

Jessica Annan  
Planning Department  
Newcastle Council  
Civic Centre  
Newcastle upon Tyne, NE1 8PD

15 December 2015

Dear Jessica

**2015/1669/01/DET Installation of bird netting, angled sill plates and avishock system to tower, Tyne Bridge, Tower Lombard, Street Newcastle upon Tyne.**

The Natural History Society of Northumbria (NHSN) is a regional charity whose aims include the protection of the flora and fauna of the North East; a role that we have played for nearly 200 years. We are a membership organisation and I am responding on behalf of the 1,200 households who support us. NHSN is also a member of the Tyne Kittiwakes Partnership for which I am currently Chairman.

NHSN **objects** to this planning application on the following grounds:

**1. Negative impact on species of conservation priority / contrary to policy**

The application will exclude 116 pairs of Kittiwakes from nesting areas (based on survey of nests in 2015 breeding season). Kittiwakes have recently been added to the Red List of Birds of Conservation Concern due to a dramatic decline in their population in certain parts of the UK. These Kittiwakes form part of a breeding colony, the furthest inland found anywhere in the world, that occupies both sides of the Tyne and extends to nearby coastal areas. This proposal will cause significant disruption to the breeding colony which will cause some birds not to breed. Evidence from other netting schemes also suggests that Kittiwakes may become entangled and die, with the potential starvation of their chicks.

The applicant has not put forwards any mitigation to offset the disruption to the breeding colony, despite the obvious impact. This is contrary to national and local policies that aim to protect and enhance biodiversity, including:

Newcastle Biodiversity Action Plan aims to:

- *Secure or create nesting habitat for kittiwakes along the River Tyne to enable existing colonies to expand or move.*
- *Ensure existing kittiwake sites are protected.*

Newcastle/Gateshead Core Strategy policy CS18 Green Infrastructure and the Natural Environment:

*A high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife will be achieved by:*

*2. Protection, enhancement and management of green infrastructure assets which include:*

*i. Biodiversity and geodiversity assets, including designated sites, designated wildlife corridors and priority habitats and species;*

National Planning Policy Framework

*109: The planning system should contribute to and enhance the natural and local environment by:*

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

*118: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- if significant harm 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;*

The Natural Environment and Rural Communities Act (2006) places a duty on all public bodies to conserve biodiversity:

*40. Duty to conserve biodiversity:*

*(1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*

## **2. Will not solve the problem**

The Kittiwakes along the Tyne have been intensively studied since the 1950s. During this time they have been repeatedly displaced from buildings, mainly due to demolition in the post-industrial era but also, in some cases, in attempts to exclude them from buildings. In all cases the Kittiwakes have simply moved to adjacent buildings (or other parts of the same building). Kittiwakes are colonial nesting birds and have an incredibly strong instinct to nest within the colony – for this reason displacing them from one building (or part of a building) does not solve the problem.

The proposal put forwards will not stop Kittiwakes nesting around the abutment of the Tyne Bridge. The majority of the 116 pairs of birds (ie 232 individuals plus their young) will nest on other parts of the abutment and adjacent buildings – simply moving the problem next door.

The reason that so many Kittiwakes are nesting on and around the Tyne Bridge is because they have been moved from other buildings without any thought as to where they would go. We are aware that some businesses are unhappy with them on the bridge, however in the scheme of things they cause less nuisance there than if they were nesting on other properties in Newcastle quayside.

### **3. Negative impact on neighbouring business and residents**

We have described above what will happen if this scheme were to go ahead, namely that the majority of the 116 nesting pairs will move to adjacent buildings in Newcastle quayside. The nuisance that the applicant wishes to address through this application would be passed on to neighbouring businesses and residents. In other words this application would have a negative impact on business and residents.

This will lead to more complaints to the Council and more applications for netting and other deterrent measures. In each case the birds moving to the next building. It is unrealistic and undesirable to have the entire quayside covered in netting. Last year the fire bridge was called 3 times to rescue Kittiwakes tangled in netting on one quayside building. Quayside traders that we have spoken to have highlighted that dead birds in netting is not the impression that they want presented to visitors.

