

South Tyneside
Local development
framework

Final Adopted
Version

SPD 5
Planning Obligations &
Agreements

October 2008



South Tyneside Council

The New Development Plan
for your Borough

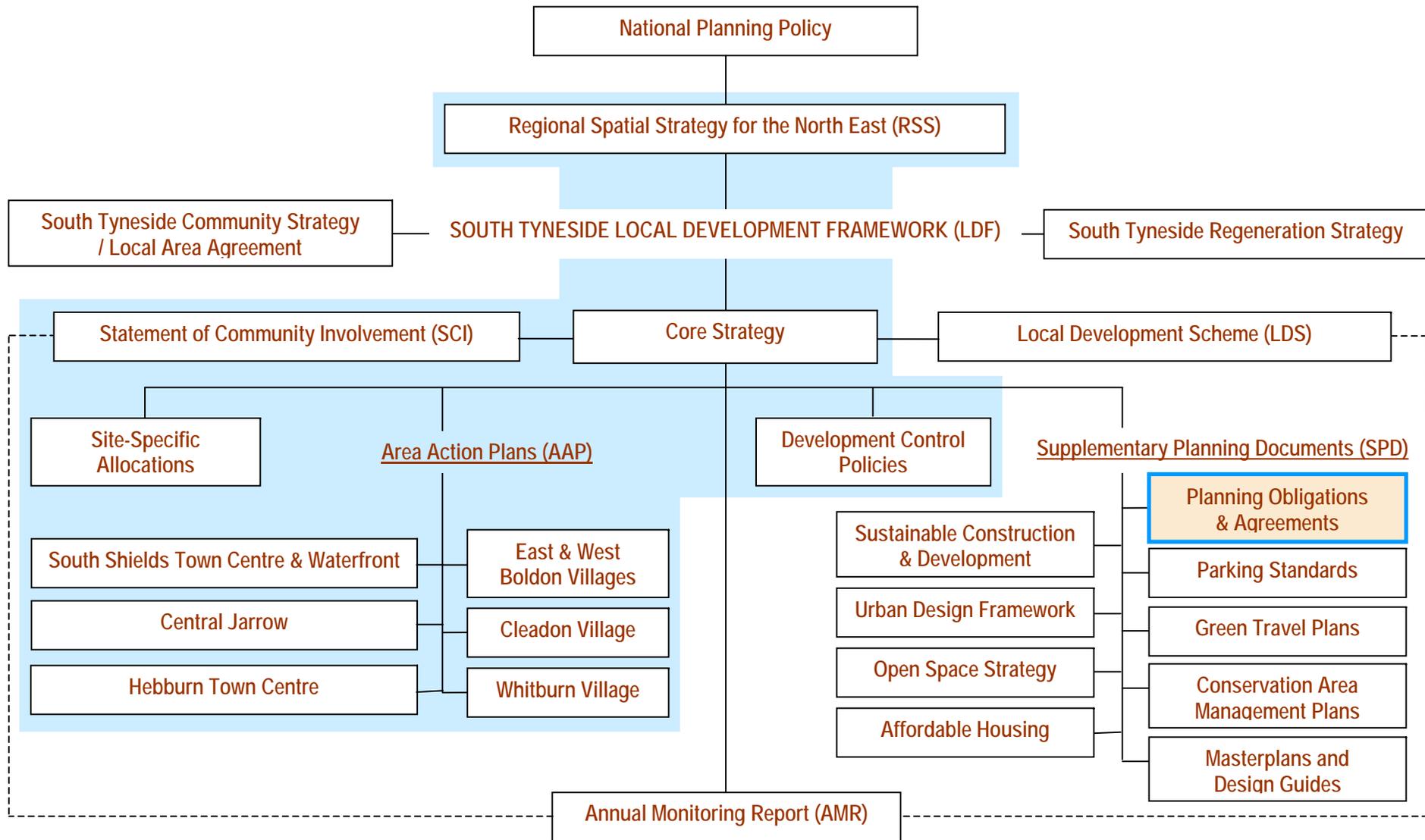
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SPD 5 Planning Obligations & Agreements

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Approved for adoption by the Interim Head of Regulatory Services on 10 October 2008

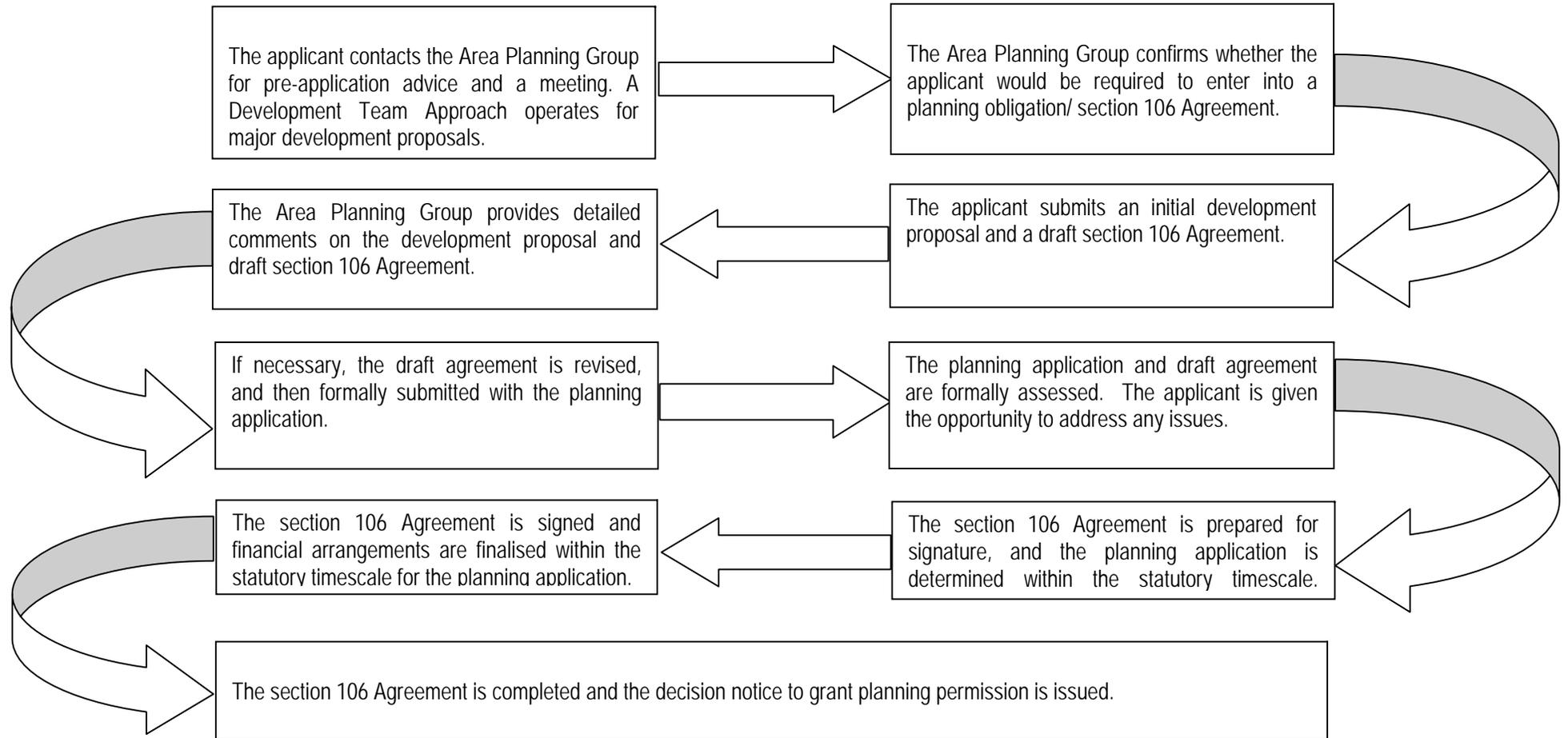
South Tyneside Local Development Framework – Family Tree



- the statutory Development Plan

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Figure 1: Recommended Process for the Preparation of Planning Obligations & Agreements



Section A: Introduction and Guidance

South Tyneside Local Development Framework (LDF)

Regional Spatial Strategy for the North East (RSS)

South Tyneside Unitary Development Plan (UDP)

The Town and Country Planning Act 1990

Circular 05/2005: Planning Obligations (ODPM, 2005)

What is a S106 Planning Obligation or Agreement?

A Section 106 Planning Obligation or Agreement is a legally binding agreement that secures a contribution (in cash or in kind) towards the provision of infrastructure, services and facilities necessary to support a proposed development. A contribution "in kind" means that a developer provides appropriate infrastructure, services or facilities rather than a financial contribution.

1. Introduction

- 1.1 Everything we do is about achieving "a better future for South Tyneside's people". That is our vision for the Borough. To deliver a better future, one of our big challenges is to make South Tyneside a place where people choose to live, work and visit. This means developing new and exciting buildings whilst preserving our beautiful coastline and countryside. It also means ensuring a quality range of homes, shops and businesses, parks and public spaces, all linked by an excellent transport system. All of these things need to be delivered through the planning system, and in particular the **South Tyneside Local Development Framework (LDF)**. This will guide the future development and use of land and buildings in the Borough over the next 10-15 years, and the LDF will replace the existing South Tyneside Unitary Development Plan (UDP).
- 1.2 This Supplementary Planning Document (SPD) provides developers, landowners, the community and the Council with guidance on the planning obligations or agreements that will be required to ensure that new development can be accommodated in the Borough, with acceptable impact and within the principles of sustainable development. A planning obligation, also known as a Section 106 agreement, is a legally binding agreement between a local planning authority and a person with an interest in the land (who may be known as a developer), and is usually negotiated in the context of a planning application. The agreement runs with the land, and may be used to make acceptable a development proposal, which would otherwise be unacceptable in planning terms.
- 1.3 Planning permissions may not be bought or sold. Where a planning obligation is judged to be necessary, it must be fairly and reasonably related in scale and nature to the proposed development, and there should be a functional or geographical link between the development and the developer contribution being sought. A planning obligation may be used to prescribe the nature of development but also to mitigate a development's impact.

Sustainability Appraisal and Appropriate Assessment

- 1.4 This Supplementary Planning Document has been assessed to see how well it meets a number of social, economic and environmental objectives. This is a process known as a Sustainability Appraisal, which is intended to help to improve the document, and the planning obligations that are secured as a result. The Sustainability Appraisal Report is included in this document at Appendix 1.

- 1.5 The content of this Supplementary Planning Document has been formally considered in relation to the requirement to undertake Appropriate Assessment of land use plans as set out under Article 6(3) and 6(4) of Directive 92/43/EEC on the Conservation of Natural Habitats and of wild Flora and Fauna (the Habitats Directive) and as translated into English law through Schedule 1 of the Conservation (Natural Habitats &c) (Amendment) (England and Wales) Regulations 2007 (Habitats Regulations).
- 1.6 This document provides additional information and guidance on adopted policies of the South Tyneside Local Development Framework Core Strategy, which were subject to Habitats Regulation Assessment during the preparation of the Core Strategy. Core Strategy Policy ST2 Sustainable Urban Living requires new development to incorporate biodiversity and geological features at the design stage, and Core Strategy Policy EA3 Biodiversity and Geodiversity secures and enhances the integrity of designated wildlife sites. Planning applications will be determined in accordance with these adopted policies, which safeguard biodiversity and geological interests. This Supplementary Planning Document does not introduce new policies or proposals for specific sites within the Borough, but seeks to provide generic guidance on the use of planning obligations and agreements.
- 1.7 The Council considers that the impact of this document would not detrimentally affect the protection of the integrity of Designated European Sites and further Appropriate Assessment is not required for this document, but Appropriate Assessment may be necessary for certain significant planning applications. At chapter 15, Biodiversity and Geodiversity, this document provides additional guidance on the planning obligations that may be appropriate to maintain and enhance biodiversity and geological interests in the Borough.

Consultation

- 1.8 This Supplementary Planning Document has been prepared in accordance with the Council's adopted Statement of Community Involvement (2006). A first draft of the document was issued for consultation in May 2007, and eleven representations were received in response. The comments received together with the Council's response were included in a revised draft of the Supplementary Planning Document, which was issued for consultation during July and August 2008, and included further research for the proposed planning obligation tariffs.
- 1.9 The Council's Statement of Consultation on the revised draft is included in this document at Appendix 2. The comments received on the revised consultation draft (July 2008) are included at Appendix 3, together with the Council's response and an explanation of the amendments that the Council has made to the final version of Supplementary Planning Document 5 on Planning Obligations & Agreements.

South Tyneside Local Development Framework:

- Local Development Scheme
- Statement of Community Involvement (adopted July 2006)
- Core Strategy (adopted June 2007)
- South Shields Town Centre & Waterfront Area Action Plan*
- Hebburn Town Centre Area Action Plan*
- Central Jarrow Area Action Plan*
- Site-Specific Allocations *
- Development Control Policies *
- SPD1: Sustainable Construction & Development (adopted August 2007)
- SPD4: Affordable Housing (adopted August 2007)
- SPD8: South Shields Riverside Regeneration Area*

(*Denotes this document is in draft or is yet to be produced)

South Tyneside Unitary Development Plan (1999)

2. Purpose of this Document

- 2.1 LDF Core Strategy Policy ST1, Spatial Strategy for South Tyneside, explains that the use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development. This Supplementary Planning Document provides developers, landowners, the community and the Council with further guidance on the planning obligations or agreements that will be required to ensure that new development can be accommodated in the Borough, with acceptable impact and within the principles of sustainable development.
- 2.2 The need for planning obligations should be identified and discussed at an early stage in the formulation of development proposals and land transactions. The Council's recommended process for these negotiations is illustrated in Figure 1 at the beginning of this document, and the Council will usually require a Section 106 agreement to be concluded prior to the grant of planning permission. The Council will make it clear when applicants will be required to enter into a planning obligation, and negotiations will be open and transparent.
- 2.3 This document sets out:
- The general principles to be considered;
 - The types of development that will be subject to planning obligations and agreements; and
 - The developer contributions that will be sought.
- 2.4 The current development plan comprises the Regional Spatial Strategy, adopted LDF documents, including the Core Strategy, and saved elements of the previous Unitary Development Plan. It includes policies and proposals relating to planning obligations and agreements, and relevant development plan policies are cross-referenced in appropriate sections of this document.
- 2.5 Other emerging and future development plan documents, including Area Action Plans, may contain site-specific requirements or refer to material considerations that will be relevant to planning obligation negotiations. Detailed site circumstances set out in the Council's masterplans, development agreements and development briefs, such as land reclamation or remediation requirements, will also need to be taken into account in S106 negotiations. South Shields Riverside Regeneration Area will be the subject of a separate Supplementary Planning Document 8, to be issued for further consultation later this year.

3. Planning Policy Framework

National Planning Context

The Town and Country Planning Act 1990

Circular 05/2005: Planning Obligations (ODPM, 2005)

Planning Obligations: Practice Guidance (DCLG, 2006)

Planning White Paper "Planning for a Sustainable Future" (May 2007)

The Planning Bill (November 2007/February 2008)

The Community Infrastructure Levy: (DCLG, January 2008)

The Town & Country Planning (Local Development) (England) (Amendment) Regulations 2008

- PPS1: Delivering Sustainable Development
- PPG2: Green Belts
- PPS3: Housing
- PPS9: Biodiversity and Geological Conservation
- PPS12: Local Spatial Planning
- PPG13: Transport
- PPG17: Planning for Open Space and Recreation
- PPS23: Planning & Pollution Control
- PPS25: Development and Flood Risk (Annex G)

What is a Unilateral Undertaking?

Circular 05/2005 explains that a developer may offer unilaterally to enter into a planning obligation. This may be appropriate in an appeal situation where there are planning objections, which can only be resolved by proposing a planning obligation.

- 3.1 The statutory framework for planning obligations and agreements is set out in Section 106 of the Town and Country Planning Act 1990. A planning obligation may restrict or regulate the development or use of land, either permanently or for a period of time as may be prescribed in the agreement. A planning obligation may require a sum or sums of money to be paid to the Local Planning Authority, and the Local Planning Authority may enforce an agreement made under Section 106 against parties to the agreement or any subsequent owners of the land, for the duration of the agreement.
- 3.2 The planning system should operate in the public interest and should aim to foster sustainable development, in order to provide homes, investment and jobs in a manner that positively contributes to the quality of the physical and built environment. Overarching planning guidance relating to the importance of creating sustainable communities is provided in Planning Policy Statement 1 Delivering Sustainable Development (PPS1). It emphasises the need for positive planning to achieve sustainable development objectives and promote proactive management of development. It also requires social inclusion, economic development, environmental protection and the prudent use of resources to be at the forefront of planning policymaking and implementation.
- 3.3 Government Circular 05/2005 on Planning Obligations provides detailed advice on the appropriate use of planning obligations. It explains that planning obligations may apply to all land uses and types of development, but they must satisfy the following five policy tests, and be:
 - Relevant to planning;
 - Necessary to make the proposed development acceptable in planning terms;
 - Directly related to the proposed development;
 - Fairly and reasonably related in scale and kind to the proposed development; and
 - Reasonable in all other respects.
- 3.4 Planning obligations negotiated under Section 106 can be made by agreement or by a unilateral undertaking. They may be used to prescribe the nature of the development, to secure a financial contribution from a developer for a planning purpose, or to mitigate the impact of a development. They can also help to ensure that a development complies with local, regional and national planning policies.

- 3.5 In more detail, planning obligations:
- May restrict the development or use of land, require specific operation or activities to be carried out, require land to be used in some specified way, or require cash payments to be made;
 - May be either positive, as in requiring a person to do a specified thing, or negative, as in restricting a person from using land in a specified way;
 - May be entered into either by agreement with the local authority or by an undertaking with the developer to which the local planning authority is not a party (such as unilateral undertakings in appeal cases);
 - Must be entered into by means of a Deed (which may later be varied if necessary);
 - Must be entered as a local land charge (for the purposes of the Local Land Charges Act 1975);
 - Run with the land and may be enforced not only against the person entering into the planning obligation, but also against successors in its title; and
 - May be enforced by means of injunction, or the local authority may enter the land and carry out works and recover reasonable expenses.
- 3.6 The Government published further good practice guidance on the use of planning obligations in 2006. The guidance includes case study examples to illustrate how local planning authorities, developers and others are working together to deliver planning obligations effectively. It provides local planning authorities and developers with practical tools and methods to help improve the development, negotiation and implementation of planning obligations. The case study examples help to inform policy and practice rather than provide a template to be adopted by all local planning authorities.

On Site or Off Site Provision

- 3.7 Circular 05/2005 recommends that infrastructure, facilities and services that are required by a planning obligation should be provided on site, as far as possible. The Council will require affordable housing to be provided on site, unless exceptional circumstances prevail. Detailed guidance on this matter is set out in Supplementary Planning Document 4: Affordable Housing, and summarised in chapter 13 of this document.
- 3.8 However, if it is not feasible or appropriate to make provision on site, the Council will seek a financial contribution towards the provision of infrastructure, facilities and services at an appropriate alternative location. The Council's policy on play facility provision is to focus upon the delivery of larger borough-wide play facilities and community/neighbourhood play facilities. Planning obligations for the provision of children's play facilities will therefore usually be negotiated as commuted sums, and delivered off site. See chapter 9 of this document for detailed guidance on Recreational Open Space, Children's Play Facilities and Sports Facilities.

