recorded nearby, but due to the short nature of the grassland there is a very low likelihood due to this being closely mown for amenity purposes. There are no suitable buildings or nesting habitats for barn owls occurring nearby and so there is a negligible likelihood of any impact on nesting barn owls. It has been identified that no nesting birds would be impacted directly as no areas of trees or shrubs will be removed. There is potential for short-term disturbance of non-Schedule 1 nesting birds of local importance during construction, however this does not contravene any legislation and may not be significantly above the level of disturbance already occurring from visitors to the site.

In respect of bats, there are a small number of records of bats using habitats around the application site, and bats are considered to be of local value. It has been identified that no bat roosting habitats will be impacted, however temporary disturbance of very small areas of bat foraging habitat (improved and semi-improved grassland) could occur. However, it is concluded that the effect on bats would not be considered significant.

Records of hedgehog exist for this area, and hedgehog are considered of local value. The habitat impacts are not considered significant as grassland habitat is widespread in the local area. It is noted that hedgehog may wander through the site, particularly at night, and there is a high likelihood that hedgehogs might be impacted by certain construction activities.

Large numbers of common toad were found during former surveys, and this identified that they are particularly common in longer, rougher grassland areas. It is noted that the grassland areas where work is proposed are short mown for amenity purposes, and are likely to impact on toads with certain construction activities having potential to impact on toads.

The submitted information sets out proposed avoidance and mitigation measures. No specific mitigation is proposed for bats or birds due to the proposed late summer and autumn working window for the works, the presence of nesting birds (scrub or grassland) are unlikely and so the impact on nesting birds is considered to be negligible.

Construction activities for hedgehogs and common toads has been identified, with specific reference to excavation and leaving trenches open overnight, having potential to trap both hedgehogs and toads, as well as other small mammals and amphibians. The following mitigation is proposed:

- An ecological clerk of works (ECoW) will be appointed.
- Prior to commencement the ECoW will deliver a ‘tool box talk’ to site staff outlining their responsibilities with regard to toads, hedgehogs and other small animals.
- Contractors or ECoW will undertake a site walkover prior to each working day to check for toads and hedgehogs, particularly within any trenching or other excavation works. Any animals discovered during the search will be carefully relocated by, or under direct instruction of, the ECoW.

- There will be supervision of works provided by the ECoW during vegetation removal to ensure that there is no harm to toads. The supervision of vegetation removal will include a 'fingertip' search of all vegetation, rubble and other materials to check for the presence of hedgehog.
- Any trenches or excavations should ideally be opened and closed the same day, or if left overnight should have a ramp of earth or wood present to allow escape of toads, hedgehogs and other small animals.

Furthermore, the following general mitigation recommendations haven been made:

- During March to August (when hedgehog and amphibians are more active therefore resilient if disturbed), any other vegetation removal, soil stripping, excavation, re-profiling etc to take place under supervision of the ECoW.
- Where loose materials such as topsoil are stored, the stockpile will be smoothed to reduce the number of cracks/crevices and prevent access by animals into these cavities.
- Where any excavations are to be left overnight ramps should be left inside them to allow animals which may become trapped to easily escape.
- Care will be taken to ensure that chemicals used during construction are stored securely and that none is spilt on habitats present.
- Contractors will be made aware of the potential for finding animals, where any are encountered, work should stop immediately, the site foreman informed and a qualified Ecologist or ECoW. consulted on how to proceed.
- Where the ECoW is not present, animals will be photographed where possible so that their presence can be recorded and they can be identified by the ecologist without a site visit being necessary;
- Where any protected species are encountered and require relocation for their own safety this can only be undertaken under the direction of a qualified ecologist.

It has further been identified that drainage works will be modified to minimise negative impacts on amphibians. This will include moving all gullypots to at least 10 cm away from the kerb to minimise amphibian bycatch.

Mitigation in respect of grassland habitats has bene identified as follows;

- construction traffic shall avoid using grassland areas for movements and storage wherever possible to minimise compaction and poaching.
- areas of turf to be removed for construction of soakaways should be carefully lifted, and stored the in the correct orientation (turf side up), and then replaced in situ and carefully firmed back into place when works are completed to reinstate the grassland.

The Council's Countryside Officer has advised that the detailed measures are considered to be appropriate and sufficient to avoid and mitigate the adverse ecological impacts of the proposed scheme and to ensure habitats are re-established post works. It has therefore been recommended that the mitigation measures should be made a condition of any consent granted. A condition is therefore recommended in this regard. Natural England have also advised that mitigation is required and identify that a planning condition relating to the submission of a Construction Environment Management Plan be secured. Based on the recommendations of the Council's Countryside Officer, with mitigation measures as detailed within the document entitled 'Revised Ecology Comments and Method Statement' received 07/12/2023 being conditioned, it is considered that the requirements of Natural England have been adequately addressed and a separate CEMP condition is not necessary.