#### **Other points:**

##### **The long-term solution**

The Tyne Kittiwakes Partnership was formed in 2012, in part to try and find a long-term solution to this issue and to raise awareness of the importance of the Tyne Kittiwake colony and the need to protect it.

This Partnership includes representatives from Newcastle, Gateshead, South Tyneside and North Tyneside Councils, Newcastle University, NHSN, RSPB, Northumberland Wildlife Trust, Durham Wildlife Trust and individual researchers and ornithologists including one of the world's leading experts on Kittiwakes.

We have been working on this issue for 3 years. The solution is to create a new nesting site for Kittiwakes, in a location where they will not conflict with other land uses. The Kittiwakes would need to be attracted to this new site, which in the long-term would replace the birds nesting around the quayside. This type of project has been trialled successfully before and so we believe that it is feasible but it will require land, money and political will to make it happen and it will take time. Kittiwakes are wild animals and so there is also a high degree of risk in the project (ie the Kittiwakes cannot be made to move to a new home created for them).

The Tyne Kittiwakes Partnership have supplied the applicant with information about the work of the Tyne Kittiwakes Partnership to find a long-term solution to the problem and I met with them on 13 October (along with NE1 Ltd) to talk to them about this work and to explain that attempts to move the birds from one building were futile and would just spread the problem around the quayside. I encouraged the applicant to work with the Partnership to help press for a long-term solution to this issue. It is very disappointing to see them ignore this advice and pursue a self-interest agenda.

We hope that the reaction that this planning application has generated can act as a catalyst to take this project forwards and with the support of quayside business and residents.

##### **Kittiwakes as a visitor attraction**

The Kittiwakes on the Tyne are known throughout the UK and beyond. In recent years they have featured on BBC wildlife series' such as SpringWatch and in national nature magazines as part of Newcastle's urban wildlife offer. There is a social documentary film

about them and a children's book "Kitti the Toon" as well as leaflets and information panels. The strong public response against this application highlights that the Kittiwakes along the Tyne are popular with the public and visitors to the city. We have spoken to quayside traders who acknowledge that people visit the quayside to watch the birds and we know that at least one visitor requested a room at the Premiere Inn in order to overlook the Kittiwakes. Images of the Tyne Kittiwakes have won local photography competitions. The Baltic Art Gallery are promoting their Kittiwakes as part of their visitor experience.

The Kittiwakes give the NewcastleGateshead quayside a unique attraction which is appreciated by both residents and visitors. The Kittiwakes are temporary visitors to the city, only being present from March-August (outside this period they live at sea).

### **Newcastle City Council property**

The application is for work on a building that is not owned or leased by the applicant. The building is the responsibility of Newcastle City Council who can turn down the applicants request regardless of planning permission. We would encourage the Council to do so given that the Council's own Biodiversity Action Plan aims to:

- *Secure or create nesting habitat for kittiwakes along the River Tyne to enable existing colonies to expand or move.*
- *Ensure existing kittiwake sites are protected.*

And the Natural Environment and Rural Communities Act (2006) duty on all public bodies to conserve biodiversity:

*(1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*

### **Bird deterrent spikes installed without permission**

The applicant has already taken matters into their own hands by installing bird deterrent spikes on ledges on the north abutment of the Tyne Bridge, which is a listed building. This was done without permission and on the Council's property, which amounts to criminal damage. The Kittiwakes will return to nest in March and so we request that Newcastle Council takes immediate and swift action to ensure that the spikes are removed by the end of February.

### **Complaint about planning procedure**

We are concerned at the way this planning application was handled by the Council. The processing officer incorrectly filled in the application summary, failing to identify that there would be any ecological impacts arising from this application (as well as effecting a species of conservation concern the Kittiwake colony is part of the River Tyne Local Wildlife Site). As a result of this oversight the application had been on the Council's website for a week (and available for comment) without the Council's Ecologist or any other environmental organisation being aware of it. It was only the keen eye of a local journalist who spotted this and alerted people. The application summary did not list the Council's Ecologist as a consultee or Natural England. Clearly this is of concern and we would encourage the Council to ensure that planning staff are adequately trained to identify planning applications which have ecological impacts.

**Request to speak**

I would like to request that a representative of the Tyne Kittiwake Partnership speak at any hearing of this planning application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Littlewood', written in a cursive style.

James Littlewood  
Director