Community Infrastructure Levy

- 3.9 A new Planning Bill was published in November 2007. It provides further details on the planning reforms outlined in the 2007 Planning White Paper, and explains proposals for a new Community Infrastructure Levy (CIL). The Planning Gain Supplement will no longer be pursued, and the Government hopes that the new levy will “establish a better way to increase investment in the vital infrastructure that growing communities need” and should ensure that development is delivered in a more sustainable way. Government guidance issued in January 2008, notes that land values will typically increase with the grant of planning permission, and developer contributions may reasonably be sought without removing the incentive to develop.
- 3.10 Detailed Regulations will allow local Councils to apply a Community Infrastructure Levy (CIL) to new developments in their areas in order to support infrastructure delivery. At this stage it is intended that Councils will have the option to apply a CIL. The Government will set out what is meant by “infrastructure” in the Regulations, and will have a reserve power to cap the amount of CIL an authority may raise. The CIL should be ‘plan led’ and based upon a costed list of infrastructure projects that will be needed to sustain new development, and robust arrangements will be put in place for the independent testing of the proposed levies. For this Supplementary Planning Document, the Council has assessed the strategic transport infrastructure needs arising from major proposed developments included in the emerging Local Development Framework (see chapter 8, Strategic Transport Improvements).
- 3.11 The draft Regulations are likely to be published for consultation in autumn 2008, and the Government’s provisional timetable for publication of the final Regulations is spring 2009. Prior to the introduction of the new discretionary levy (CIL), it is important for the Council to publish its own Supplementary Planning Document to provide guidance on the use of planning obligations and agreements in the Borough.
- 3.12 It is not anticipated that affordable housing will come within the scope of the new levy, and planning obligations should continue to be used to enable affordable housing to be delivered in the Borough. The Council has already adopted Supplementary Planning Document 4 on Affordable Housing, and this provides detailed guidance on the use of planning obligations and agreements for the provision of affordable housing in South Tyneside in support of adopted LDF Core Strategy Policy SC4.

Regional Spatial Strategy for the North East (RSS)

South Tyneside Local Development Framework (LDF)

South Tyneside Unitary Development Plan (UDP)

www.southtyneside.info/planning/strategic/ldf

South Tyneside LDF Core Strategy
Policy ST1: Spatial Strategy for South Tyneside

The spatial strategy for South Tyneside, is to:

- A regenerate the River Tyne and coastal corridors including the Tyne Gateway at South Shields;
- B support development that reflects the scale and functions of the main towns of South Shields, Jarrow and Hebburn;
- C promote opportunities along the A19 Economic Growth Corridor;
- D ensure the sustainability of our settlements by reducing the emissions which cause climate change and adapting to its effects; and
- E maximise the re-use of previously developed land, in the built up areas.

Key principles include securing mixed-use development, promoting accessibility, and ensuring that development maximises the community benefits of regeneration, whilst avoiding or minimising environmental impacts and congestion and safeguarding natural and cultural assets.

The use of planning obligations is essential in delivering this overall strategy.

4. The Development Plan

- 4.1 The statutory development plan comprises the Regional Spatial Strategy for the North East (RSS), adopted South Tyneside Local Development Framework (LDF) documents including the Core Strategy, and saved policies from the South Tyneside Unitary Development Plan. The LDF Core Strategy sets out the strategic policies and proposals against which all planning applications for development will be assessed. In particular, Core Strategy Policy ST1: Spatial Strategy for South Tyneside, promotes the principles of mixed-use development and accessibility and seeks to ensure that development maximises the community benefits of regeneration but avoids or minimises any adverse environmental impacts, congestion or harm to natural and cultural assets. In order to deliver this overall spatial strategy for sustainable development, it is considered that the use of planning obligations is essential to ensure that developers make a fair and reasonable contribution towards infrastructure requirements, and mitigate any adverse impacts of their development proposals.
- 4.2 The Council's timetable for production of LDF documents is set out in the South Tyneside Local Development Scheme. The following documents have been prepared to date:
- Statement of Community Involvement (adopted July 2006)
 - Core Strategy (adopted June 2007)
 - Hebburn Town Centre Area Action Plan (to be adopted October 2008)
 - South Shields Town Centre and Waterfront Area Action Plan (to be adopted November 2008)
 - Central Jarrow Area Action Plan (Publication draft October 2008)
 - Site Specific Allocations (Preferred Options draft December 2007)
 - Supplementary Planning Document 1: Sustainable Construction & Development (adopted August 2007)
 - Supplementary Planning Document 4: Affordable Housing (adopted August 2007)
 - Conservation Area Management Plans (4 Supplementary Planning Documents adopted in August 2007)
- 4.3 Saved policies from the Unitary Development Plan will remain valid, and will continue to be used in determining planning applications until the Council adopts replacement Development Plan Documents and other relevant Supplementary Planning Documents.

5. Types of Planning Obligation Contribution

5.1 There are a number of types of contribution that may be required:

- “In kind” and financial contributions;
- One-off payments and phased payments;
- Maintenance payments; and
- Pooled contributions.

A clear audit trail will be required in all cases. Any payments made to the Council under a planning agreement that are not used for the agreed purpose within an agreed timescale will normally be returned to the developer.

In Kind and Financial Contributions

5.2 Planning obligations may be fulfilled in kind where the developer builds something, or provides it directly. Alternatively, a financial contribution can be made. In some cases a combination of both options may be agreed.

5.3 When considering individual planning applications, the Council will agree with the developer the appropriate type of contribution to be made. This will depend upon the type, scale and nature of the development proposed, and the location of the site. If a previously approved development scheme is revised, and this changes the infrastructure or service requirements, it will then be necessary to amend the planning obligation agreement.

Payments of Contributions

5.4 Financial contributions may be required as a single payment upon commencement of development, but there may be some circumstances where phased payments will be more appropriate, and the Council will set out the stages when payment or contributions will be required, for example after a certain number of residential units have been completed. This will be agreed with the developer at the outset.

5.5 The Council will use the retail prices index excluding mortgage interest payments to determine appropriate price increases for the costs given at 2008 prices in this Supplementary Planning Document.

What is a commuted sum?

A commuted sum is a sum of money paid to cover the future capital or maintenance costs of certain infrastructure, services or facilities that are proposed to be adopted and maintained at public expense.

Maintenance Payments

- 5.6 The Council will require maintenance payments to be made for infrastructure, services or facilities that have been provided through planning obligation agreements. The maintenance period will be agreed with the developer, and will be time-limited.
- 5.7 Community facilities provided through a planning obligation agreement, which are intended for community use such as public open space, will normally require a one-off payment or “commuted sum” to cover the Council’s future maintenance costs, for an agreed period of time.

Pooled Contributions

- 5.8 It may be appropriate to pool contributions from more than one development and/or across more than one local authority, for example to provide measures to improve the local and strategic highway network. Circular 05/2005 advises that where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for several developers’ contributions to be pooled. It also states that where development has an impact, but does not immediately warrant the provision of new infrastructure, the Council may seek contributions for specified future community infrastructure.
- 5.9 In South Tyneside, it is likely that pooled contributions will be sought to help fund the infrastructure that will be needed as a result of planned major regeneration proposals in South Shields, Hebburn and Jarrow town centres and the South Shields Riverside Regeneration Area. Detailed masterplans or development briefs will demonstrate the need for supporting infrastructure, and developer contributions will be negotiated through planning agreements.
- 5.10 Where a number of developments are required to contribute to the provision of infrastructure, facilities or services the financial contribution will be paid into a fund held by the appropriate Council service provider. This may be relevant for example where a financial contribution has been negotiated to improve the frequency of buses along a particular route or where a contribution to a community play facility or borough wide play facility is agreed.

6. Negotiation and Monitoring of Section 106 Agreements

- 6.1 The Council encourages planning applicants to engage in pre-application discussions with the Area Planning Group, and where a planning obligation is deemed necessary, early discussions will be encouraged in accordance with Figure 1 at the beginning of this document. For major development proposals, the Area Planning Group operates a multi-disciplinary Development Team Approach to assist developers in delivering their proposals. Early discussions may help to clarify issues at the start of the negotiation process, and ensure that the planning application is determined within statutory timescales.
- 6.2 The Council's validation requirements explain that planning applications that generate a requirement for a planning obligation should be accompanied by a statement that contains draft heads of terms, and the ownership and contact details necessary for the planning obligation to be progressed. It will therefore be appropriate for draft heads of terms or draft S106 agreements to be negotiated prior to the submission of a planning application, and then formally submitted with the planning application. The Council has included a model S106 agreement for affordable housing in its Supplementary Planning Document 4: Affordable Housing.
- 6.3 The Council will aim to negotiate S106 agreements as quickly as is reasonably possible, and conduct discussions in a manner that is fair, open and rational. If appropriate details and supporting information are not included with the planning application, planning permission may be refused, on the grounds that the proposal is unacceptable in planning terms. Applicants should also be aware that having a draft planning agreement in place would not prejudice the final decision of the Council on the planning application.
- 6.4 The planning applicant will usually be expected to pay the Council's reasonable legal and administrative costs incurred in the preparation of a S106 agreement, and this will be declared at the start of negotiations.
- 6.5 The Council considers that it is reasonable to ask developers to contribute towards the cost of infrastructure, facilities and services that will be needed as a result of their development. The Council sets out in this Supplementary Planning Document what will be required from developers in the form of planning obligations. All negotiations over planning obligations will have regard to the guidance contained in Circular 05/2005 (summarised in chapter 3 of this document), the specific details of the development proposal and the viability of the scheme. In particular, the Council will seek to secure a fair and reasonable developer contribution, without removing the incentive for new development taking place in the Borough. In some circumstances, it may be appropriate for parties to engage independent expert mediators to assist with the negotiation of detailed planning obligations.

Validation requirements

The Validation of Planning Applications in Tyne & Wear can be viewed on the Council's website at: www.southtyneside.info and: http://www.southtyneside.info/search/document_view.asp?mode=8&pk_document=16692

Viability

The gross development value of a site will usually be the product of the build cost of the development (including essential infrastructure and any abnormal costs), the developer's profits, overheads and interest payments and the residual land value of the site.

Planning Obligation Thresholds

- 6.6 Where a large site is brought forward in separate applications, by one developer, the overall size of the site may be used to calculate whether the thresholds for submitting developer contributions are triggered.

Cross Boundary Issues and Partnership Working

- 6.7 There may be cases where the impact of new development within the jurisdiction of adjoining local authorities will affect areas within South Tyneside. When notified of developments that may have an impact on the delivery of services by South Tyneside Council, the authority will negotiate with the appropriate local authority and seek contributions from the developer accordingly. In these cases, the Council will expect a planning agreement to include a clause to allow money to be transferred directly to the appropriate Council budget.

Monitoring of Planning Obligations

- 6.8 The monitoring of planning obligations will be undertaken by the Council to ensure that all obligations entered into are complied with, on the part of both the developer and the Council. Appropriate action will be taken where planning obligations are not being met. In exceptional circumstances, and where a particular scheme involves a complex legal agreement with numerous obligations, or where the nature of the planning obligation involves prolonged monitoring over a considerable period of time, then the Council will expect a monitoring contribution to be made. These costs will be negotiated on a site-by-site basis, to cover specific costs and will be included in the terms of the planning agreement.
- 6.9 The Council will maintain a planning obligations and agreements database. Monitoring reports will be produced from this database detailing information relating to the agreements entered into, the financial contributions received and the completion of proposals funded from financial contributions. The monitoring process will track the spending of financial contributions once they have been received, and will provide an assurance that developer contributions have been spent in full and appropriately.

Section B: Planning Obligation Tariffs

- 8. Strategic Transport Improvements
- 9. Recreational Open Space, Children's Play Facilities and Sports Facilities

Section C: Site Specific Requirements

- 10. Transport, Parking and Traffic Management
- 11. Employment and Training
- 12. Social and Community Facilities
- 13. Affordable Housing
- 14. Public Realm, Public Art, Heritage and Conservation
- 15. Biodiversity and Geodiversity
- 16. Water and Sewerage Infrastructure

Supporting Technical Papers

Supporting technical papers for the planning obligation tariffs for strategic transport improvements and children's play facilities can be viewed at the Planning Local Development Framework pages at: www.southtyneside.info/planning/strategic/ldf

Major planning application

A major planning application is classed as 10 dwellings or more and 1,000sqm gross floorspace or more.

7. Use of this Supplementary Planning Document

- 7.1 Government guidance and legislation encourages local authorities to set out in their Local Development Frameworks the likely contributions they wish to seek through planning obligations and, where appropriate, a tariff or formula for calculating the scale of contributions to be requested.
- 7.2 Sections B and C of this Supplementary Planning Document set out the planning obligations that the Council will require from developers. The topics covered reflect South Tyneside's planning and regeneration objectives and the key principles contained in the Sustainable Community Regeneration Strategy and Local Area Agreement. The chapters are arranged to follow the order of the key themes in the South Tyneside Local Development Framework, which are: Improving Accessibility; Delivering Economic Growth and Prosperity; Delivering Sustainable Communities and Capitalising on our Environmental Assets.
- 7.3 Section B explains the Council's planning obligation tariffs for strategic transport improvements and for children's play facilities. It also informs developers that there may be circumstances in which planning obligations for provision and enhancement of playing pitches and provision of public open space may be sought. Section C sets out other types of obligations that may be required to address site-specific issues (chapter headings are listed here in the margin). The guidance contained in this Supplementary Planning Document must be taken into account when planning applications are submitted to the Local Planning Authority, to ensure that new development within the Borough is genuinely sustainable, and is accommodated with acceptable impact.
- 7.4 This Supplementary Planning Document will be regularly reviewed in order to take account of development activity in the Borough and local priorities for community infrastructure provision. The Council will also continue to prepare needs based evidence to support the development of further planning obligation tariffs, for example for sports facility provision, prior to the planned introduction of the Government's Community Infrastructure Levy.
- 7.5 The Council will regularly review the developer contribution rates set out in this document in order to reflect market conditions and inflationary price increases. Full consultation will be carried out when the Supplementary Planning Document is proposed for review.

Section B: Planning Obligation Tariffs



PPG13: Transport (2001) has 3 key objectives:

- To promote more sustainable transport choices for people and for moving freight;
- To promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- To reduce the need to travel, especially by car.

Tyne and Wear Local Transport Plan 2006-2011

Transformation and Regeneration Proposals in South Tyneside: Transportation Study (JMP Consulting, June 2006)

Transformation and Regeneration Proposals in South Tyneside: Transportation Study Supplementary Report (JMP Consultants Ltd, May 2008)

See also chapter 10 regarding site-specific transport, parking and traffic management contributions.

8. Strategic Transport Improvements

Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development.

LDF Core Strategy Policy A1: Improving Accessibility

The Council will support public transport, walking and cycling initiatives that maximise the accessibility of new development. Particular focus will be given to the regeneration of areas along the riverside corridor, including South Shields, Jarrow and Hebburn town centres. Public transport improvements will also be promoted and encouraged within the Borough, and beyond the Borough boundary, along the A19 Economic Growth Corridor and the wider Tyne and Wear City Region. Transport Assessments will be required for any major development proposal, in order to assess the potential impact of additional vehicular and pedestrian trips upon the local and strategic highway network and public transport system.

- 8.1 LDF Core Strategy Policy A1 sets out the Council's priorities for improving accessibility within the Borough, and across the wider region and key growth areas. The Council plans to make sure that the key regeneration areas of the Borough are accessible and well connected by sustainable transport links, so that travelling by public transport, cycling and walking is convenient and reduces reliance upon the car. It is also important to provide efficient transport links between South Tyneside and the wider Tyne and Wear City Region in order to ensure good access to employment opportunities, shopping, leisure and culture available outside of the Borough.
- 8.2 Growth areas along the riverside are currently connected by a multi-modal transport corridor that includes Metro, bus routes, a road network and facilities for pedestrians and cyclists. New development in this corridor will be linked to the Metro system, bus routes and town centres with attractive cycle routes and footpaths. The Tyne and Wear Metro system will undergo a significant improvement programme; with increased rail capacity between Pelaw and Jarrow, and the feasibility of additional metro stations at Monkton, High Lane Row and Mill Lane in Hebburn is being investigated. Bus services in the Borough will be improved so that they are linked to new development sites, and made more attractive to use.

Transformation and Regeneration Proposals in South Tyneside: Transportation Study (JMP Consulting, June 2006)

Transformation and Regeneration Proposals in South Tyneside: Transportation Study Supplementary Report. (JMP Consultants Ltd, May 2008)

List of modelled sites (20 in total):

1. South Shields
 - 1a) Wouldhave House
 - 1b) Barrington Street
 - 1c) Station Road/Commercial Road
 - 1d) Mile End Road
 - 1e) Central Library and Car Park
 - 1f) Land to the West of Fowler Street
 - 1g) Asda Superstore, Ocean Road
 - 1h) Land to the Rear of Tedco II Business Centre
2. South Shields Riverside Regeneration Area
5. Jarrow Riverside
7. Hebburn Town Centre
13. South Foreshore at Gypsies Green
14. Pier Parade, South Shields
15. Land at River Drive (SAFT)
17. Westoe College Site, South Shields
18. Priory Road/Curlew Road, Jarrow
19. Cambridge Avenue, Hebburn
20. Land at School Street, Hebburn
21. Land at Argyle Street, Hebburn
22. Former Hawthorn Leslie Shipyard, Hebburn

Note: the original study numbered sites from 1-12. Some of these sites have been discounted and new sites added to the study. For example, Site 16 was allocated to land to the back of Fowler Street, which is now included in the list of South Shields sites. In total, 20 potential development sites were assessed.

- 8.3 Work has commenced on the Second Tyne Tunnel, and planned improvements to the A19/A184 Testos roundabout will help to improve accessibility along the A19 Economic Growth Corridor, between South East Northumberland and Doxford Park in Sunderland. Improved sustainable transport links are also programmed to support this growth area, including the A19 Stephenson Jobs Link and further improvements to the Shields Ferry.
- 8.4 JMP Consultants Ltd (Transport Consultants and Engineers) completed a transportation study for the Council in 2006 titled "Transformation and Regeneration Proposals in South Tyneside". The study assessed the combined and cumulative transport implications of projected major development proposals and regeneration initiatives in South Tyneside over a 15-year period. The consultants found that whilst the impacts of future development on the highway network may be relatively small on an individual site-by-site basis, the cumulative effects of these impacts on the highway network would be significant and result in a lack of transport choices. Congestion in some cases could inhibit the commercial viability of local businesses and have a harmful impact upon local amenity. The study recommended a realistic combination of measures, which included improvements to road links, and junctions on the highway network, public transport improvements and the provision of new and improved cycling and footpath routes.
- 8.5 The original study modelled 12 potential development sites and generated trips for each in order to assess the implications of new development on the existing highway network and public transport systems. JMP obtained Transport Assessments (TAs) for developments where the Council had received planning applications, and where Transport Assessments were not available the latest TRICs* database was interrogated to generate development traffic. New sites have come forward during the preparation of LDF Area Action Plans and the Site Specific Allocations Development Plan Document, and some of the original list of sites have been developed or are no longer relevant (for example the Tyne Wear Park). JMP were commissioned in late 2007, to complete a supplementary transportation study (to the original report) to model an updated list of potential development sites, to provide an evidence base for a developer contribution tariff for strategic transport improvements, and to further examine the potential for cluster travel plan/area travel plan approaches in South Tyneside.
- 8.6 The supplementary transportation study was completed in May 2008, and examined development profiles and trip generation for a sample of 20 potential development opportunity sites. These sites are listed in the margin. The report acknowledges that a number of strategic transport improvement schemes are proposed for the Borough. These include the A19 New Tyne Crossing, which is funded through a Public Private Partnership and the construction of a grade-separated junction at the A19/A184 Testos Roundabout now programmed to commence in 2012 and put forward as a contender for Major Scheme funding from Regional Funding Allocations.

* TRICS® is the system that challenges and validates assumptions about the transport impacts of new developments. It is the only national (UK and Ireland) trip generation and analysis database, containing trip generation data and site information for over 2,800 sites. Trip rates are based upon land use, size and location.

The Transformation Study identified the impact of anticipated new development traffic on key junctions and links on the highway network and current/future capacity issues. A range of hard and soft improvement measures have been proposed to mitigate against this impact and have been costed accordingly.