The Council's Countryside Officer has also identified that in respect of the methodology submitted this identifies that a ramp is to be used to reduce the risk of entrapment, however no specifics were provided. It has been advised that the ramp should be no less than 300mm in width and angled no greater than 45°. The ramp must be made of a non-slip material such as wood. The agent / applicant has been advised of this, however an informative is recommended to ensure this is noted.

The Council's Countryside Officer has also advised that it would be beneficial for the applicant to check the drains daily for any species that may have become trapped. It is advised that this should be done in the months immediately following installation, if anything is found, options to further reduce this risk should be sought. A condition has therefore been recommended in this regard.

It is considered that subject to the recommended conditions, that the proposal would accord with adopted South Tyneside LDF Core Strategy Policy EA3 and adopted South Tyneside LDF Development Management Policy DM7.

International Designated Sites and Nationally Designated Sites

There are two European designated sites in South Tyneside (designated under the European Habitats Directive 92/43/EEC); the Durham Coast Special Area of Conservation (SAC), and the Northumbria Coast Special Protection Area (SPA) which is also designated under the worldwide Ramsar Convention. The SAC is positioned approximately 140 metres to the east of the application site, and the SPA (and Ramsar site) is positioned approximately 1.72 km to the north and 1.37 km to the south of the application site.

The SAC is designated for the biodiversity value of the vegetated sea cliffs - the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. The conservation objective for the SAC as set by Natural England is as follows:

> "*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*
> - *The structure and function (including typical species) of qualifying natural habitats, and*
> - *The supporting processes on which the qualifying natural habitats rely*"

The SPA (and Ramsar Site) is designated for its internationally important coast bird population (purple sandpiper and turnstone). The conservation objective for the SPA as set by Natural England is as follows:

> "*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*
> - *The structure and function of the habitats of the qualifying features*
> - *The supporting processes on which the habitats of the qualifying features rely*
> - *The population of each of the qualifying features, and,*
> - *The distribution of the qualifying features within the site.*"

The Durham Coast Site of Special Scientific Interest (SSSI) is positioned approximately 140 metres to the east of the application site. Such national designations are notified under Section 28 of the Wildlife and Countryside Act, 1981 (as amended) for their special interests by reason of their flora, fauna, or geological or physiographical features. SSSIs are conserved not only for their intrinsic nature conservation and/or earth science value but also for their role in the network of nationally important sites. The Durham Coast SSSI is of considerable biological, geological and physiographic interest. It contains most of the Para maritime Magnesian Limestone vegetation in Britain, as well as a species-rich dune system, and supports nationally important numbers of wintering shore birds and breeding little terns which contribute to the internationally important populations of the north-east coast.

The European Habitats Directive is transposed into UK legislation through the Conservation of Habitats and Species Regulations 2017 hereafter called the Habitats Regulations. It is the role of the LPA as the competent authority to ensure that the requirements of the Habitats Regulations are met before deciding whether to grant planning permission. Therefore before deciding whether to grant permission for a proposal which "*is likely to have a significant effect on a European site*" (Regulation 63(1)(a) of the

Habitats Regulations), and which "*is not directly connected with or necessary to the management of that site*" (Regulation 63(1)(b) of the Habitats Regulations), the LPA must assess the implications for that site in view of that site's conservation objectives (stated above) – they must undertake a Habitats Regulations Assessment (HRA).

The LPA has undertaken a HRA to determine whether the proposal would likely have a significant effect on the SAC or SPA.

Given the comments from the Council's Countryside Officer, it is considered that the proposal would have no adverse impacts on the integrity of the SAC and SPA (and Ramsar site). However as advised by the Council's Countryside Officer, works should be carried out in accordance with the mitigation measures, as set out within the applicant's submitted document 'Revised ecology comments and Method Statement for ST/0664/23/FUL Souter Lighthouse received on 07/13/2023. It is therefore recommended that a condition be attached to any planning permission to require works to be undertaken in accordance with these measures.

Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process and have been consulted on the appropriate assessment undertaken. Natural England have advised that having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, that they concur with the assessment conclusions, providing that all mitigation measures as outlined in the appropriate assessment are appropriately secured in any planning permission given.