- 8.7 The consultant's original Transformation and Regeneration Study (2006) identified estimated costs for highway improvement measures, enhancement of public transport services and improvements to the pedestrian and cycling networks in South Tyneside, which would be necessary to accommodate anticipated future traffic growth. As part of the recent supplementary work completed in 2008, the proposed strategic transport improvements have been updated to reflect the revised list of potential development sites included in the modelling exercise.
- 8.8 The total estimated cost of the proposed improvement measures is £2,022,600, and includes proposed highway improvements at a cost of £1,064,600, proposed public transport improvements at £500,000 and proposed pedestrian and cycle improvements at £458,000. The costs have been estimated at 2008 prices, and are based on previous similar works in the region. The estimated costs do not include any costs that may be incurred for works to public utility apparatus. A full breakdown of the recommended improvement measures and estimated costs is included in the consultant's supplementary report, which can be viewed on line as a supporting technical paper to this Supplementary Planning Document at: www.southtyneside.info/planning/strategic/ldf
- 8.9 Works to Testos Roundabout are estimated by the consultant's to cost £15 million, the Metro Reinvigoration Project which includes the dualling of the Jarrow to Pelaw line is estimated to cost approximately £14.4 million over a five year period, and the development of Monkton Fell Metro Station is estimated to cost £3.5 million. Funding secured from Local Transport Plan bids will be used to meet the Council's costs of investment in strategic transport improvements, which stem from overall increases in transport demand across the Borough. However, the Council considers that it is reasonable to seek a developer contribution towards the cost of investment in off site strategic transport improvements, which has arisen as a result of new development taking place, through the use of planning obligations.

Calculation of Developer Contributions for Strategic Transport Improvements

- 8.10 New development is likely to increase travel demand and place a strain on existing transport infrastructure. In contributing towards the cost of transport facilities or services, a developer can mitigate or compensate for the impact of a new development proposal, and the potential problem of unsustainable growth can be addressed at an early stage. JMP compared the methods used by a number of local authorities for the calculation of developer contributions. The consultants found that some local authorities adopt a very simplistic calculation methodology, whilst others use a complex set of variables based on type and size of development but with sliding scales dependent on location and proximity to specific measures. In comparison with other local authorities in England, the Council's tariff is reasonably modest and has been set with regard to the local economy and viability of sites in the Borough.

8.11 The developer contribution methodology for South Tyneside uses three basic variables:

- type of development;
- size of development (gross floor area or developable hectares); and
- location within the Borough.

The variable for different types of development, such as residential, food retail, non-food retail and office use means that appropriate trip generation rates are used for calculating the increased burden on roads and community facilities. The scale of development is measured in numbers of dwellings for residential development, and gross floor area for other land uses such as retail and office developments.

8.12 The Borough has been divided into four zones for the purpose of the developer contribution calculation. The town centres of South Shields, Hebburn and Jarrow are judged to be the most accessible via public transport, cycling and walking and therefore the most sustainable development locations, requiring modest developer contributions for strategic transport improvements. The cost of offsetting the demands of new trip generation in more peripheral areas of the Borough, where there is less public transport provision, will be greater and this is reflected in the tariff. The four location zones are:

- South Shields;
- Hebburn and Jarrow;
- Edge of Settlement; and
- Out of Settlement / Urban Fringe

(This includes the urban fringe villages of Whitburn, Cleadon, East Boldon, West Boldon, and Boldon Colliery).

8.13 The details of the developer contribution tariff are provided in Table 8.1 on the next page. Developer contributions will be used to fund the costs of identified strategic transport improvements (which may include highway improvement measures, enhancement of public transport services and improvements to pedestrian and cycling networks) in South Tyneside relevant to the particular development proposal, and judged to be necessary to accommodate anticipated future traffic growth. The tariff does not cover the provision of transport infrastructure that would be required to connect a new development site to the adjacent local network, as these works will be required as part of the agreed development scheme (possibly as part of a S278 Highways Act agreement) and these costs are expected to be borne by the developer. Guidance on the Council's requirements for site-specific transport, car and cycle parking and traffic management is set out in chapter 10 in section C.

Table 8.1: Developer Contribution Tariff and Thresholds for Strategic Transport Improvements

Use Class	Contribution Rates				Minimum Thresholds	
	South Shields	Hebburn & Jarrow	Edge of Settlement	Out of Settlement/ Urban Fringe	Min size	Unit
	£/sqm (except C3)	£/sqm (except C3)	£/sqm (except C3)	£/sqm (except C3)		
A1 food shops	15	30	60	150	250	sqm
A1 non- food shops	8	16	32	80	800	sqm
A2 financial & professional services	2.5	5	10	25	1000	sqm
A3 restaurants & cafes	1	2	4	10	300	sqm
A4 drinking establishments	1	2	4	10	300	sqm
A5 hot food takeaways	1	2	4	10	250	sqm
B1 business (a) offices not A2	2.5	5	10	25	1500	sqm
B1 business (b) and (c)	1	2	4	10	1500	sqm
B2 general industrial	1	2	4	10	2500	sqm
B8 storage or distribution	0.5	1	2	5	3000	sqm
C1 hotels	2.5	5	10	25	2500	sqm
C2 residential institutions	1	2	4	10	1000	sqm
C3 dwelling houses (£ per dwelling)	50	100	200	250	50	dwellingings
D1 non-residential institutions	1	2	4	10	500	sqm
D2 cinemas and concert halls	5	10	20	50	500	sqm
D2 sports and casinos	2.5	5	10	25	500	sqm
Sui generis	to be negotiated	to be negotiated	to be negotiated	to be negotiated	N/A	N/A

Source: Transformation and Regeneration Proposals in South Tyneside. Supplementary Report, May 2008. JMP Consultants Ltd

The minimum thresholds applied are taken from the indicative thresholds for transport assessments included in the Department for Transport (DfT) Guidance on Transport Assessments (March 2007)

The contribution rates proposed in 2008 will be regularly reviewed to take account of market conditions and appropriate inflationary price increases

Application of the Developer Contribution Tariff

- 8.14 The developer contribution tariff gives a standard charge in £ per sqm or £ per dwelling based upon the location of the development and the land use proposed. Minimum thresholds are specified by use class, and for example, all planning applications for 50 dwellings or more, and use class A1 food shops of 250sqm gross floor area or more will be required to make a financial contribution towards strategic transport improvements.
- 8.15 The following hypothetical scenarios are provided as guideline examples of the strategic transport tariff:

Use Class	Location zone	Floorspace/dwellings	Contribution rate	Tariff
A1 food shops	Hebburn	3,000sqm	£30 per sqm	£90,000
A1 non-food shops	South Shields	4,000sqm	£8 per sqm	£32,000
B1 (a) business	Jarrow	5,000sqm	£5 per sqm	£25,000
C3 dwelling houses	Edge of Settlement	100 dwellings	£200 per dwelling	£20,000
D2 cinemas/ concert halls	South Shields	2,000sqm	£5 per sqm	£10,000

- 8.16 The consultants studied development profiles for the 20 potential development sites in South Tyneside, and calculated developer contributions for each site. Using the JMP methodology, a total sum of more than £1,830,000 might be generated from the development of all 20 sites. The eight central South Shields sites included in the modelling exercise might collectively generate a developer contribution for strategic transport improvements, over time, of more than £200,000.
- 8.17 In the detailed reports, the consultants calculated the contribution to be obtained from each site, and allocated money to highway, public transport, cycling and pedestrian improvements across the transport network. Depending on where the potential development site was located (east or west of the A19), a decision was taken as to which site should contribute to which improvement proposal in order to allow developer contributions, in the first instance, to be distributed to improvements in the local area of the development site. The model showed that the developer contributions generated from individual sites may not necessarily cover the cost of each proposed improvement, and some reallocation or redistribution of cumulative funds may be necessary.

New Development Proposals

- 8.18 The detailed calculations contained in the JMP studies are based on the best information available at the time, and are not intended to give a definitive answer for the modelled sites. The calculation of the financial contribution required for a new development proposal will depend on the final agreed details of the development and any other relevant material considerations, which may include the current or previous use of the site.
- 8.19 The Council will apply the strategic transport improvements tariff set out in this Supplementary Planning Document to new development proposals for allocated and windfall sites that exceed the identified minimum thresholds set out in Table 8.1. Developer contributions will be used to fund the strategic transport improvements that have been identified in the JMP transportation studies as necessary to support anticipated new development in the Borough. The Council will however review the list of necessary strategic transport improvements on a regular basis to take account of when new development proposals come forward, including any windfall developments. The estimated costs of strategic transport improvements will be updated to reflect appropriate inflationary price increases and the contribution rates for strategic transport improvements proposed in 2008 will also be kept under review.
- 8.20 It will be necessary to pool developer contributions for the larger strategic transport improvements, and the Council will set up a fund in the transport capital budget to collect and roll forward these sums. The developer contribution for strategic transport improvements will usually be required upon commencement of development or at an appropriate stage in the development to be agreed with the Council. Management and maintenance of strategic transport improvements (which may include investment in highway improvements, public transport improvements and pedestrian and cycle improvements) will normally be borne by the relevant highway authority or will be negotiated on a site-by-site basis as part of the detailed terms of a Section 106 agreement.

9. Recreational Open Space, Children’s Play Facilities and Sports Facilities



Regional Spatial Strategy (July 2008)

South Tyneside Local Development Framework Core Strategy (adopted June 2007)

South Tyneside Unitary Development Plan (adopted October 1999)

Planning Policy Guidance 17: Planning for open space, sport and recreation (2002)

Assessing needs and opportunities: A companion guide to PPG17 (2002)

Recreational Open Space Provision in South Tyneside (2001)

South Tyneside Playing Pitch Strategy 2002-2011 (2003)

South Tyneside Council Play Strategy “Making Play Work in South Tyneside” (2007)

See chapter 12 regarding Social and Community facilities and chapter 14 regarding public realm enhancements.

Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council’s overall spatial strategy for sustainable development.

LDF Core Strategy Policy SC2: Reviving our Town Centres and Other Shopping Facilities

This policy promotes and supports the provision of new and improved sports and leisure facilities.

LDF Core Strategy Policy SC6: Providing for Recreational Open Space, Sport and Leisure

This promotes the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities.

Saved UDP Policy RL4: Standards of Open Space Provision

The Local Planning Authority will aim to achieve a defined standard of recreational open space provision. This will include unrestricted access to 3.78 hectares per 1,000 population of public or private open space across the Borough. All dwellings should have access to a district park within 3 kilometres, a neighbourhood park within 1 kilometre, a local park within 400 metres, and a pocket park/small open space within 200 metres.

Saved UDP Policy RL5: Protection and Retention of Existing Recreational Open Space

The Local Planning Authority will only grant planning permission for the development or change of use of existing recreational open spaces in circumstances identified in saved policy RL5.

Saved UDP Policy RL6: Protection and Retention of Playing Fields

The Local Planning Authority will only grant planning permission for the development of existing playing fields where there would be no reduction of recreational open space provision below the standard set out in RL4, including the standard for playing pitch provision of 1.21 hectares per 1,000 population.

- 9.1 Open space, sport and recreation have an important part to play in the creation of sustainable communities. One of the Council’s fundamental aims is to increase and widen opportunities for participation in sport and physical activity in South Tyneside for all sections of the community, and thereby create strong, healthy, safe and sustainable communities. The provision of recreational open space is encouraged in the Regional Spatial Strategy (Policy 2: Sustainable Development), which promotes the creation of green infrastructure and linked, multifunctional green space in and around the regions towns and cities, and open space can help to enhance the quality of the built environment and support nature conservation.
- 9.2 The Council recognises that there is currently an uneven distribution of recreational open space across the Borough, some of which is of poor quality and low amenity value. Particular deficiencies exist in South Shields

PPG 17: Planning for open space, sport and recreation states that open space can include all open space of public value, "including not just land, but also areas of water such as rivers, canals, lakes and reservoirs, which offer important opportunities for sport and recreation and can also act as a visual amenity." The following types of open spaces can be identified: parks and gardens; natural and semi-natural urban green spaces; green corridors; outdoor sports facilities; amenity green space; provision for children and teenagers; allotments, community gardens and city (urban) farms; cemeteries and churchyards; accessible countryside in urban fringe areas and civic spaces.

The South Tyneside Unitary Development Plan (adopted 1999) previously defined open space as "open grassed, wooded or landscaped land, local parks, parkland (including the Coastal Leas and Whitburn Cliffs), and small amenity areas greater than 0.2 hectares in size." Incidental open space and highway verge was not included in the definition, although it was recognised that these small areas of green space can have amenity value in highly urbanised areas. The UDP definition also excluded golf courses and cemeteries.

Town Centre, Rekendyke and Westoe, Harton and Horsley Hill, Simonside and Brockley Whins, Whiteleas, and Cleadon. Priority Areas for Open Space Provision are illustrated on the LDF Core Strategy Key Diagram.

- 9.3 LDF Core Strategy Policy SC6 "Providing for Recreational Open Space, Sport and Leisure" sets out the Council's overall policy, which is to promote the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities. The re-use of previously developed "brownfield" sites will be encouraged in order to tackle the deficiencies in open space provision, and the Council will seek to protect and improve the quantity, quality and accessibility of open space and outdoor sports, leisure and children's play facilities throughout the Borough. Measures to enhance opportunities for recreational pursuits will be supported, together with proposals to extend the Borough's strategic Linked Open Space System into the wider countryside, and assist with the implementation of the Great North Forest's recreational framework.
- 9.4 Saved Unitary Development Plan (UDP) Policy RL4 refers to a Borough wide standard of 3.78 hectares per 1,000 population as relevant, at that time, for assessing the future provision of recreational open space across South Tyneside. The policy recognised that the assessment of open space provision should take into account existing quality of provision, distance from households and the age group that is served by the open space. The 3.78 hectares per 1,000 standard will be reviewed as part of the forthcoming Open Space Strategy, which is described later in this section.
- 9.5 Saved UDP Policy RL5 seeks to protect and retain existing recreational open space. The Local Planning Authority considers that it is important to achieve a balance between the need to make provision for development and protecting existing open space. The impact of the loss of existing recreational open space will depend upon its location and use, and the availability of alternative open space nearby. Some loss may be acceptable, depending upon the level of alternative provision, which may meet existing needs. In circumstances where there is an existing deficiency, the loss of open space will not be acceptable and the Local Planning Authority will resist development.
- 9.6 Saved UDP Policy RL6 discourages the development of playing fields where this would result in the reduction of recreational open space provision below the overall Borough wide standard. This policy also identified a standard for playing pitch provision of 1.21 hectares per 1,000 population as relevant for monitoring purposes at that time. This has since been superseded by the recommended standard from the Playing Pitch Strategy, which is 0.81 hectares per 1,000 population.

Open Space Strategy

- 9.7 The Council intends to commence work on an Open Space Strategy during 2008/2009, which will form a Supplementary Planning Document to the Local Development Framework. The Open Space Strategy will include a comprehensive, updated audit of the quantity and quality of all existing open space provision in the Borough. From this evidence base, an action plan for the Council's parks, playing pitches, children's play facilities, trees and woodlands and allotments will be produced. The Strategy will demonstrate areas of the Borough where there are deficiencies in quantity or quality of recreational open space, and will identify new minimum standards for the provision of recreational open space, children's play facilities, outdoor sports facilities and sports pitches across the Borough.
- 9.8 Pending completion of the Open Space Strategy, this Supplementary Planning Document sets out the Council's requirements for developer contributions for the provision of recreational open space, children's play facilities and sports facilities, and is based upon the adopted open space standard contained in the South Tyneside Unitary Development Plan (UDP), and more recently recommended local standards for playing pitch and children's play facility provision described in Table 9.1. This Supplementary Planning Document will be reviewed and updated following completion of the Open Space Strategy and other work to update the evidence base for sport and recreation facilities provision currently being progressed by the Council in collaboration with Sport England.

New Residential Development and the Provision of Recreational Open Space

- 9.9 New residential development generally creates the need for additional recreational open space. Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation states that "Local Authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs." This is increasingly relevant since new housing is generally being built to higher densities and smaller private gardens are provided.
- 9.10 The Council will take into account the scale and nature of the proposed residential development and the likely demand for recreational open space that will be generated. Detailed planning obligation negotiations will also consider existing local provision of recreational open space and the availability of suitable land within the development site when determining opportunities for on or off site provision.

Threshold of 5 dwellings or more

The Council regards 5 dwellings to be the size of site that is likely to be a commercial development. The emerging Site Specific Allocations DPD includes a number of small housing allocations of 5 or more dwellings, and adopted Core Strategy Policy SC4 "Housing Needs, Mix and Affordability" also refers to a threshold of 5 dwellings or more within the Urban Fringe villages for the Council's affordable housing policy.

Family dwelling

A family dwelling will have two or more bedrooms.

Major planning application

Residential development of 10 dwellings or more is classed as a **major planning application**.

- 9.11 This Supplementary Planning Document sets out guidance for the provision of recreational open space as follows:
- 9A: Provision of Children's Play Facilities;
 - 9B: Provision and Enhancement of Playing Pitches;
 - 9C: Provision of Public Open Space and
 - 9D: Provision for Built Sports Facilities.
- 9.12 The Council will require new residential development, of 5 family dwellings or more, to make an appropriate contribution to the provision and maintenance of children's play facilities on the basis that it will increase local needs. Planning applications for residential development of 5 family dwellings or more should therefore usually be accompanied by a draft S106 agreement to cover a developer contribution for children's play facilities (section 9A). On major planning applications of 10 dwellings or more, and pending the completion of the Open Space Strategy, the Council may also seek to negotiate a contribution towards the provision and enhancement of playing pitches and the provision of public open space. These negotiations will proceed on a site-by-site basis and will be based upon the guidance contained in this Supplementary Planning Document and Circular 05/2005 (sections 9B and 9C). The Council has started to develop the evidence base for a planning obligation tariff for sports facility provision, and this will be included in a future version of this document (section 9D).
- 9.13 The Council will allocate developer contributions for recreational open space in accordance with its adopted development plan policies and the priorities identified in the Council's Play Strategy. Where appropriate, the Council may also use developer contributions secured from new housing developments to improve or enhance existing facilities off site in order to cater for the extra demand as a result of the new development taking place.

Exceptions

- 9.14 Some types of residential development such as one-bedroom housing, sheltered housing for elderly persons, sheltered housing with dedicated care facilities, housing for special needs groups and residential care homes have different requirements for the provision of recreational open space. In these cases the payment of a commuted towards the provision of children's play facilities will not be required. However, developments involving these types of housing will be expected to submit appropriate landscaping schemes with their planning applications in order to meet the Council's urban design objectives, and to ensure the creation of high quality living environments as part of their development proposals.

Table 9.1 Open Space Standards for South Tyneside

Type of Open Space	Standard per 1,000 population
Children’s Play Areas	0.7 ha
Sports Pitches	0.81ha
Other Public Open Space	1.87ha
Totals	3.38ha

The UDP identified a standard of 1.21 hectares per 1,000 population for playing pitches. The Council updated this playing pitch standard as part of its work on the South Tyneside Playing Pitch Strategy 2002-2011, and more recently to reflect the 2001 Census data and the revised local ward and Community Area Forum boundaries. The latest review gave a revised recommended figure of 0.81 hectares per 1,000 population for playing pitch provision. The overall Borough-wide open space standard has therefore been reduced accordingly from 3.78 hectares to 3.38 hectares, to reflect the updated target. This will however, be reviewed in the Open Space Strategy.

In 2006, there were 45 fixed equipment play areas in South Tyneside. This included:

- 29 fixed equipment children’s play areas
- 12 multi use games areas (MUGAs) and
- 4 wheeled sports areas.

9A. Provision of Children’s Play Facilities

Quantity Standards for the Provision of Children’s Play Areas

- 9.15 The National Playing Fields Association (NPFA, now known as Fields in Trust) ‘six acre standard’ recommends a minimum standard for outdoor playing space to be available for sport, active recreation and children’s play. This is equivalent to a minimum level of provision of 2.43 hectares per 1,000 population. This includes public (and some private) formal playing pitches, outdoor equipped playgrounds, and casual or informal play space within housing areas that is of a suitable size and nature for its intended purpose, and is safely accessible and available to the general public. The 2.43 hectares standard includes a recommended minimum provision of 0.6-0.8 hectares for children’s play areas.
- 9.16 PPG17: Planning for Open Space, Sport and Recreation recommends that local authorities undertake detailed assessments of needs and an audit of existing facilities in order to set open space standards locally and justify planning obligations. In its adopted UDP, the Council identified a local, Borough-wide standard for recreational open space provision as 3.78 hectares per 1,000 population. The Council’s report, “Recreational Open Space Provision in South Tyneside” (May 2001) later reviewed open space provision in the Borough and recommended the use of the NPFA (1992 revision) standard of 0.6-0.8 ha as a basis for monitoring children’s play area provision across the Borough. Pending the completion of the Council’s Open Space Strategy, this Supplementary Planning Document therefore uses a guideline standard of 0.7hectares (7,000sqm) per 1,000 population for the provision of children’s play areas. (Table 9.1).

The Council’s Play Strategy and Local Priorities

- 9.17 The Council produced its Play Strategy, “Making Play Work in South Tyneside” in 2007, and this incorporates the earlier “Swings and Roundabouts” guidance on fixed equipment play areas. The Strategy will be reviewed on an annual basis to monitor the progress made in achieving the objectives, outcomes and priorities identified in the report. The Play Strategy, together with the Parks Strategy, will feed into the Council’s overarching Open Space Strategy.
- 9.18 The Play Strategy included an audit of the fixed equipment play areas within the Borough. Some of these are dedicated play spaces whilst others form part of formal parks or recreational open spaces. The audit was carried out between March and November 2006, and ranked the 45 play sites in terms of their overall value and quality (condition, play value and accessibility). The Council’s long-term aim is to bring all of the play sites up to good quality and good value (a score of over 60%) over the next ten years, but it is also acknowledged that some

areas within the Borough do not have local access to play sites, for example in Brockley Whins/Biddick Hall, Horsley Hill, Hebburn South, Fellgate/Hedworth, Cleadon and Whitburn.

- 9.19 The Council's Play Strategy adopts the following local standards for future play area provision:
- **Borough-wide play facilities.** The Council plans to provide three or four of this type of facility in the Borough, and they would include a range of play equipment, including skateboard facilities and games courts with some element of on site management. Boldon Recreation Park is a recent example of a Borough wide facility covering approximately 10,000sqm. It includes a children's play area, space for a skate park, a multigames ball court, a picnic open space area, soft and hard landscaping, lighting and artwork. South Marine Park is another example of this type of major facility, and it is anticipated that others will be provided in Jarrow and Hebburn. Provision of these facilities will be subject to availability of funding.
 - **Community/neighbourhood play facilities.** These facilities will be the Council's main priority for play provision. All children should have unrestricted access to a community play area within 400m of their home. These facilities could cover approximately 0.7 ha (7,000sqm) and would include a range of equipment for younger and older children, kick-about areas, safety surfacing, lighting and fencing to meet the needs of the local community. A number of these facilities are currently being provided through the Cleaner Greener Safer Initiative and Big Lottery Grant, for example a play area at Biddick Hall Primary School, a multi use games area at Chuter Ede Community Centre and a play area at Saxon Way in Jarrow.
 - **Informal play spaces.** These are small incidental public play spaces usually within 100m of children and young people's homes.
- 9.20 The Council's overall play policy is to provide a range of suitable and accessible play spaces for children of all ages, but with the emphasis being upon fewer and larger equipped play sites. The priority will be for new facilities to be provided in those areas with the highest levels of deprivation, and a rolling programme to improve fixed equipment play areas will be put in place as and when funding becomes available. Full consultation with local communities will take place prior to development of individual play sites within the play strategy.

Developer Contributions for the Provision of Children's Play Facilities in South Tyneside

- 9.21 All new residential development of 5 family dwellings or more will be required to pay a commuted sum for the provision and maintenance of children's play facilities, in order to meet the need generated by the development. The Government's revised 2004-based household projections suggest an average household size by 2021 for South Tyneside of 2.15 persons. Hence, the Council's requirement for the provision of areas for children's play will be 7sqm per person or 15sqm per family dwelling, as demonstrated in table 9.2.

Table 9.2: Open Space Standard for the Provision of Children’s Play Areas

Type of Open Space	Standard per 1,000 population	Standard per person	Equivalent per family dwelling	Threshold to trigger payment of a commuted sum
Children’s Play Areas	0.7 ha	7sqm	15sqm	5 family dwellings

9.22 The Council regards a family dwelling as having two or more bedrooms. The play space requirement per family dwelling (15sqm) has been divided across two different types of play space provision (Table 9.3). In South Tyneside, the priorities are for community/neighbourhood play facilities and Borough-wide play facilities. The community/neighbourhood play facility (10sqm/dwelling) and Borough-wide play facility (5sqm/dwelling) elements will usually be translated into a commuted sum to be paid to the Council, as a developer contribution. The commuted sums collected will be allocated to children’s play facility provision in accordance with the Council’s adopted development plan policies, and the priorities in the Play Strategy (2007).

Table 9.3: Priorities for the Provision of Children’s Play Facilities on Residential Developments

Type of Children’s Play Facility	Proportion	Equivalent to
Community/Neighbourhood Play Facilities	67%	10sqm/dwelling
Borough Wide Play Facilities	33%	5sqm/dwelling
Totals	100%	15sqm/dwelling

9.23 The formula for calculating the commuted sums payable is set out on page 28, and is based upon the Council’s estimated costs for providing play facilities at 2008 prices, which is included at Table 9.4. These costs will be subject to inflationary price increases over time, and will be regularly reviewed in an accompanying technical paper to this Supplementary Planning Document, which can be viewed on line at: www.southtyneside.info/planning/strategic/ldf

9.24 Alternatively, the developer may wish to obtain their own cost estimates for delivery (and maintenance for a specified period) of an agreed level of play facility provision for consideration and scrutiny by the Council.

Costs for the Provision and Maintenance of Children’s Play Facilities

9.25 The Council has estimated the capital costs of providing Community/Neighbourhood play facilities and Borough Wide Play Facilities, and maintenance costs over a period of ten years. These are average costs based upon play areas recently developed in the Borough. A breakdown of the estimated costs is included in an accompanying technical paper.

Table 9.4 Estimated costs for the provision and maintenance of children’s play facilities.

Type of Children’s Play Facility	Guideline Size of Open Space	Capital Cost (including installation)	Maintenance Cost (over 10 years)	Total cost
Community/Neighbourhood Play Facilities	7,000sqm	£206,000	£55,200	£261,200
Borough Wide Play Facilities	10,000sqm	£386,000	£67,200	£453,200

Maintenance Costs

9.26 All children’s play facilities must be maintained to a satisfactory quality standard. If the developer provides the play facility, then the developer will be responsible for its maintenance, for an agreed period, after which the Council will take over responsibility for maintenance. Where a commuted sum is agreed for play provision, this will include a cost for maintenance for ten years, after which the Council will usually take over responsibility for maintenance. The commuted sum payable for children’s play facilities should usually be paid upon occupation of the approved development, or at a stage of the development to be agreed with the Council.

Formula for Calculating Commuted Sums for Children's Play Facilities

Multiplier

$$A \times B = C$$

$$C \div D = E$$

$$E \times F = G \text{ (total capital cost)}$$

$$E \times H = I \text{ (total maintenance cost)}$$

$$G + I = J \text{ (total commuted sum)}$$

Key

A = Provision in sqm per family dwelling (from Table 9.3)

B = Number of dwellings proposed

C = Amount of provision for the proposed development

D = Size of Community Park and Borough Wide Facility (7,000sqm and 10,000sqm from Table 9.4)

E = Percentage Multiplier (rounded to 4 decimal places)

F = Capital costs per Community Park and Borough Wide Facility (from Table 9.4)

G = Total capital costs

H = Maintenance costs per Community Park and Borough Wide Facility (from Table 9.4)

I = Total maintenance costs

J = Total commuted sum

N.B: Appropriate retail prices index increases (excluding mortgage interest payments) will be applied to commuted sums for children's play facilities and will be calculated in the detailed terms of the S106 agreement.

Guideline Examples

1. As a guideline, a planning application for 20 family dwellings would be required to provide a commuted sum of £12,002 for the provision of children's play facilities. (This amounts to approximately £600 per dwelling using 2008 costs).
2. As a guideline, a planning application for 100 family dwellings would be required to provide a commuted sum of £59,985 for the provision of children's play facilities. (This amounts to approximately £600 per dwelling using 2008 costs).

Example 1: 20 Family Dwellings	Example 2: 100 Family Dwellings
Commuted Sum for Community Play Facilities	Commuted Sum for Community Play Facilities
Capital costs	Capital costs
10sqm per dwelling x 20 dwellings = 200sqm	10sqm per dwelling x 100 dwellings = 1,000 sqm
200sqm ÷ 7,000sqm = 0.0286	1,000 sqm ÷ 7,000sqm = 0.1429
0.0286 x £206,000 = £5,891.60	0.1429 x £206,000 = £29,437.40
Maintenance costs	Maintenance costs
0.0286 x £55,200 = £1,578.72	0.1429 x £55,200 = £7,888.08
Total for capital and maintenance = £7,470.32	Total for capital and maintenance = £37,325.48
Commuted Sum for Borough Wide Play Facilities	Commuted Sum for Borough Wide Play Facilities
Capital Costs	Capital Costs
5sqm per dwelling x 20 dwellings = 100sqm	5sqm per dwelling x 100 dwellings = 500sqm
100sqm ÷ 10,000sqm = 0.0100	500sqm ÷ 10,000sqm =0.0500
0.0100 x £386,000 = £ 3,860	0.0500 x £386,000 = £19,300
Maintenance costs	Maintenance costs
0.0100 x £67,200= £672	0.0500 x £67,200 = £3,360
Total for capital and maintenance = £4,532	Total for capital and maintenance = £22,660
Total commuted sum for play facilities = £12,002	Total commuted sum for play facilities = £59,985

The guideline examples are included to illustrate the formula that will be used to calculate commuted sums for children's play facilities. The examples are based upon estimated costs obtained in 2008. These costs will be subject to retail prices index increases (excluding mortgage interest payments) appropriate at the time the S106 agreement is negotiated.

South Tyneside Playing Pitch Strategy (2002-2011)

Summary of 'surpluses' (+) and shortfalls (-) in publicly accessible playing pitch provision (i.e. pitches benefiting from a secured community use agreement) to meet forecast needs-based requirements by 2011:

Community Area Forum Sub-Area:	Senior Football	Junior Football	Mini-Soccer	Rugby	Cricket	Hockey (ATP)
Boldon / Cleadon / Whitburn	+7	+1	-6	+1	+3	-1
East Shields	+13	+2	-1	-	+1	-
Hebburn	+4	+1	+4	+1	-1	-1
Jarrow	+5	-3	-5	-1	-1	-
Shields Riverside	-9	-3	-9	-2	-2	-
West Shields	-	+5	-5	-1	-	-
Total:	+20	+3	-22	-2	-	-2

Existing provision: 128.42ha
 Required provision: 120.46ha
 Recommended standard: 0.81ha per 1,000 popn

Summary of key recommendations:

- convert underused senior football pitches to mini-soccer pitches;
- investigate ways to improve the drainage of pitches;
- encourage more schools to adopt secured community use agreements for their pitches;
- develop 3 additional rugby pitches;
- improve the carpet of hockey artificial turf pitches;
- install additional cricket nets, scoreboards and sightscreens on sites currently lacking;
- improve ancillary and social facilities up to an adequate standard with sufficient accommodation;
- relocate teams on sites with no ancillary accommodation to underused sites with facilities;
- improve female changing accommodation; and
- develop more junior cricket, rugby and hockey teams

9B. Provision and Enhancement of Playing Pitches

- 9.27 The UDP identified a Borough-wide standard of 3.78 hectares per 1,000 population for publicly accessible open space. This included 1.21 hectares per 1,000 population for playing pitches. This was superseded by the South Tyneside Playing Pitch Strategy 2002-2011, which identified a local need by 2011 for 0.75 hectares per 1,000 population. The Council updated the playing pitch standard to reflect the 2001 Census data and the revised local ward and Community Area Forum boundaries, which gave a revised recommended figure of 0.81 hectares per 1,000 population for playing pitch provision. The overall Borough-wide standard has therefore been reduced accordingly from 3.78 hectares to 3.38 hectares per 1,000 population to reflect the updated playing pitch target.
- 9.28 The South Tyneside Playing Pitch Strategy made a number of recommendations for enhancements to playing pitch provision, including the creation of more mini soccer pitches and additional rugby pitches, improved drainage of playing pitches, better female changing facilities, improvements to artificial turf hockey pitches and a more consistent pricing policy across local authority pitches and education facilities. The Council's preferred option may now be to assemble two or three strategic playing pitch facilities across the Borough, each with up to six good quality pitches and associated ancillary and social facilities.
- 9.29 The Open Space Strategy will provide an up-to-date audit of the quantity and quality of playing pitch provision across the Borough, and an action programme for planned enhancements. Once this updated evidence base has been assembled, an appropriate tariff will be introduced to secure a developer contribution for enhancements to playing pitch provision and associated facilities to meet the additional needs generated by new residential development. In the meantime, and where appropriate, the Council may encourage residential development of 10 dwellings or more (which is classed as a major planning application) to contribute towards the provision and enhancement of playing pitches in accordance with the recommendations of the Playing Pitch Strategy. Consideration will need to be given to the maintenance of any provision or enhancement of playing pitches.

9C. Provision of Public Open Space

- 9.30 There may be circumstances where it is appropriate for the Council to require a developer to provide public open space as a valuable contribution to the amenity of a residential development, subject to the scale and nature of the proposed development and the need for public open space in the local area. The South Tyneside Unitary Development Plan previously defined open space as, "open grassed, wooded or landscaped land, local parks, parkland (including the Coastal Leas and Whitburn Cliffs) and small amenity areas greater than 0.2hectares in size". This definition will however be reviewed as part of the forthcoming Open Space Strategy.

- 9.31 In appropriate circumstances, and pending the completion of the Open Space Strategy, the Council may require a commuted sum to be paid to cover the cost of providing and maintaining a guideline area of 1,000sqm of public open space as part of a residential development of 10 dwellings or more. The Council has estimated the average cost of providing and maintaining 1,000sqm of public open space for a period of ten years to be £40,426 at 2008 prices, and a breakdown of the estimated cost for providing public open space is included in a supporting technical paper to this Supplementary Planning Document. Alternatively, the developer may wish to obtain their own cost estimate for the provision and maintenance of an agreed area of public open space for consideration and scrutiny by the Council.

9D. Provision for Built Sports Facilities

The Sport England Facilities Calculator calculates the amount and cost of facilities required for new residential development and is based on local demographics. The calculator can be accessed on the Sport England website: www.sportengland.org

Sport England also produces a Sports Facility Costs sheet, which is updated every other quarter. This gives the most recent costs for the development of a range of different sport facilities and can also be viewed at: <http://www.sportengland.org/kiltbag>

- 9.32 LDF Core Strategy Policy SC2 seeks to promote and support new and improved sports and leisure facilities, where they form part of established out of centre leisure and recreation facilities, and the provision of community use school sports facilities through the Building Schools for the Future initiative where they will not adversely impact on the vitality and viability of existing facilities in established centres.
- 9.33 The Council is currently in discussions with Sport England and Genesis Strategic Management Consultants regarding the development of a robust needs and evidence base for sports facility provision in South Tyneside, which will help with the Council's strategic planning for sports facilities to meet community needs. It is recognised that an assessment of the quantity and quality, the location and the mix of built facilities (for example, swimming pools and sports halls) in the Borough is needed. The development of a Sports Facility Strategy will also help to inform discussions on sports provision as part of the Building Schools for the Future and Transforming Our Primary Schools programmes. The Council will use this evidence base to develop an appropriate planning obligation tariff for sports facility provision in the future.

Section C: Site Specific Requirements

10. Transport, Parking and Traffic Management



Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development.

LDF Core Strategy Policy ST2: Sustainable Urban Living

This policy sets out the need for travel plans to be submitted for development proposals that would have significant transport implications.

LDF Core Strategy Policy A1: Improving Accessibility

This supports public transport, walking and cycling initiatives that maximise the accessibility of new development and also gives priority to encouraging public transport improvements within the Borough and to other key locations outside the Borough. Transport Assessments will be required for major development proposals, and all new development must comply with the Council's parking standards, which will be set out in a Supplementary Planning Document.

Saved UDP Policy T17: Car and Cycle Parking

Applications for development will be required to provide car and cycle parking facilities, with landscaping and lighting, in accordance with the parking standards set out in the development plan.

Highways Act 1980

Department for Transport Circular 02/2007:
Planning and the Strategic Road Network

Department for Transport Guidance on Transport
Assessments (March 2007)

Regional Spatial Strategy for the North East
(July 2008)

See chapter 8 Strategic Transport Improvements

- 10.1 Where appropriate, developer contributions will be required towards off-site strategic transport infrastructure as described in Chapter 8: Strategic Transport Improvements, of this Supplementary Planning Document. However, it is also important to address the impact that new development may have upon the local transport infrastructure. This is to ensure that on-site estate roads, footpaths, bridleways, cycle routes, parking spaces, lighting and bus stops/lay-bys are adequately connected to the existing highway network in South Tyneside.
- 10.2 Where possible, the likely impact of new development on local transport infrastructure will be identified in master plans and development briefs. Major development proposals must be supported by detailed Transport Assessments, prepared in consultation with the Council and the Highways Agency, in order to make sure that new development does not have a negative impact upon local highways and the Trunk Road network. Appropriate highway improvement and mitigation measures should be considered in line with Circular 02/07: Planning and the Strategic Road Network.

Further guidance on Travel Plans will be set out in a forthcoming Supplementary Planning Document.

- 10.3 The need for local transport infrastructure improvements will be assessed as part of the appraisal of a planning application, and will vary from site to site. These works will usually form part of the approved development to be paid for by the development (for example an improved access junction). A Section 278 agreement under the Highways Act (1980) will normally be required to cover these works, but in some cases the agreed work might be carried out by the Council and recharged. Appropriate works may also include traffic management measures to mitigate the impact of development, and travel plans may be a useful tool, especially where a development is likely to have a significant impact on the transport network. A developer may be required to fund other measures, for example in lieu of car parking provision or to pay for Traffic Regulation Orders, which can only be implemented by the highway authority. Enhancements to or provision of bus services may also be sought, and in this case a planning obligation may need to include a commuted sum to subsidise the service until it becomes self-sustaining. Where judged to be necessary to make the proposed development acceptable in planning terms, these transport, parking and traffic management works will be negotiated through S106 agreements.
- 10.4 Regional Spatial Strategy Policy 54: Parking and Travel Plans, requires travel plans to be prepared for all major development proposals that will generate significant additional journeys. LDF Core Strategy Policy ST2 also sets out the need for travel plans to be submitted for development proposals that would have significant transport implications. On relevant planning applications the Council will secure travel plans through the use of planning conditions or through the negotiation of a S106 agreement. Travel Plans are designed to encourage the use of more sustainable modes of transport such as walking, cycling and public transport. In some cases, they are also designed to promote more innovative and creative solutions to congestion such as car sharing, car clubs, teleworking, teleconferencing and home shopping. They can also help to limit necessary improvements to the Borough's highway network. Due to the high percentage of internal work trips generated within South Tyneside, there is good potential to encourage a shift towards more sustainable modes of transport. The introduction of travel plans together with proposed public transport initiatives, improved pedestrian and cycle facilities and demand management proposals may potentially yield a modal shift in all traffic of 10%-20%.

11. Employment and Training



Regional Spatial Strategy for the North East

"The Spirit of South Tyneside" Sustainable Community Regeneration Strategy and Local Area Agreement

Culture and Well Being Strategy

Learning, Skills and Employment Strategy

Social Clauses

Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development.

LDF Core Strategy Policy E1: Delivering Economic Growth and Prosperity

Investment in education and training will be encouraged at existing facilities and at new facilities at accessible locations, in order to encourage people to develop the qualifications and skills that are attractive to business and vital to new enterprise. Targeted training and employment agreements will be used to assist in maximising the benefit of developments that occur in the Borough.