Subject to the compliance with the recommended condition, it is considered that the proposal would comply with the Habitat Regulations, and so in relation to its impact on the SAC and SPA (and Ramsar site) it would accord with adopted South Tyneside LDF Core Strategy Policy EA3 and adopted South Tyneside LDF Development Management Policy DM7.

Other matters

North East Inshore and North East Offshore Marine Plan (adopted June 2021)

There is a legal requirement for Marine Plans to be considered in all decisions that affect England's marine areas, under section 58 of the Marine and Coastal Access Act 2009.

The MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes. Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

This proposal, by virtue of its location, engages the need to consider the North East Inshore and North East Offshore Marine Plan (adopted June 2021). An assessment of the proposal against the marine plan has been undertaken and the proposal, subject to the suggested planning conditions is compatible with relevant policies.

Coastal Change Management Area

The application site falls within the Coastal Change Management Area (CCMA) as defined on the Site-Specific Allocations Policy Map.

Paragraph 172 of the National Planning Policy Framework (NPPF) (2021) states that development within a CCMA will be appropriate only where:

a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
b) the character of the coast including designations is not compromised;
c) the development provides wider sustainability benefits; and
d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

It is considered that the proposal is not in conflict with the above policy.

Summary

For the reasons detailed above, it is considered that the proposal would accord with national planning policy, South Tyneside Development Plan policy and the Whitburn Neighbourhood Plan. Subject to the discharge of / compliance with the recommended condition, it is considered that the proposal would be acceptable.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Proposed Engineering Layout Drg. no. C-DR-200 Rev P1 received 16/02/2024.

Proposed Layout Plan Drg. no. Souter-CarPark-Resurface-02 Rev A received 22/02/2024

Proposed Construction Details Drg. no. Souter-CarPark-Resurface-05 Rev0 received 14/09/2023

Proposed Drainage and Level Drg. no. Souter-CarPark-Resurface-03 Rev A received 22/02/2024

Proposed Drainage Details Drg no. Souter-CarPark-Resurface-04 Rev 0 received 14/09/2023

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The development hereby permitted shall be carried out in accordance with the drainage details contained within Proposed Drainage and Level Drg. no. Souter-CarPark-Resurface-03 Rev A received 22/02/2024 and Proposed Engineering Layout Drg. no. C-DR-200 Rev P1 received 16/02/2024.

To ensure that the discharge of surface water from the site does not increase the risk of flooding in accordance with Whitburn Neighbourhood Plan policies, WNP3 and WNP12, the NPPF, and South Tyneside Local Development Framework policies ST2 and DM1.

4 The development hereby permitted shall be carried out in accordance with the document titled Revised Ecology Comments and Method Statement received 07/12/2023. Unless otherwise exceptionally agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure no adverse impacts in the integrity of the Durham Coast Special Area of Conservation, the Northumbria Coast Special Protection Area (and worldwide Ramsar Site) and Durham Coast Site of Special Scientific Interest, and to ensure that the development does not harm habitats and encourages biodiversity in accordance with Whitburn Neighbourhood Plan policies WNP3, WNP5, WNP6, and WNP7, the NPPF and South Tyneside Local Development Framework policies EA3, DM1 and DM7 and the Wildlife and Countryside Act 1981.

5 No development shall take place until the following details have been submitted to and approved in writing by the local planning authority:
1. A risk assessment to detail the methodology, timings and frequency (in relation to the time of year), for drains to be checked for any species that may have become trapped.

All works shall be carried out in accordance with the approved details.

If species are found to be trapped, this must be reported in writing immediately to the local planning authority and within 4 weeks of this written notification, full details for a scheme of risk reduction, including timescale for implementation, shall be submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.

To ensure the development does not harm habitats and encourages biodiversity in accordance with Whitburn Neighbourhood Plan policies WNP3, WNP5, WNP6, and WNP7, the NPPF and South Tyneside Local Development Framework policies EA3, DM1 and DM7 and the Wildlife and Countryside Act 1981.

Informatives

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2 NOTE TO APPLICANT

Any ramp to be used to reduce the risk of entrapment, should be no less than 300mm in width and angled no greater than 45°. The ramp must be made of a non-slip material such as wood.

3 NOTE TO APPLICANT

Whilst this car park is remote from the adopted highway the dropped kerb detail shows a 10mm face of kerb, which does not comply with Inclusive Mobility / Equality Act 2010 compliance for disabled users and is required to be 0-6mm.

Case officer: Helen Lynch
Signed: Helen Lynch
Date:16/04/2024

Authorised Signatory: G.Horsman
Date: 17/04/2024

«END»