- 11.1 LDF Core Strategy Policy E1 sets out the Council's spatial strategy for delivering economic growth and prosperity and our commitment to investment in education and training. New development can contribute towards this strategy by generating opportunities for employment and training, and by encouraging the use of local businesses and the voluntary and community sectors. Particular benefits can be achieved in terms of:
- assisting people into jobs;
 - developing workplace based skills;
 - supporting a stronger economic base through encouraging the use of local suppliers;
 - establishing links between employment and education to help create a flexible and highly skilled workforce; and
 - creating "best value" principles through encouraging collaborative working with key sector stakeholders.
- 11.2 The Council is implementing a programme of Social Clauses that includes actions for education, apprenticeships, training, vacancy filling and requiring contractors and subcontractors to participate in training programmes. The Council will encourage and support measures taken by developers, contractors and sub-contractors to implement its Social Clauses, for example by providing access to external funding for pre-apprenticeship training.
- 11.3 Where appropriate, the Local Planning Authority may use planning conditions to secure targeted recruitment and training and other relevant Social Clauses. For example, a planning condition may require a developer to submit a construction training and employment method statement to maximise job opportunities and training for people who are not currently in work.

What are Social Clauses?

- Targeted recruitment and training requirements, ensuring that apprenticeship and other opportunities help to alleviate unemployment
- Work Placements opportunities designed to support education and learning
- Targeted vacancy filling, maximising the use of employment support partners
- Supporting the integration of the local supply chain, helping to develop a wider business base
- Provision of opportunities for social enterprises, which have explicit social, economic or environmental aims
- Participation in promotion of education initiatives, supporting the transition between school and work
- Participation in forums created to promote sector development, sharing good practice to stimulate improvement
- Participation in forums created to promote community development, maximising the benefits of a strong voluntary and community sector

- 11.4 In other circumstances, the Council will seek to negotiate relevant Social Clauses through S106 agreements on major planning applications of 10 dwellings or more and 1,000sqm gross floorspace or more for the construction phase of the development, and end use where appropriate. The agreement will aim to secure the following:
- numerical requirements for targeted training and recruitment and work placements;
 - agreed procedures for advertising of job vacancies through the Council's approved network;
 - contact with local suppliers, including social enterprises; and
 - co-operation with training providers and schools.
- 11.5 Developers should engage with the Council's Area Planning Group, and the Economic Development Team which manages the Social Clauses Programme in the Borough, at an early stage in the planning application process in order to agree the most relevant social clauses for individual projects, and to ensure that access to funding, other support and incentives is maximised.
- 11.6 The Council has the following targets for Social Clauses, which will be negotiated with planning applicant's on a project-by-project basis in accordance with the guidance included in Circular 05/2005 on Planning Obligations.

No	Social Clause
1	To provide a target of 10% of the labour required in connection with the carrying out of the development, by new entrants that have an apprenticeship, trainee or employment contract with the developer or any sub contractors or any element of the supply chain and are engaged in a training programme. This may include Youth Trainee Apprenticeships and other apprenticeships.
2	To provide a target of 5% of the labour required in connection with the carrying out of the development as Work Placements.
3	Every vacancy, including those with sub-contractors or any element of the supply chain, to be notified to an agency approved by the Council in writing. At least 7 days lead lead-time must be provided before the vacancy is filled from other sources. A vacancy is a post, which needs to be filled by means of external advertising, and includes temporary positions and part time hour's positions.
4	Provision of supply chain integration opportunities for additional small businesses where an additional small business is defined as a company with less than 50 employees that has no previous record of working with the contractor.
5	Co-operation with training providers and schools.

12. Social and Community Facilities



See also chapter 9: Recreational Open Space, Children's Play Facilities and Sports Facilities regarding sports, leisure and recreation facilities.

Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development.

LDF Core Strategy Policy SC1: Creating Sustainable Urban Areas

This policy focuses and promotes development within the built-up areas of the Borough, where it sustains and improves the provision of accessible basic local services and community facilities, and focuses high trip generating uses within the town centres.

- 12.1 Social and community facilities such as hospitals and health centres, churches, cemeteries, libraries and community centres are vital to the health and welfare of the Borough's residents, and the Council continues to be one of the major providers of social and welfare facilities in the Borough.
- 12.2 LDF Core Strategy Policy SC1 explains that the Council will promote the establishment of accessible basic local services and community facilities in areas where there are deficiencies, and will actively encourage the provision of social and community facilities in mixed-use development proposals. Community facilities may also include cultural facilities such as performance spaces and art centres, and development proposals will be encouraged, within the built up areas, where they strengthen the distinctive historic and cultural qualities of the Borough's towns and villages.
- 12.3 Large-scale housing and commercial development may generate an increased demand for social and community facilities and it is essential that adequate community provision is established and maintained across the Borough. On relevant major planning applications, the social and welfare needs of residents and workers will need to be assessed in order to determine the likely requirements for social and community facilities. As an example, the Asda development at Boldon Colliery provided a village hall as part of the agreed scheme.
- 12.4 For people with young children, everyday activities such as shopping, medical visits and calling at administrative offices, can be complicated by a lack of suitable facilities, including toilets, changing rooms, supervised play areas and nurseries/crèche facilities. The provision of such facilities not only provides a valuable social resource but also can be economically beneficial and help to attract additional visitors and customers. A shortage of crèches, nurseries and playgroups can deter and prevent individuals from taking up employment opportunities

and deny them the economic and social benefits of working. Developers will be encouraged to contribute towards the provision of childcare facilities.

- 12.5 On major planning applications, and where the need for facilities is demonstrated, the Council will seek to negotiate a developer contribution towards the provision of social and community facilities, including cultural facilities and childcare facilities, through a Section 106 planning agreement or obligation. The size and nature of a development proposal will influence the type and scale of social and community facilities that would be appropriate. Negotiations on these matters will therefore proceed on a site-by-site basis.

13. Affordable Housing



Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development.

LDF Core Strategy Policy SC3: Sustainable Housing Provision

This sets out the spatial planning policy for the creation of and promotion of sustainable residential communities.

LDF Core Strategy Policy SC4: Housing Needs, Mix and Affordability

This policy sets out the Council's aim to provide a range and choice of good quality, energy-efficient and affordable homes for all. It identifies the housing needs of different Housing Market Areas across the Borough and the Council's thresholds for provision of affordable housing.

Saved UDP Proposal H4/1: Identified Housing Development Sites

This allocates sites for housing development, which will contribute towards the housing needs identified in the development plan. Where appropriate, this may be achieved by the use of a planning obligation or agreement.

Housing Strategy 2008-2012 (April 2008)

SPD 4: Affordable Housing (Adopted August 2007)

What is affordable housing?

SPD4: Affordable Housing sets out the forms of affordable housing as:

- social rented accommodation; and
- intermediate housing (shared ownership and shared equity).

13.1 New housing developments, which exceed the dwellings threshold set out in the adopted LDF Core Strategy, will be expected to provide an element of affordable housing. Core Strategy Policy SC4 identifies those housing types, sizes, and tenures most in need across the Borough's housing market areas, and this informs the provision of affordable housing in new developments. The Council will seek to secure at least 25% of dwellings as affordable units on any development of 15 units or more or 0.5 hectares or more (whichever gives the greatest number of dwellings). For the urban fringe villages (Whitburn, Cleadon, East Boldon, West Boldon and Boldon Colliery) the site threshold for providing affordable housing is set at developments of 5 units or more. The target is negotiable, within reason, between sites to ensure genuine affordability and to reflect local housing needs.

13.2 The Council's Housing Market Needs Survey was reviewed in 2004, and indicated a need for at least 550 affordable homes to be provided over the next five years. House prices have risen much faster than incomes, and the increased demand for social housing means that the need for affordable housing is now likely to exceed the findings of the 2004 study. An up-to-date housing needs survey was carried out during late 2007 and early 2008, to ascertain current housing market issues and the needs of local people in South Tyneside. This information will feed into a Strategic Housing Market Assessment (SHMA) later in 2008. The Council's Housing Strategy for 2008-2012 was approved in April 2008, and the Housing Needs Survey and Strategic Housing Market Assessment will provide an up-to-date evidence base for the Council's future housing policies. This will all help to guide future negotiations on affordable housing provision.

- 13.3 Further details of the Council's approach to affordable housing provision are set out in SPD4: Affordable Housing, which states that affordable housing will be secured and controlled by planning obligations that are likely to cover the following issues:
- How completed dwellings or land are to be transferred to an approved development partner, including costs and phasing of handover;
 - How the occupancy of the affordable housing is to be reserved for people in housing need;
 - The number, size and tenure of affordable housing or the area of land to be made available, or the level of financial contribution if it is to be provided off site;
 - Pre-emption clauses requiring that no more than a specific proportion of the site will be sold or occupied before the affordable housing has been contractually secured;
 - Where applicable, the means of restricting 'staircasing' to full ownership on grant-funded low cost home ownership properties; and
 - How the dwellings completed as affordable units are retained as such to benefit future occupants.
- 13.4 Individual planning obligations will need to be tailored to meet the specific requirements of the site and any other material considerations. It is therefore important that contact is made with the Council's Area Planning Group and Housing Futures Team in advance of any planning application for new housing development being submitted, in order to identify the proportion of affordable housing likely to be required in a particular location, as well as to discuss the appropriate dwelling mix and type. The Council works with a number of Registered Social Landlords (RSL) and can provide developers with details of potential approved development partners.

14. Public Realm, Public Art, Heritage and Conservation



Merchant Court, Monkton Business Park South
Winner of Award for Place Making
South Tyneside Good Design Awards (2008)

Urban Design Compendium 1 and 2
(English Partnerships/The Housing Corporation)

By Design: Better Places to Live (DTLR/CABE)

Design Review (CABE)

Delivering great places to live (Building for Life)

By design-urban design in the planning system: towards
better practice (ODPM/CABE)

Manual for Streets (Department for Transport/
Communities and Local Government)

SPD1: Sustainable Construction and Development

South Tyneside Urban Design Framework

Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development.

LDF Core Strategy Policy ST2: Sustainable Urban Living

This policy aims to ensure that the highest standards of urban design are promoted so that buildings and their settings make a positive contribution to the local area.

LDF Core Strategy Policy SC1: Creating Sustainable Urban Areas

This focuses and promotes development where it creates a strong sense of place by strengthening the historic and cultural qualities and townscape of the Borough's towns and villages, and encourages high quality design.

LDF Core Strategy Policy EA1: Local Character and Distinctiveness

This policy seeks to conserve the best qualities of South Tyneside's built and natural environment. It aims to improve the distinctive urban characters of South Shields, Jarrow and Hebburn, and preserve the special and separate characters of the urban fringe villages.

Saved UDP Policy ENV5: Principles of Good Design and Access

This policy seeks to increase the quality of design of new buildings and the environment. Where appropriate, the Local Planning Authority will use planning conditions, and where appropriate, negotiate planning obligations to ensure that development achieves the required standards of good design and access.

Saved UDP Policy ENV6: Historic Buildings

This sets out the policy framework for the preservation, restoration and sensitive adaptation of historic buildings in the Borough. Where appropriate, the Local Planning Authority will seek planning obligations to ensure that any planning consents preserve the special interests of historic buildings and their setting.

Saved UDP Policy ENV7: Conservation Areas

This policy seeks to preserve or enhance the character and appearance of the Borough's conservation areas through applying strict development and design control to new development. Where appropriate, the Local Planning Authority will seek planning obligations to ensure that character and appearance of a conservation area is maintained.

Saved UDP Proposal ENV8/1: Archaeology: Nationally Important Remains

This proposal sets out the presumption in favour of the physical preservation of all nationally important archaeological remains and their settings. The preparation of long-term management plans will be encouraged.

14.1 The Council is committed to achieving high quality development throughout the Borough. Previously the Council has relied upon the generic policies in its Unitary Development Plan relating to the built environment, good design

South Shields Foreshore is an important leisure and tourism destination of regional importance, and is one example of the Council's commitment to public realm enhancement. The South Shields Foreshore Masterplan (2008) and Street Furniture Guide (2008) seek to encourage the use of a consistent and coordinated palette of street furniture. The Council recognises that the integration of new development using a common theme (for example, using the same standards for the design of street furniture and the use of materials) can enhance new development proposals and improve the quality of design in its wider context

Conservation Area Management Plans:

SPD10: Westoe Conservation Area*

SPD11: West Boldon Conservation Area*

SPD12: Whitburn Conservation Area*

SPD13: St Paul's Jarrow, Conservation Area*

* Denotes SPDs adopted in August 2007

and access, historic buildings and conservation areas, but is now developing a more robust framework of design policies and guidance. South Tyneside's Urban Design Framework provides generic and tailored guidance on achieving high quality urban design in developing and restoring the distinctive character areas of the Borough.

- 14.2 In accordance with adopted Core Strategy Policies ST1, ST2, SC1 and EA1, the Council seeks to create high quality public spaces throughout the Borough. This includes the establishment of new spaces and the enhancement of existing spaces in urban, sub-urban or rural locations. In all situations, the works must add to the vitality and enjoyment of the space, creating stimulating places that are safe, easy to maintain and make a positive response to the distinctive character of the area.
- 14.3 Particular priority will be given to the town and district centres, Area Action Plan areas, and key regeneration sites, including South Shields Town Centre and Waterfront, South Shields Riverside Regeneration Area, South Shields Foreshore, Hebburn Town Centre and Central Jarrow. Other priorities include the Borough's conservation areas and sites of biodiversity importance. (See chapter 15: Biodiversity and Geodiversity).
- 14.4 Public art can make a positive contribution to the quality of the environment, add to cultural value and promote understanding of the local heritage. Adopted Core Strategy Policy ST2 seeks to ensure that buildings and their settings make a positive contribution to the local area. On major planning applications, and where appropriate, the Council will encourage developers to provide, or commission, publicly accessible artwork, to form an integral part of the overall design concept of the development. The artwork may be provided on or off site.
- 14.5 Saved UDP policies ENV5, ENV6 and ENV7 set out the Council's intention, where appropriate, to negotiate planning obligations to ensure that the character and appearance of the Borough's conservation areas and the special interests of historic buildings and their settings is preserved and enhanced. Saved UDP Proposal ENV8/1 requires that nationally important archaeological remains and their settings are protected and enhanced, and where appropriate the Council will seek to negotiate long term management plans or mitigation measures as planning obligations.
- 14.6 Specific guidance for the management of conservation areas in South Tyneside is currently being developed. Conservation Area Management Plans are set out in a series of adopted Supplementary Planning Documents, which also refer to Conservation Area Character Appraisals. The Council may seek to negotiate S106 agreements where it is reasonable to require developers to contribute towards specific Conservation Area Management Plan priorities, and other heritage initiatives that seek to enhance or promote awareness and understanding of Conservation Areas, such as the publication of self-guided walk leaflets, village gateway features, and blue plaque schemes.

- 14.7 Where possible, the Council will identify the requirement for developers to contribute towards public realm, public art, heritage and conservation in detailed development briefs or masterplans. In other circumstances, the need for appropriate public realm, public art, heritage and conservation works will be discussed at an early stage in the negotiation of a planning application, and will have regard to the site location, and the scale and nature of the development proposal. It may be reasonable to secure such works through the use of planning conditions, or it may be more appropriate for the Council to negotiate a S106 agreement with a developer to seek on or off site provision.

15. Biodiversity and Geodiversity



PPS1: Delivering Sustainable Development

PPS 9: Biodiversity and Geological Conservation (2005)

Durham Biodiversity Action Plan (2007)

Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development.

LDF Core Strategy Policy EA3: Biodiversity and Geodiversity

This policy seeks to optimise the conditions for wildlife, implement the Durham Biodiversity Action Plan and tackle habitat fragmentation. The Council will also maintain, restore and enhance biodiversity and geological conservation interests and ensure that new development would result in no net loss of biodiversity value of identified priority habitats.

- 15.1 PPS1 advises that where adverse impacts of development proposals are unavoidable, planning authorities and developers should consider possible mitigation measures, and where this is not possible, compensatory measures may be appropriate.
- 15.2 PPS9 sets out some key principles for assessing the impacts of planning decisions on biodiversity and geological conservation. It states that planning policies and planning decisions should aim to:
- maintain and enhance, restore or add to biodiversity and geological conservation interests; and
 - prevent harm to biodiversity and geological conservation interests.
- Where a planning decision would result in significant harm to biodiversity and geological interests that cannot be prevented or adequately mitigated against, PPS9 advises that appropriate compensation measures should be sought. Ultimately, planning permission should be refused if that significant harm cannot be prevented, adequately mitigated against, or compensated for.
- 15.3 Policy EA3 of the adopted Core Strategy sets out measures for optimising conditions for biodiversity and geodiversity conservation interests. It also identifies priority areas for the enhancement and extension of priority habitats (identified in the Durham Biodiversity Action Plan) in key wildlife corridors. These include:
- South Pier to Trow Point – coastal sand dunes;
 - Trow Point to Whitburn Steel – coastal grasslands, maritime cliffs and magnesian limestone grassland;
 - Cleadon North Farm to Cleadon Hill – magnesian limestone grassland;
 - Cleadon Lane to Marsden – magnesian limestone grassland;
 - River Tyne – mudflats salt marsh and otter;
 - Bede's World to River Tyne – mudflats, salt marsh and otter;

Durham Wildlife Trust is currently developing its Living Landscapes proposals as part of the national Living Landscapes campaign developed by the Wildlife Trusts. This provides an opportunity to develop a range of mitigating projects that can have real significance not only in South Tyneside but also across the wider region. The Trust is particularly interested in schemes designed to facilitate the adaptation of our countryside to climate change and allow the movement of habitats and species across the landscape in response to changing climate.

- West Fellgate Farm to River Don – rivers and streams;
- Boldon Fellgate Farm to River Don – water vole and otter;
- Boldon North Bridge to Bede's World – water vole and otter.

- 15.4 The Policy also seeks the enhancement and creation of new areas of the following priority habitats:
- magnesian limestone grassland at Downhill and the Cleadon Hills;
 - rivers and streams, reed bed, swamp, fen and marsh on the River Don; and
 - lowland heathland / early successional brownfield land in the Wardley Colliery area
- 15.5 The Council aims to ensure that new development results in no net loss of biodiversity value of identified priority habitats, as defined in the Durham Biodiversity Action Plan. Where development is considered to have a potential impact on habitats and wildlife, measures will be required to minimise any adverse effects. Appropriate measures may involve retaining some features on site, replacing them elsewhere, additional planting to strengthen and reinforce wildlife corridors, or the development and implementation of a management plan for the site. On a site-by-site basis, the Council may therefore use Section 106 agreements to secure financial contributions to mitigate the impact of a development on habitats and wildlife. Negotiated agreements will need to make provision for the management and maintenance of biodiversity and geological conservation interests.
- 15.6 For example, a potential development site may include a green space consisting of hedgerows, a pond, trees and grassland. The site could also include a feature of geodiversity value. A Section 106 agreement or planning obligation would then be negotiated to manage this part of the site, and perhaps create footpath links for people to enjoy. A management agreement or plan prepared by the developer would set out the strategy and responsibilities for the future maintenance of the site including access, enjoyment, interpretation and education where appropriate.
- 15.7 There may also be opportunities to create new habitats or reinforce existing ones in association with new development. Such opportunities will be explored with developers and secured through planning obligations where appropriate. Parties other than the Council, such as Durham Wildlife Trust, may be engaged to spend the developer contributions arising from planning obligations on nature conservation.



PPS1: Delivering Sustainable Development

PPS 12: Local Spatial Planning

PPS23: Planning & Pollution Control

SPD1: Sustainable Construction and Development
(Adopted August 2007)

16 Water and Sewerage Infrastructure

Relevant Development Plan Policies:

LDF Core Strategy Policy ST1: Spatial Strategy for South Tyneside

The use of planning obligations is essential for delivering the Council's overall spatial strategy for sustainable development, and to ensure that any adverse environmental impact of new development is avoided or minimised.

LDF Core Strategy Policy ST2: Sustainable Urban Living

This policy requires "sustainable urban drainage systems" and water conservation features including "grey water recycling" and other technologies to be used wherever possible.

Saved UDP Policy ENV5: Principles of Good Design and Access

This policy seeks to ensure that all development protects groundwater, surface water, the sea and aquatic habitats.

- 16.1 LDF Core Strategy Policy ST1 seeks to ensure that any adverse environmental impact of new development is avoided or minimised, and Circular 05/2005 on Planning Obligations suggests that it will be sensible for a joined-up approach to be taken to the planning of all infrastructure and services that will be needed for a site. Proposals for new development must be capable of being accommodated by existing or planned water and sewerage infrastructure services (whether supplied by utilities providers or the development itself), and must not have a seriously harmful impact on existing systems, thereby worsening the services enjoyed by the existing community.
- 16.2 Where necessitated by new development, the provision of additional water and sewerage infrastructure capacity will be essential to the timely implementation and functioning of developments. In some circumstances, it may be appropriate to use a planning obligation to facilitate the delivery of water and sewerage infrastructure required for new development and necessary for its effective and efficient phasing.
- 16.3 LDF Core Strategy Policy ST2 requires sustainable urban drainage systems (SUDS) and water conservation features including grey water recycling and other technologies to be used wherever possible, and in some circumstances it may be appropriate to use a planning obligation to secure details of adoption and maintenance. Guidance on sustainable urban drainage systems is contained in chapter 6 of the Council's Supplementary Planning Document 1 on Sustainable Construction and Development (adopted August 2007).

Appendix 1: Sustainability Appraisal Report

Appendix 1: Sustainability Appraisal Report (May 2008)

1. Introduction

The Purpose of this Report

- 1.1 This report provides the conclusions of the appraisal of the Supplementary Planning Document on Planning Obligations and Agreements (SPD5) revised consultation draft version as at 22 May 2008.

Introduction to Sustainable Development

- 1.2 A widely used definition of sustainable development is:

"Development which meets the needs of t-he present without compromising the ability of future generations to meet their own needs".

Sustainable development, as defined by Government in Planning Policy Statement 1 *Delivering Sustainable Development* should be pursued:

"...in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, suitable communities and personal well being, in ways that protect and enhance the physical environment and optimise resource and energy use."

- 1.3 The new Sustainable Development Strategy *Securing Our Future: delivering the UK Sustainable development strategy* was published in March 2005. Four priority areas for immediate action are contained within this, which at the same time recognise a need for changing behaviour to bring about long-term sustainability improvements. The four areas for action are:
- Sustainable Consumption and Production
 - Climate Change and Energy
 - Natural Resource Protection and Environmental Enhancement, and
 - Sustainable Communities

1.4 Appropriate Assessment

Articles 6(3) and 6(4) of the European Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires land use plans to ensure that the protection of the integrity of Designated European Sites is part of the planning process. The process of ascertaining any effects on site integrity is known as Appropriate Assessment. Appropriate Assessment (AA) and Sustainability Appraisal (SA) are two separate processes with their own legal requirements. Nonetheless draft guidance from the Department of Communities and Local Government *Planning for the Protection of European Sites: Appropriate Assessment* recommends that they be undertaken in conjunction and that evidence gathered to inform a SA should also inform an AA and vice-versa. There is a three-stage approach, usually involving:

- **Screening** to identify any likely impacts of the plan on Designated European Sites either alone or in combination with other plans or projects;

- **Appropriate Assessment**, where there are any likely significant impacts of their effect on the structure of the Sites and their conservation objectives;
- **Mitigation** of any such impacts and mitigation measures. At all stages the precautionary principle is applied in making such judgements.

SPD5 provides additional information and guidance on adopted policies of the South Tyneside Local Development Framework Core Strategy, which were subject to Appropriate Assessment during the preparation of the Core Strategy. It does not introduce new policies or proposals for specific sites within the Borough, but seeks to provide generic guidance on planning obligations and agreements. The Council considers that the impact of this document would not in any way affect the protection of the integrity of Designated European Sites and further Appropriate Assessment is not therefore required for this document, but Appropriate Assessment may be necessary for some significant planning applications. At chapter 15, Biodiversity and Geodiversity, the document provides additional guidance on the planning obligations that may be appropriate to maintain and enhance biodiversity and geological interests in the Borough

Overview of this Integrated Sustainability Appraisal and Strategic Environmental Assessment

- 1.5 This is the South Tyneside Planning Obligations and Agreements Supplementary Planning Document (SPD) Sustainability Appraisal Report. It sets out the Sustainability Appraisal (SA) process that was followed. It also provides contact details and how to comment on the document during the public consultation period. This SA Report incorporates an Environmental Report under the Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633.

Background

- 1.6 The purpose of the SPD is to provide developers, landowners, the community and the Council with guidance and greater certainty on the planning obligations or contributions that will be needed to allow development to be suitably accommodated in the Borough with acceptable impact. The Planning Obligations and Agreements SPD, along with other planning documents from the emerging South Tyneside Local Development Framework (including 'saved' policies from the Unitary Development Plan), will be a material consideration in determining planning applications and assessing their sustainable credentials.
- 1.7 This SPD provides the detail to implement LDF Core Strategy Policy ST1, Spatial Strategy for South Tyneside. There are also a number of other, relevant policies within the Core Strategy, including those dealing with Sustainable Urban Living (Policy ST2), Improving Accessibility (Policy A1), Delivering Economic Growth and Prosperity (Policy E1), Creating Sustainable Urban Areas (Policy SC1), Reviving our Town Centres and other Shopping Centres (Policy SC2), Housing Needs, Mix and Affordability (Policy SC4), Providing for Recreational Open Space, Sport and Leisure (Policy SC6), Local Character and Distinctiveness (Policy EA1), and Biodiversity and Geodiversity (Policy EA3). Reference is also made to policies contained within the Council's saved UDP and full details of the links with these policies are shown in the document.
- 1.8 The SPD has been subject to consultation as part of the LDF process, although Office of the Deputy Prime Minister (ODPM) guidance for Supplementary Planning Documents suggests that the consultation group may be narrower in focus than for Development Plan Documents (such as the Core Strategy, Area Action Plans and Site-Specific Allocations), as there is likely to be more focused, particular interest in a document of this type.

The Purpose and Scope of the Sustainability Appraisal

- 1.9 The purpose of the Sustainability Appraisal (SA) is to promote sustainable development through better integration of sustainability considerations into the final preparation and adoption of the Planning Obligations and Agreements SPD. A non-mandatory Strategic Environmental Assessment and SA were completed for the LDF Core Strategy Submission Draft, which commenced public examination in October 2006. The scoping report developed for the Core Strategy by Entec UK has been transferred to this SA to avoid any duplication of effort, as the baseline and appraisal framework are the same.
- 1.10 The SA considers the SPD's implications from a social, economic and environmental perspective, by assessing the draft SPD against available baseline data and sustainability objectives.
- 1.11 SAs are mandatory for SPDs under the requirements of the Planning and Compulsory Purchase Act 2004. Appraisals of SPDs should also fully incorporate the requirements of the European Directive 2001/42/EC, known as the Strategic Environmental Assessment (SEA) Directive. The Environmental Assessment of Plans and Programmes Regulations 2004 transpose this Directive into English law.
- 1.12 The Directive seeks to promote sustainable development and in consequence, this appraisal considers the effects of policies on social, economic and environmental objectives that collectively define sustainability within the district. Where those effects are considered likely to be significantly detrimental, mitigating measures are proposed. These will take the form of proposed amendments to the document's wording.
- 1.13 There will always be significant tensions in the process of appraisal. The process makes explicit the potential conflict between economic growth and environmental impacts. Whilst these cannot always be resolved, the appraisal, in highlighting these is able to provide this information to decision-makers. Decisions can then be taken that are informed, based on evidence and that have sought to balance potentially competing interests.
- 1.14 Whilst no local authority plan can claim to achieve sustainability in its own right, but its contribution towards realising sustainability can always be improved. For South Tyneside, this completed SA aims to aid this process.
- 1.15 Entec UK Ltd (Entec) assisted South Tyneside with the SA of the LDF Core Strategy and the first two Area Action Plans, and this methodology has informed subsequent development plan and supplementary planning documents in a consistent and independently devised process.

Approach to the work

- 1.16 The work comprised the following stages:
- Appraisal of the SPD's contribution to the economic, social and environmental objectives (including some consideration of an alternative option).
 - Completion of the SA Report that focuses upon the key sustainability issues arising from the appraisal and any proposed mitigation measures.

Appraisal of SPD Sustainability Performance

- 1.17 The appraisal focuses upon the whole Document, rather than the policies that it supports. Policies in the Core Strategy were subject to appraisal regimes that were in force at the time that they progressed through the development plan process towards adoption.
- 1.18 The sustainability performance of the SPD was evaluated using the same appraisal framework used to complete the appraisal of the LDF Core Strategy. Close attention was paid to the appraisal findings of those policies related to planning obligations and agreements in the LDF Core Strategy. Some attention was also given to the relative merits of a 'reasonable alternative'.
- 1.19 The framework is intended to allow the potential impacts to be assessed against the 22 Sustainability Appraisal (SA) objectives, as listed in the SA matrix, which includes the SA objectives, baseline information, indicators and commentary including suggested mitigation measures, as well as the appraisal itself. The criteria used to aid the appraisal covered the following issues:
- **Timing of Effect** – does the effect occur immediately or later, and does it last indefinitely or only temporarily?
 - **Severity of Effect** – will the overall effect be marginal or significant?
 - **Cumulative and Synergistic Effects** – does the effect exceed some threshold that results in some significant impact?
 - **Direction of Effort** – is the policy moving towards or away from the sustainability objective?
 - **Trans-boundary Effects** – does the effect impact on adjoining authorities or regions?
 - **Urban/ Rural Effects** – will the policy have different impacts on the core urban settlements and the outlying urban fringe areas?
- 1.20 A list of the 22 sustainability objectives (which are set out in full in the separate Sustainability Appraisal Matrix) for the South Tyneside LDF and used to appraise this SPD have been produced by analysing objectives from the following documents:
- UK Sustainable Development Strategy – Securing Our Future (HM Government 2005)
 - Regional Planning Guidance for the North East (2002);
 - The Emerging Regional Spatial Strategy and associated Sustainability Appraisal (February 2008);
 - Integrated Regional Matrix and Framework (SustaiNE 2004);
 - South Tyneside Unitary Development Plan and accompanying Environmental Appraisal (1999);
 - South Tyneside LDF Core Strategy and associated Sustainability Appraisal documents (Adopted 2007);
 - South Tyneside Regeneration Strategy (2004); and
 - SEA Directive requirements.
- 1.21 The SEA Directive requires that the assessment should include:
"The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors" (Annex 1f of the SEA Directive).

- 1.22 For each objective, a number of key questions are also presented, to help identify the different issues to be considered and provide more detail on the purpose of the objective.

The Appraisal Workshop

- 1.23 The workshop to appraise this SPD was held at South Shields Town Hall on Thursday 22 May 2008. The workshop included six officers who were not directly involved in the production of the document. The workshop was attended by:

- Matt Hawking, Senior Countryside Officer, South Tyneside Council
- Kevin Broadbent, Transport Policy Manager, South Tyneside Council
- Les Milne, Urban Design Manager, South Tyneside Council
- Melanie Holland, Strategic Housing Manager, South Tyneside Council
- Cheryl Tolladay, Senior Landscape Architect, South Tyneside Council and
- Tom Tweddell, Employment Development Coordinator, South Tyneside Council

In addition, the workshop was facilitated by:

- Ben Stubbs, Planning Policy Officer, South Tyneside Council,
- Fiona McGloin, Planning Policy Officer, South Tyneside Council and
- Elaine Langman, Senior Planning Policy Officer, South Tyneside Council

Completion of the SA Report

- 1.24 The findings of the appraisal are presented in this report and is structured from this point as:

- The completed SA Matrices (Table A2.2)
- Key findings of the SA process
- Identification of any missed opportunities and changes/ mitigation recommendations (Table A2.1)

- 1.25 The Council has the opportunity to respond to the comments made in this report; however, it remains at the Council's discretion whether it decides to accept or decline the proposed amendments to the SPD. The final Document is, however, obliged to contain a schedule of all the comments made in the consultation, how they were taken account of and why. (See Appendix 3: Responses to the revised consultation draft (July 2008)).

2. Key Findings of the Sustainability Appraisal

Overview

- 2.1 This section provides the evidence base for the prediction and assessment of the potential effects of the Planning Obligations & Agreements SPD.
- 2.2 This SPD contains four main sections:
- 1) The first section outlines the purpose of planning obligations and agreements and highlights national, regional and local planning policy, including the South Tyneside Local Development Framework, emerging Regional Spatial Strategy for the North East and national Planning Policy.
 - 2) The second section includes two tariffs for securing developer contributions towards the provision of strategic transport improvements, and recreational open space, children's play facilities and sports facilities.
 - 3) The third section sets out the planning obligations which will be assessed on a site-by-site basis and includes issues such as: transport, car parking and traffic management; employment and training; social and community facilities; affordable housing, public realm, public art, heritage and conservation; and biodiversity and geodiversity.
 - 4) The final section (appendices) contains the responses to the first consultation draft SPD5 and this SA report.
- 2.3 This document was appraised in its entirety and the following matrix (Table A2.2) provides scoring detail which includes a measure of significance, timing duration of effect, an indication as to whether the effect is trans-boundary or cumulative and whether the effect is likely to have a positive or negative impact. Consideration was also given to whether the guidance contained in the SPD may have a differential impact on the core urban settlements and the outlying urban fringe areas. Commentary is also included within the final column of the matrix as a justification for the scoring and to flag up any mitigation measures and recommendations on how certain aspects of the policy can be improved.
- 2.4 The supporting information for the SPD was also considered during the appraisal, although not appraised separately.

Summary of the Potential Effects of the SPD

- 2.5 This section provides a summary of the overall, likely effects of the draft SPD as a whole and highlights the significant potential environmental, economic and social effects of implementing it.
- 2.6 An alternative option has also been considered to the adoption of the SPD, which is a 'business as usual' approach. This option relates to the existing policy framework in place concerning planning obligations and agreements, which comprises the adopted Local Development Framework Core Strategy and saved policies from the South Tyneside Unitary Development Plan (UDP).

- 2.7 While this approach is straightforward it assumes that all planners using the policies were familiar with the measures that might be taken to secure planning obligations and agreements with developers. In practice this was not always the case, and it was therefore decided that it was essential that the Council provided certainty to developers on where and when planning obligations would be sought. Hence, this supplementary material was considered to be necessary.
- 2.8 Table A2.2 (on the next page) sets out in full areas where the SPD will potentially have a positive impact. It also highlights those areas where there is potential to impact negatively, or for the SPD to have a potentially uncertain impact. Significant outcomes of the appraisal of the SPD are summarised below (Table A2.1) and measures are proposed to improve the impact of the SPD.

Table A2.1: Recommended Actions to Improve the Sustainability of SPD5

Objective	Issues Arising	Recommended Action	Action Taken
1. To create and retain wealth	In the short term the SPD might have a negative effect, since the introduction of developer contribution tariffs might inhibit some marginal investments in the Borough.	The SPD is intended to provide greater certainty for developers seeking to locate in South Tyneside, and is based upon guidance contained in Circular 05/2005 on Planning Obligations. The proposed tariffs have been set at a modest rate to reflect viability of sites in the Borough, and the current economic climate. The investment in community infrastructure is considered to be essential in order to achieve the Council's overall spatial strategy for sustainable development.	Chapters 6 and 7 of the document have been amended to explain that the document and the developer contribution rates will be kept under regular review to take account of market conditions, but also appropriate inflationary price increases.
11. To protect and enhance the Borough's diversity of cultural heritage	The SPD includes general principles for the use of planning obligations to protect and enhance heritage and conservation in the Borough, and may help to clarify the Council's commitment to securing high quality design and a sense of place.	The preparation of new urban design guidance has been discussed.	An Urban Design Framework is planned as a future SPD.

Table A2.2: SA Matrix

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale			Rural	Urban	Commentary
		Short term	Long term	Severity	Cumulative	Local	Trans-boundary			
1. To create and retain wealth	Will new businesses be created? Will it generate sustainable economic growth? Will it generate new employment? Will it increase average household income?	✓	✓	Short term T	T	T	T	X	T	<p>In the short term the SPD might have a negative effect, since additional tariffs might inhibit some investment. However, it was noted that the proposed tariffs are modest and they may generate positive spin offs such as employment in construction or in transport development, and the overall impact was considered to be positive.</p> <p>A fundamental objective of SPD5 is to ensure that development is sustainable. In the short and long term it is anticipated that the use of planning obligations for targeted recruitment and training will support employment growth, and the social clauses programme will help to establish a stronger economic base by encouraging the use of local suppliers.</p> <p>The planning obligation tariff for off site strategic transport improvements may generate some additional employment opportunities, and may have some marginal positive effects across the wider region.</p>
2. To help businesses start up, grow and develop	Will it stimulate an entrepreneurial culture? Will it improve business development and enhance competitiveness? Will it promote growth in key sectors? Will it encourage business diversity?	✓	✓	T	T	T	T	X	T	<p>The impacts of the SPD on this objective are likely to be indirect, but there may be some positive effects for business development for example in the food sector and encouragement of the use of local suppliers and produce.</p> <p>Improvements to strategic transport infrastructure, secured through the use of</p>

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale			Rural	Urban	Commentary
Sustainable Development Objectives		Short term	Long term	Severity	Cumulative	Local	Trans-boundary			
										planning obligations, may support business development in the Borough.
3. To ensure high and stable levels of employment so everyone can share and contribute to greater prosperity	Will this reduce outward migration? Will this reduce unemployment rates? Will this increase employment rates? Will this reduce the rate of worklessness?	✓	✓	T	T	T	T	X	T	The SPD seeks to increase targeted recruitment and training, which should mean that people are less likely to travel outside the Borough for employment and training. There may also be some additional employment opportunities in construction and transport. The measures included in the SPD may have a short term impact, but a more holistic improvement of employment opportunities, housing choices, sustainable transport infrastructure, cultural facilities etc is necessary to achieve this objective. Trans boundary effects are likely to be marginal, since traffic movements into and out of the Borough are likely to improve.
4. To establish and retain a flexible and highly skilled workforce through training and education	Will it improve people's skills? Will it improve educational performances against the national average? Will it encourage retention of people with higher-level skills? Will this encourage links between education and employment at all educational levels?	✓	✓	T T	T	T T	X	X	T	The SPD should have a positive impact in increasing targeted recruitment and training. The Social Clauses Programme will support improvement of skills, encourage good links between education and employment for example through apprenticeships and work placements, and will provide opportunities for development of social enterprises. The implications of the Social Clauses Programme are Borough wide, but the

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale			Rural	Urban	Commentary
Sustainable Development Objectives		Short term	Long term	Severity	Cumulative	Local	Trans-boundary			
	Will this encourage social inclusion?									majority of the residents of the Borough will be located in the core urban settlements. No impact upon the outlying rural areas is anticipated.
5. To encourage self-sufficiency and local production in Borough	Will it encourage self-sufficiency and local production in South Tyneside?	✓	✓	T	T	T	X	X	T	The promotion of local business supply chains will encourage self-sufficiency and the use of locally sourced materials. The strategic transport improvements tariff seeks to encourage development in the most sustainable town centre locations. The tariff will be proportionately higher in edge of settlement, or out of settlement locations.
6. To prevent deterioration and where possible improve local air quality levels for all	Will it prevent deterioration or improve local air quality?	✓	✓	T	T	T	T?	T	T	The SPD may have a marginal positive impact upon local air quality levels. The promotion of sustainable transport improvements including cycling initiatives and introduction of travel plans may have a positive local effect. There may be some trans-boundary effects across strategic transport routes.

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale					Commentary
Sustainable Development Objectives		Short term	Long term	Severity	Cumulative	Local	Trans-boundary	Rural	Urban	
7. To protect and enhance the quality of the Borough's land and groundwater, rivers and sewaters	Will it reduce pollution of land, groundwater, rivers and the sea? Will it protect and enhance the quality of the Borough's groundwater, rivers and sewaters? Will it encourage use of the Borough's natural assets?	X	X	X	X	X	X	X	X	There is no direct relationship between the SPD and this objective, which is addressed by other policies and regulations.
8. To protect and enhance the Borough's coastline and water frontage	Will it manage the coastline in accordance with the Shoreline Management Plan? Will it reduce and minimise the risk to people and properties of flooding? Will it reduce the risk of damage to property by storm events?	X	X	X	X	X	X	X	X	There is no direct relationship between the SPD and this objective. Other relevant strategies address these issues.
9. To reduce the causes and the impacts of climate change	Will it lead to an increased proportion of energy needs being met from renewable sources? Will it reduce greenhouse gas and CO2 emissions in line with national targets? Will it improve the Standard Assessment Procedure (SAP) rating of housing in the Borough?	✓	✓	T	T	T	T	T	T	The SPD promotes the use of sustainable transport and the implementation of Travel Plans, but the impact on the overall objective will be marginal. There may be some trans boundary impact, since CO2 travels beyond the Borough. New development proposals must satisfy relevant Building Regulations and SPD1 Sustainable Construction and Development.

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact Severity	Scale			Rural	Urban	Commentary
		Short term	Long term		Cumulative	Local	Trans-boundary			
Sustainable Development Objectives										
10. To protect and enhance the Borough's biodiversity and geology	<p>Will it protect and enhance the Borough's biodiversity?</p> <p>Will it protect and enhance the Borough's designated sites of scientific and natural resource interest?</p> <p>Will it protect and strengthen populations of priority species and enhance priority habitats?</p>	✓	✓	T T	T	T T	T	T	T	<p>SPD5 lays down principles for the protection of biodiversity and geological conservation interests and for the prevention of harm. Priority habitats (identified in the Durham Biodiversity Action Plan) are also noted in this document.</p> <p>The SPD may help to strengthen the Council's approach, and there may be a positive cumulative impact if some sites are linked. There may be some trans boundary impact as species may move across Borough boundaries.</p> <p>In the short term the use of planning obligations may help to prevent harmful impacts, but mitigation measures will depend upon site circumstances and any other material considerations. In the long term the SPD may help to create better habitats, but other measures also exist to protect priority sites and habitats.</p>
11. To protect and enhance the Borough's diversity of cultural heritage	<p>Will it protect and enhance the Borough's diversity of cultural heritage?</p> <p>Will it protect and enhance the Borough's sites and features of historical and archaeological importance?</p> <p>Will it encourage the interpretation and use of cultural assets in the Borough?</p>	✓	✓	T	T	T	X	T	T	<p>The SPD includes general principles for the use of planning obligations to protect and enhance heritage and conservation in the Borough.</p> <p>The SPD may help to clarify the Council's commitment to securing high quality design and a sense of place. New urban design guidance is planned.</p> <p>The impact of the SPD on these issues may initially be marginal, but will hopefully become more significant especially at the local level.</p>

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale			Rural	Urban	Commentary
		Short term	Long term		Severity	Cumulative	Local			
12. To ensure good accessibility for all to jobs, facilities, goods and services in the Borough	<p>Will it encourage travel (domestic and freight) by means other than private car or HGV?</p> <p>Will it help to reduce traffic congestion and improve road safety?</p> <p>Will it encourage mixed-use development in accessible locations?</p> <p>Will it encourage and promote the use of e-infrastructure including broadband ICT?</p> <p>Will it ensure good accessibility for all to jobs, facilities, goods and services in the Borough to appropriate standards?</p>	✓	✓	T T	T	T T	T	T T	<p>The SPD includes proposals for a strategic transport improvement tariff to make sure that new development in the borough is sustainable. Developer contributions would be used to help to improve accessibility and reduce congestion.</p> <p>Implementation of sustainable transport policies would encourage the use of public transport, walking and cycling. The SPD also promotes the use of travel plans, which should encourage a modal change to more sustainable forms of transport.</p>	
13. To minimise the amount of waste produced and promote sustainable waste management	<p>Will it ensure that the management of waste is consistent with the waste management hierarchy (avoid, reduce, re-use, recycle and residual disposal through the BPEO)?</p> <p>Will it encourage more recycling/ composting?</p> <p>Will it reduce waste production?</p> <p>Will it divert waste from landfill?</p>	X	X	X	X	X	X	X	X	<p>There is no direct relationship between the SPD and this objective. Other relevant strategies address these issues, including SPD1 Sustainable Construction and Development.</p>
14. To make prudent use of natural resources	<p>Will it minimise the use of water?</p> <p>Will it minimise the demand for raw and finite materials?</p> <p>Will it minimise the use of fossil fuels?</p>	X	X	X	X	X	X	X	X	<p>There is no direct relationship between the SPD and this objective. Other relevant strategies address these issues, including SPD1 Sustainable Construction and Development.</p>

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale			Rural	Urban	Commentary
		Short term	Long term		Severity	Cumulative	Local			
Sustainable Development Objectives										
15. To promote sustainable design and enhance the natural and built environment	<p>Will it encourage high-quality design?</p> <p>Will it encourage higher-density development in accessible locations?</p> <p>Will it promote the construction of homes and commercial buildings to recognised energy efficiency standards, e.g. Eco-Homes and BREEAM?</p> <p>Will it enhance the existing natural and built environment?</p> <p>Will it encourage use of recycled and sustainable building materials and construction methods?</p>	✓	✓	T	T	T	T	X	T	<p>The SPD promotes the development of recreational open space, it encourages high quality design and provides a framework to protect and enhance biodiversity and geodiversity. It also encourages development in accessible locations. The use of planning obligations may therefore assist with this overall objective, but the impact may be only marginal.</p> <p>It was discussed that development might come forward at higher densities to compensate for the introduction of a financial contribution as a planning obligation.</p> <p>SPD1 Sustainable Construction and Development is particularly relevant to this objective.</p>
16. To protect and enhance the quality and distinctiveness of the Borough's land and landscapes	<p>Will it minimise development of Greenfield land?</p> <p>Will it encourage the remediation of potentially historically affected land?</p> <p>Will it protect special landscape features?</p> <p>Will it maintain or enhance the Borough's stock of trees?</p>	✓	✓	T	T	T	X	T	T	<p>The SPD may have a marginally positive impact on this objective, with the potential for more significant impact in the future.</p> <p>The use of planning obligations may help to increase investment in green spaces and the stock of trees, and may assist with the protection and enhancement of priority sites and habitats. Trees are not specifically promoted in the SPD, and perhaps could be included in the open space or biodiversity sections.</p>

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale			Rural	Urban	Commentary
		Short term	Long term		Severity	Cumulative	Local			
17. To maximise the opportunity to redevelop previously developed land (PDL)	Will it maximise the use of PDL?	✓	✓	T	T	T	X	X	T	The SPD promotes the development of the most sustainable sites, particularly through the application of the strategic transport improvement tariff. Many redevelopment sites may be PDL with poor access. Improving transport and access may help to maximise the opportunities to redevelop land.
18. To ensure everyone has the opportunity of living in a decent and affordable homes and tenure of choice	Will it encourage a mix of housing types, sizes and tenures that meet identified needs? Will it ensure adequate provision of affordable housing? Will it reuse existing housing stock where appropriate?	✓	✓	T	T	T	X	X	T	The SPD may help to secure affordable housing, but the affordable housing policy does not address the private housing stock, and so does not necessarily deliver the tenure of choice for people. It may be appropriate to keep the affordable housing policy under regular review to ensure that the obligation does not become too onerous. Achievement of a decent home standard is a more fundamental issue for the housing strategy, and availability of funding
19. To reduce crime and anti-social behaviour and the fear of crime and anti-social behaviour	Will it reduce crime and anti-social behaviour levels and the fear of these activities? Will it encourage community-led safety? Will it promote the adoption of design measures that reduce crime and the opportunity for it?	✓	✓	T	T	T	X	✓	T	The provision of good housing stock, investment in play space and the promotion of high quality design and a sense of place may make a positive but marginal contribution to this objective. There will also be opportunities for designing out crime initiatives, and more sustainable communities may be created by appropriately located mixes of housing fostering good estate

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale			Rural	Urban	Commentary
Sustainable Development Objectives		Short term	Long term	Severity	Cumulative	Local	Trans-boundary			
										management.
20. To improve health and well-being and reduce inequalities in health care and access to it for all	Will it improve access to equal health care for all? Will it reduce health care inequalities among all groups of the Borough? Will it promote a healthier lifestyle with facilities and opportunities for recreation and leisure for all?	✓	✓	T	T	T	X	X	T	The SPD seeks to secure contributions towards social and community facilities and support aspirations for healthy, safe and sustainable communities through the provision of recreational open space. The open space proposals seek to provide for healthier lifestyles and sustainable transport and travel may improve access to health care facilities. The impact of the SPD on this objective is however likely to be marginal.
21. To promote equality and diversity and protect and strengthen community cohesion	Will it promote equality throughout the Borough? Will it address the needs of minority groups within the Borough?	✓	✓	T	T	T	X	X	T	The SPD refers to the Social Clauses Programme, which includes initiatives to promote equality and diversity and support community development. Employment and training initiatives in the construction sector look to attract people from a diverse range of groups, including for example women and ethnic communities.

SPD 5 Planning Obligations & Agreements	Questions	Timescale		Impact	Scale			Rural	Urban	Commentary
		Short term	Long term		Severity	Cumulative	Local			
Sustainable Development Objectives										
22. To increase public involvement in decision making and civic activity	<p>Will it encourage participation in public consultation at all ages and all levels?</p> <p>Will it encourage community inclusion?</p> <p>Will it encourage public empowerment?</p>	✓	✓	T	T	T	X	T	T	<p>The Council actively seeks public involvement in the preparation of its LDF documents, and this is set out in the Statement of Community Involvement (SCI). At draft stage the SPD will be issued for consultation in order to take account of public opinion during the formulation of the planning obligation proposals.</p> <p>The Council's Social Clauses Programme includes consultation with the voluntary sector, business forums, residents associations and the community sector.</p> <p>This document does not however seek to recommend a process for public involvement in decision-making and civic activity.</p>

Key

A	Move away significantly	A	Move away marginally	T	Move towards marginally	T	Move towards significantly	X	No Relationship	?	Uncertain	✓	Operates at this timescale	-	Not Applicable
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Conclusions on the Performance of the SPD.

- 2.9 A fundamental objective of the SPD is to ensure that development is sustainable, and the SPD has been assessed to generally perform well in the short and long term against economic development objectives. It is anticipated that the use of planning obligations for targeted recruitment and training will help to support employment growth, and the social clauses programme will help to establish a stronger economic base by encouraging the use of local suppliers (1). This effect may impact in the short term but will become more significant over time. Measures included in the SPD may help to ensure stable levels of employment, but a more holistic improvement of employment opportunities, housing choices, sustainable transport infrastructure, cultural facilities etc will be necessary for everyone to share and contribute to greater prosperity (3). Targeted recruitment and training initiatives will also support improvement of skills, encourage good links between education and employment and provide opportunities for development of social enterprises (4).
- 2.10 The SPD was judged to have some positive environmental impacts but other areas of no direct relationship. No specific measures are included in the document to mitigate coastal flood risk (8), but it was acknowledged that there are other more relevant strategies that address this issue including the adopted LDF Core Strategy and SPD1: Sustainable Construction and Development. The SPD promotes the use of sustainable transport and the implementation of Travel Plans, but the impact on the overall objective to reduce the causes and impacts of climate change was considered to be marginal (9). The SPD lays down principles for the protection of biodiversity and geological conservation interests, and for the mitigation of harmful impacts. In the long term the SPD may secure measures to help to enhance priority habitats but it was acknowledged that other strategies also exist to protect priority habitats and sites (10).
- 2.11 The SPD may help to clarify the Council's commitment to securing high quality design and a sense of place. The impact may initially be marginal, but will hopefully become more significant especially at the local level (11). There was considered to be no direct relationship between the document and objectives to: minimise waste (13.); make prudent use of natural resources (14.). The SPD promotes the development of the most sustainable sites, particularly through the application of the strategic transport improvements tariff and may help to encourage the use previously developed land (17.). In general, the document scored better at more local impacts. It was found to move towards promoting sustainable design (15.), and protecting and enhancing the quality and distinctiveness of the Borough's land and landscapes (16.).
- 2.12 With regard to social objectives, the document was found to score positively for access to jobs through the promotion of sustainable transport choices (12.), and scored well for securing affordable housing, but the achievement of a decent home standard was considered to be a more fundamental issue for the wider housing strategy (18). The SPD refers to Social Clauses, which include strategies to promote equality and diversity and support community development, so some marginal impact was noted (21.). The Council actively seeks public involvement in the preparation of its LDF documents, but this SPD does not seek to recommend a process for public involvement in decision-making and civic activity so the direct effect is marginal against this social objective (22).

Does this SA comply with the SEA Directive?

- 2.13 Whilst the term 'sustainability appraisal' has been around for a number of years, it is with the implementation of the SEA Directive that the process has moved from being solely a qualitative process to one that relies more substantively on an evidence base. The guidance from the ODPM has detailed how SAs could be

undertaken in a manner to include the requirements of the SEA Directive. The ODPM guidance details the following four phases in the process of developing a Local Development Document:

- Pre-production – evidence gathering (including establishing the social, economic and environmental baseline);
- Production – preparation and refinement of issues and options, assessing effects, determining preferred options, consultation and submission of development documents;
- Examination – representations, independent examination and binding report; and
- Adoption – adoption and monitoring.

For each of these stages, there are a number of requirements outlined in the integrated SA/ SEA guidance.

Appendix 2: Statement of Consultation

Appendix 2: Statement of Consultation for Supplementary Planning Document 5: Planning Obligations and Agreements

1. Introduction

The Statement of Consultation describes the consultation that has been undertaken in the preparation of Supplementary Planning Document 5: Planning Obligations and Agreements (SPD 5) of the South Tyneside Local Development Framework. This is in accordance with the Planning & Compulsory Purchase Act 2004 and the Town & Country Planning (Local Development) (England) Regulations 2004 (Part 5).

In 2004, the Government introduced a new type of development plan known as the Local Development Framework (LDF). A key part of the LDF is SPD 5, which supports several strategic policies set out in the Development Plan, notably Core Strategy policy ST1. SPD 5 provides developers, landowners, communities and the Council with further guidance on the planning obligations and agreements that will be required to ensure that new development can be accommodated in the Borough, with acceptable impact and within the principles of sustainable development. This SPD and all other documents of the South Tyneside LDF are prepared and developed in an open, inclusive and fair manner.

The Statement of Consultation sets out how we have consulted on SPD 5 at pre-adoption stage, as required under Regulation 17 "Public Participation". It also details the way in which representations were incorporated into the final draft version, as prescribed in Regulation 18 "Representations on Supplementary Planning Documents".

2. The Consultation Process

The revised consultation draft SPD was made available for public consultation for over 4 weeks from Wednesday 30th July to Friday 29th August 2008. The Regulations prescribe that a four to six week period is adequate for SPDs. A report updating Council Members on the progress of SPD 5 was also presented to Planning Committee on Tuesday 26th August 2008.

2.1. Which bodies were consulted

A comprehensive group of bodies and individuals was consulted in the preparation of this SPD, in accordance with the Act and Regulations. This included: statutory, specific and general consultees; those who responded to the first consultation draft document; the Area Planning Group's agents and applicants consultation list; all Members of the Council; relevant Council officers; and others who requested to be kept informed about progress on the LDF.

The specific consultation bodies included:

- The Regional Planning Body – Government Office for the North East
- North East Assembly
- ONE North East
- English Heritage
- Natural England

- The Environment Agency
- The Coal Authority
- The Highways Agency
- Sport England
- Gateshead Council
- Newcastle City Council
- North Tyneside Council
- City of Sunderland Council

2.2. Where the revised draft SPD 5 was made available

Copies of the revised draft SPD were made available for inspection free of charge at the following locations:

- **South Tyneside Council Offices** (between the hours of 8:30 am and 4:30pm Monday to Friday)
 - Town Hall and Civic Offices, Westoe Road, South Shields, NE33 2RL
 - Jarrow Town Hall, Grange Road, Jarrow, NE32 3PH
 - Hebburn Civic Centre, Campbell Park Road, Hebburn, NE31 2SW
- **South Tyneside Libraries** (during normal opening hours)
 - Boldon Lane Library, Boldon Lane, South Shields, NE34 0LZ
 - Chuter Ede Library Access Point, Chuter Ede Community Centre, Galsworthy Road, South Shields, NE34 9UG
 - Cleadon Park Library, Sunderland Road, South Shields, NE34 6AS
 - East Boldon Library, Boker Lane, East Boldon, NE36 0RY
 - Hebburn Library, Station Road, Hebburn, NE31 1PN
 - Jarrow Library, Cambrian Street, Jarrow, NE32 3QN
 - Primrose Library, Glasgow Road, Jarrow, Primrose, NE32 4AU
 - South Shields Central Library, Prince Georg Square, South Shields, NE33 2PE
 - Whitburn Library, Mill Lane, Whitburn, SR6 7EN

In addition, the revised draft SPD was available on request free of charge for residents and organisations within South Tyneside, and could be viewed or downloaded from the Council's website at: www.southtyneside.info/planning/strategic/ldf. A charge applied for any other requests made from those located outside of the Borough.

A Statutory Notice advertising the consultation was placed in 'The Shields Gazette' on Wednesday 30th July 2008. The wording of the advertisement is replicated in Annex 2 of this Statement. A press release about the revised draft SPD5 was also published in 'The Shields Gazette' on Monday 28th July 2008.

2.3. How we consulted

Consultation letters and emails were sent to the organisations and individuals noted in Section 2.1, and the full consultees list set out in Annex 1 of this Statement. In addition, paper copies of the revised consultation draft SPD5 were sent to the specific consultees, all of those who responded to the first draft consultation document and to other individuals and organisations on request. All Members of the Council's Cabinet and Planning Committee received paper copies of the revised consultation draft document.

3. Key Messages from the Consultation

At the close of the consultation period, a total of 21 external consultees responded with support for or comments on the SPD. The table set out in Appendix 3 presents the comments received and the Council's response. The actions taken to address the comments received are highlighted in bold.

Annex 1:
Bodies, groups and individuals consulted as part of the consultation process

External – specific, general and other consultees				
Title	Name		Position	Organisation
Ms	Caroline	Burden	Planning Team, Regional Group	Government Office for the North East
Ms	Mary	Edwards	Planning Team, Regional Group	Government Office for the North East
Mr	Malcolm	Bowes	Assistant Director	North East Assembly
Mr	Andy	Groves	Planning and Transport Manager	ONE North East
Ms	Wendy	Hetherington	Statutory Planning Specialist Advisor	ONE North East
Mr	Alan	Hunter	Regional Planner	English Heritage
Ms	Jenny	Loring	Government Team	Natural England
Ms	Sarah	Wickerson	Planning Liaison Officer	The Environment Agency
Mr	Ian	Radley	Director – Network Strategy (North East)	Highways Agency
Mr	Carl	Banton	Head of Planning and Local Authority Liaison	The Coal Authority
Miss	Rachael	Bust	Deputy Head of Planning and Local Authority Liaison	The Coal Authority
Mr	Dave	McGuire	Senior Strategic Planning Manager	Sport England
Mr	Paul	Dowling	Director of Development and Enterprise	Gateshead Council
Mr	Kevin	Vigars	Access Development Officer	Gateshead Council
Mr	Colin	Percy	Team Manager Planning Policy	Newcastle City Council
Mr	Ian	Ayris	Historic Environment Manager	Newcastle City Council
Mr	David	Heslop	Tyne & Wear County Archaeologist	Newcastle City Council
Mr	Paul	Dillon	Assistant Planning Manager	North Tyneside Council
Mr	Gary	Clasper	Principal Planner	City of Sunderland
Mr	Christopher	Snarr	LDF Team Manager	The Planning Inspectorate
Miss	Nicola	Allan	Barrister	Trinity Barristers
Ms	Carol	Horlock		Adam Holmes Associates
Mr	T	Elliot		ADAS Newcastle
Mr	John	Bryers	Chairman	Age Concern
Mr	Gordon	Metcalf		Alfred McAlpine Developments
				Ancient Monument Society
	Surjah	Hunter		Apna Ghar

Ms	Liz	Elliott		Arbeia Roman Fort
				Architectural and Archaeology Society
Mr	John	Naylor		Architectural Association London
				Arriva Trains Northern
	Mohinder	Singh		Asian Cultural Society of South Tyneside
				Association of North East Councils
Ms	Abbey	Muquith		Bangladeshi Youth Organisation
	Lalon	Shar		Bangla Awaz
Miss	S	Taylor		Banks Development Division
Ms	Amy	Sharpe		BDP Planning
Mr	Lionel	Hehir	LSP Partner	Bettering the Environment in South Tyneside
Mr	David	Barlow		Bett Homes
The Rt. Revd.	John Lawrence	Pritchard		Bishop of Jarrow
				BLISS=Ability
Ms	Maria	Anderson		Boldon Colliery Newtown Management
Mr	Peter	Newport	Director	British Chemical Distributors and Traders Association
				British Gas
Mr	R	O'Neil	District Co-ordinator	British Gas Trans Co
				British Geological Survey
Mrs	Kathy	Atkinson		British Horse Society (North)
				British Telecommunications Group Plc (BT)
				British Waterways
				Brodies Solicitors
				Bullen Consultants
Mrs	Jo	Boaden		Business Link North East
Ms	Michelle	Duggan		Business Link North East
Mrs	Sarah	Green	Regional Director	CBI North East Region
				Carbon Trust
Mr	Paul	Clarke	Director	Carpenter Planning Consultants
	Jabriail	Aziz	Advice Worker for BME Communities	Citizen's Advice Bureau
	Shuley	Alam		CREST
				Council for British Archaeology
Ms	Janice	Chandler		DAT Co-ordinator
Mr	Ian	Belnavis	Public Policy Officer	Commission for Racial Equality

Mr	Alec	Duguid		Deaf Service Advisory Group
				Disability Rights Commission
Ms	Wendy	Sockett	Planning & Development	Colliers CRE
Mr	Chris	Thomas		Chris Thomas Ltd.
Mr	Paul J	Shuker	Consultant	Chesterton Planning and Economics
Mr	Matt	Olley	Regional Planner	Countryside Properties (Northern) Ltd.
Ms	Heather	Evans		Cyclists Touring Club
				David L Walker Chartered Surveyors
Ms	Annette	De Pol		De Pol Associates
Mr	Tom	Mullaney		Development Planning Partnership
Ms	Laura	Ross		Dev Plan
Ms	Diane	Bowyer		DPDS Consulting Group
Ms	Rebecca	Maxwell		Driver Jonas
				Dunelm Castle Homes
Mr	Mark	Newsome		Durham Bird Club
Ms	Lara	Baker	Principal Planner	DPP
Dr	Nic	Best	Regional Policy Officer	Campaign to Protect Rural England
				Church Commissioners
Ms	Liz	Brown	Inclusive Environments Group	Commission for Architecture and the Built Environment
Ms	Sarah	Burgess	Senior Planning Advisor	Commission for Architecture and the Built Environment
Dr	Richard	Simmons	Chief Executive	Commission for Architecture and the Built Environment
			Public Enquiries (Planning)	Department for Constitutional Affairs
				Department of Employment & Skills
				Department of Work & Pensions
			The Diocesan Secretary	Diocesan Board of Finance
				Durham Wildlife Trust
Mr	Ben	Thurgood	Planning Manager	Energis Communications Ltd.
				Energy Saving Trust
Mr	Ian	Lyle		England and Lyle
Mr	Steve	Gawthorpe	Area Director North East	English Partnerships
Mr	Graham	Smith	Planning Director	English, Welsh and Scottish Railway
Mr	Bob	Rawlinson	Property Estate Manager (North)	English, Welsh and Scottish Railway
Mrs	Angela	Stewart		Equal People
				Fields in Trust

				First Transpennine Express
				FOCAST
				Forestry Commission
				Freight Transport Association
				Friends of the Earth
				General Aviation Awareness Council
	M	Glen		Glenkemp
Mr	Peter	Huntley		Go North East
Mr	Andy	Gamblin		Go North East
Mr	Steve	Scoffin	Director	Great North Forest
Mr	Scott	Munro		GVA Lamb & Edge Planning Development & Regeneration Unit
	Ashley	Stratford		Halcrow Group Limited
Mr	Mark	Graham		Halcrow Group Limited
Ms	Sara	Hill		Hallam Land Management Ltd.
Mr	Tony	Purvis		Harbour View Residents
Ms	Sarah	Riddle		Haslam Homes
				Health and Safety Executive
				Help the Aged
Dr	Shobha	Srivastava		Hindhu Nari Sangh
Ms	Julie	Jacques	Head of Investment	Housing Corporation
Mr	Tony	Inkster		Inkcroft Homes
				Insignia Richard Ellis (St. Quentin)
Mr	Richard	Arkell		Integer Consulting
			Secretary	Institute of Directors
Ms	Chris	Rowell	Manager	Jarrow Neighbourhood Management Partnership
Mr	Dave	Peebles		Jobcentre Plus
Mrs	Marion	Fay		John Clay Residents Association
Mr	Andrew	Cook	Planning Consultant	Lambert Smith Hampton
Ms	Emma	Williams	Planning Consultant	Lambert Smith Hampton on behalf of NOMS / HM Prison Service
			The Secretariat	Lambert Smith Hampton on behalf of NOMS / HM Prison Service
Mr	Mark	Thompson		Lamb & Edge
Mr	Chris	Roberts	Regional Director	Learning and Skills Council
Mr	Simon	Lindsay	LSP Partner	Learning and Skills Council
				Mandale Properties Ltd.

Mr	Stuart	McGill		MCA Tyne
				McCarthy and Stone (Developments) Ltd.
				MENCAP
				Mental Health in South Tyneside
				Mental Health Matters
	A	Gladstone	Secretary	Midway Residents Association
				MIND
Mr	James	Boulton	Associate	Ministry of Defence
Ms	Carolyn	Wilson	Project Manager	Mobile Operators Association
	P	Brown	Development Manager	Morrison Developments Ltd.
	J A	Southern	Director	M H Southern and Company
Mr	David	Graham	Senior Associate Director	Nathaniel Lichfield and Partners
Mr	Neil	Morton	Senior Associate Director	Nathaniel Lichfield and Partners
				National Air Traffic Services Ltd.
				National Express
				National Farmer's Union
Ms	Rosalind	Eyre	Land & Development Stakeholder & Policy Manager	National Grid
Mr	Martin	Thomas	Navigation Support Officer	Navigation Directorate
Ms	Jill	Stephenson	Town Planner	Network Rail
Mr	Graeme	Mason	Planning and Property Manager	Newcastle International Airport
Mr	Mike	Parker	Director General	Nexus (Tyne & Wear Passenger Transport Executive)
				Northern Electric Distribution Ltd.
Supt.	Dave	Pryer	Area Commander	Northumbria Police
Mr	Brian	Stobbs	Architectural Liaison Officer	Northumbria Police
Mr	Mike	McCabe		Northumbria Sight Service
				Northumbria Tourist Board
			Sewerage Undertaker	Northumbrian Water
				North East Ambulance Service
				North East Centre for Diversity and Race Equality
				North East Chamber of Commerce
Mr	Graeme	Bell	Director	North East Civic Trust
Mr	Tony	Stephenson	Head of the Secretariat	North East Housing Board
Mr	Andy	Bower	Renewables Developer	nPower Renewables
				NTL UK

Mr	Martin	Booth	Deputy Director of Co-ordination of the Civil Estate	Office of Government Commerce
Ms	Kate	Ashbrook	General Secretary	Open Space Society
	R	Smith		Peacock and Smith
Mr	Kevin	Lillie	Planning Aid Co-ordinator	Planning Aid North
Mr	Keith	Wilson	Managing Director	Port of Tyne Authority
Mr	Brian	Darling	Estates Manager	Port of Tyne Authority
Mr	David	Leighton	Development Executive	Rail Freight Group
Mr	Aidan	Thatcher	Senior Planner	Rapleys LLP
Ms	Hazel	McCallion	Regeneration Manager	Rekendyke Partnership
	Ian	Jefferson		RFCA
Mr	Campbell	Moffat		Royal Mail
Mr	Michael	Jones		Sanderson Weatherall Limited
				Seaways Guest House
Mr	Alastair	Willis		Signet Planning
				Small Business Service
Mr	Michael	Appleton		Smiths Gore
	Robin	Witchell		Smiths Gore
				Society for the Protection of Ancient Buildings
				South Tyneside Arts Studio
	Syed Faruk	Hussein		South Tyneside Bangladeshi Muslim Cultural Association
Mr	Roy	Merrin		South Tyneside Churches Together
Ms	Anne	Seymour		South Tyneside Churches Together
Mr	Jim	Bennett	Principal	South Tyneside College
	Salah	Kouache	South Tyneside College Overseas Students	South Tyneside College
Ms	Mary	Walton	Patients Council	South Tyneside Community Health Council
Ms	Kelly	Smith		South Tyneside Council for Voluntary Service
Ms	Allyson	Stewart	LSP Partner	South Tyneside Council for Voluntary Service
Ms	Marian	Stead		South Tyneside Council on Disabilities
Mr	Bryan	Atkinson		South Tyneside Friends of the Earth
Mr	Lionel	Hehir		South Tyneside Groundwork
Ms	Lorraine	Lambert	Chief Executive	South Tyneside Health Care NHS Trust
Mr	Peter	Davison		South Tyneside Health Care NHS Trust
				South Tyneside LGBT Forum
Ms	Margaret	Tarn		South Tyneside Multicultural Project

	J E	Brennan	Director of Policy and Legal Services	South Tyneside NHS Trust
Mr	John	Blythe	Day Opportunities Manager	South Tyneside Primary Care Trust
Ms	Denise	Burke	Community Health Officer	South Tyneside Primary Care Trust
Mr	Roy	MacLachlan		South Tyneside Primary Care Trust
Ms	Ruth	McKeown		South Tyneside Primary Care Trust
Mr	Mark	Overton		South Tyneside Primary Care Trust
Mr	Ivan	Lunn		South Tyneside Visually Impaired Council
				South Tyneside Womens Aid Group
Mr	Yusef	Abdullah		South Tyneside Yemeni Arab Community Welfare Association
				Stagecoach Busways
	T J	Knight		Storey Sons and Parker
	Chris R	Fordy	Partner	Strutt and Parker
				St. Joseph's RC VA Comprehensive
Mr	Steve	Bhowmick		SustainE
Mr	Mike	Young		Tarmac Limited
Mr	Doug	Scott		TEDCO
				Telewest Communications Networks Ltd.
Ms	Annette	Elliot	Retail Planning Liaison Manager	The Co-operative Group Ltd.
				The Crown Estate
Mr	Ray	Spencer		The Customs House Trust Ltd.
Mr	Kevin	Kerrigan		The Development Planning Partnership
				The Go-Ahead Group Plc
Mr	Andrew	Ryder	Policy Development Co-ordinator	The Gypsy and Traveller Law Reform Coalition
Ms	Gina	Bourne	Regional Planner - Northern Region	The Home Builders Federation
Mr	David	Milliband	Member of Parliament	The Labour Party
Mr	Stephen	Hepburn	Member of Parliament	The Labour Party
Mr	Stephen	Hughes	Member of the European Parliament	The Labour Party
Mr	Martin	Callanan	Member of the European Parliament	The Conservative Party
Ms	Fiona	Hall	Member of the European Parliament	The Liberal Democrats Party
Mr	Nick	Dolan		The National Trust
				The Planning Bureau Ltd.
Ms	Judith	Taylor	The Secretary (Northumbria Area)	The Ramblers Association
				The Royal Society for the Protection of Birds
				The Woodland Trust

	P	Morgan		Town Planning Consultancy
				Trinity House Lighthouse Service
				Twentieth Century Society
Mr	Mark	Ellis	Co-ordinator	Tyne & Wear Anti-Facist Association
			The Chief Fire Officer	Tyne & Wear Fire and Rescue Service
Mr	Derek	Smith		Tyne & Wear Fire and Rescue Service
Mr	Alan	Pollock	Chair	Tyne & Wear Joint Local Access Forum
				Tyne & Wear Museums
				Tyne & Wear Passenger Transport Authority
Mr	Ian	Stratford	Clerk to the PTA	Tyne & Wear Passenger Transport Authority
			Partnership Manager	Tyne & Wear Sport
Mr	Paul	Winch		Tyne Crossings Alliance
Mr	Steve	Beach		United Utilities
				Victorian Society
				Wardell Armstrong
				Watson Burton
Ms	Laura	Sole	World Heritage Site Project Officer	Wearmouth-Jarrow Candidate World Heritage Site
Miss	Emma	Frew	Development Manager	West Harton Churches Action Station
	J	Watson		Whitburn Community Association
Mr	Brian	Hoyle		Whitburn Village Residents Association
	Pat	Blakemore		Wibraham & Co. Solicitors
				Wimpey Homes
Mr	Graeme	Blenkinsopp		WiseMove Land & Property Consultants Ltd.
				Women's Health in South Tyneside
				Women's National Commission
Mr	Anthony	Holmes		WSP Developments
	J F	Turnbull		Youngs Chartered Surveyors
Ms	Louise	Nicholson	Planning Manager	Yuill Homes

External – respondents to first consultation draft SPD5 (May 2007). These consultees received a paper copy of revised consultation draft SPD5.				
Mr	Phil	Jones	Assistant Director	North East Assembly
	Pat	Ritchie	Assistant Chief Executive-Strategy	One North East
Mr	Alan	Hunter	Regional Planner	English Heritage
Ms	Sarah	Wickerson	Planning Liaison Officer	The Environment Agency
Mr	Ian	Radley	Planning Manager North East	Highways Agency
Mr	Richard	Fordham	Planning Manager	Sport England
Ms	Rose	Freeman	Planning Assistant	The Theatres Trust
Ms	Laura	Edwards	Regional Planner-Northern Region	Home Builders Federation
Mr	James	Johnson	Land Manager	Persimmon Homes (North East) Limited
Mr	Roy	Donson	Regional Planning Manager	Barratt Northern
Ms	Sandra	Thompson	Associate	Signet Planning

The Council consulted its current list of 190 individuals and organisations who have requested to be kept informed about the South Tyneside Local Development Framework.

The Area Planning Group's list of agents and applicants were also consulted:

A M Watt	D Jackson	Home Group	Paramount Windows
A Wilson	D & J Glaziers	Howarth Lichfield Partnerships	Parkers & Young
Ainsworth Sparks Associates	D W Watson	Ian Belsham Chartered Architects	Parr Architects Ltd.
Alston Murphy Associates	David Ash Partnership	Ian Darby Partnerships	Pattison Myles Partnership
Anglian Home Improvements	David Johnson Architects	Jane Darbyshire & David Kendall Ltd.	Pennine Windows
Angus Leybourne	David Lawson Design	Jenkins Partnership	Persimmon Homes (NE) Ltd.
Anthony Watson	Dean Apes	John D Waugh	Peter Gass
Asset Loft Conversions	Derek Tunnah Design Ltd.	Ken Campbell Contractor	P J Hind Design & Technical Services
Atkins Design Solutions	Dixon Dawson Architects	Knight Frank	Planning & Architectural Services
B Ratcliffe	Dorin Construction	Lambton Conservatories	R Henderson
Barratt Newcastle Ltd.	Doyle & Holmes	Lumsden Carroll Construction	Race Cottam Associates
Bellway Homes (NE) Ltd.	Dr J Martin Architect	M & H Windows	Red Box Design Group
Bett Homes (North East) Ltd.	Drawn Plans.co.uk	Mario Minchella	Regency Windows (NE) Ltd.
Bowey Homes	Environmental Design Partnership	Mauchlen Weightman & Elphick	Reid Jubb Brown Partnership
Brittania Windows	England & Lyle	Maughan Reynolds & Partners	RPS Consultants

Browne, Smith, Baker
 Budget Windows
 Building Design Partnership Ltd.
 CC Conservatories Ltd.
 Cecil M Yuill Ltd.
 Cheviot Windows
 Chipchase Associated Ltd.
 Christopher Brummitt
 Classic Conservatories
 CM Design
 Complete Seal Windows
 Continental Windows
 Corbridge Design
 Coulson Swinburne Moses
 Crown Windows Ltd.
 Crusader
 Consults Building Consultants
 Cussins Ltd.

FE Hodgeson Architects
 G L Hearn Planning
 G P S Design
 Garden Room Construction
 Gemini Windows
 Geoffrey Purves & Partners
 George Wimpey North Ltd.
 Glass Care
 Glenrose Developments
 Gray, Fawdon & Riddle
 Greenall Design Group
 Greenall Winskell Kish
 Groundwork South Tyneside
 H Shaw
 Halsall Lloyd Partnership
 Hannay & Hannay
 Hi Spec Fabrications
 HMM Architects

McInerney Homes
 McLean Homes
 Miller Homes
 Mr B Darling
 Mr D Bamburgh
 Mr D Dickinson
 Gary Craig Architectural Services
 Mr I Guard
 Mr J Horton
 Mr M McCann
 Mrs K Fannon
 NA Scholefield
 Napper Collerton Partnership
 Nathaniel Lichfield
 N Harbison
 Nicholas Nairn Architects
 Orange
 OTEC Ltd.

Ryder
 Smiths Gore
 Stewart Macklam 'TRESKO'
 Storey SSP
 TAO Architecture
 W D Kirtley
 Ward Hadaway
 Waring & Netts
 Wearmouth Architectural Design
 Weatherall Green & Smith

Internal – Members of the Council				
Title	Name		Position	Organisation
Cllr.	Iain	Malcolm	Leader of the Council	South Tyneside Council
Cllr.	Alan	Kerr	Deputy Leader of the Council	South Tyneside Council
Cllr.	Joanne	Bell	Lead Member – Safer and Stronger Communities	South Tyneside Council
Cllr.	Michael	Clare	Lead Member – Environment, Housing and Transport	South Tyneside Council
Cllr.	Tracey	Dixon	Lead Member – Culture and Wellbeing	South Tyneside Council
Cllr.	Jim	Foreman	Lead Member – Children and Young People	South Tyneside Council
Cllr.	Tom	Hanson	Lead Member – Independent and Healthy Lives	South Tyneside Council
Cllr.	Ed	Malcolm	Lead Member – Resources	South Tyneside Council
Cllr.	Eddie	McAtominey	Lead Member – Jobs, Enterprise and Regeneration	South Tyneside Council
Cllr.	John	McCabe	Chair of the Planning Committee	South Tyneside Council
Cllr.	Sylvia	Spraggon	Vice Chair of the Planning Committee	South Tyneside Council
Cllr.	Peter	Boyack	Member of the Planning Committee	South Tyneside Council

Cllr.	Bill	Brady	Member of the Planning Committee and Lead Member – Equality and Diversity	South Tyneside Council
Cllr.	Jane	Branley	Member of the Planning Committee	South Tyneside Council
Cllr.	Jim	Capstick	Member of the Planning Committee	South Tyneside Council
Cllr.	Tom	Defty	Member of the Planning Committee	South Tyneside Council
Cllr.	George	Elsom	Member of the Planning Committee	South Tyneside Council
Cllr.	Steve	Harrison	Member of the Planning Committee	South Tyneside Council
Cllr.	Eileen	Leask	Member of the Planning Committee	South Tyneside Council
Cllr.	Joan	Meeks	Member of the Planning Committee	South Tyneside Council
Cllr.	Jeffrey	Milburn	Member of the Planning Committee	South Tyneside Council
Cllr.	Lawrence	Nolan	Member of the Planning Committee	South Tyneside Council
Cllr.	Tom	Piggott	Member of the Planning Committee	South Tyneside Council
Cllr.	Barrie	Scorer	Member of the Planning Committee	South Tyneside Council
Cllr.	Jim	Sewell	Member of the Planning Committee	South Tyneside Council
Cllr.	Anne	Walsh	Member of the Planning Committee	South Tyneside Council
Cllr.	Geraldine	White	Member of the Planning Committee	South Tyneside Council
			Members Library	South Tyneside Council

All 54 Councillors were consulted on the revised consultation draft SPD 5, as well as Members of the Council’s Cabinet and Planning Committee noted above.

Internal – Council officers				
Title	Name		Position	Organisation
Ms	Irene	Lucas	Chief Executive	South Tyneside Council
			Assistant Chief Executive – Policy	South Tyneside Council
Mr	Keith	Harcus	Assistant Chief Executive – Performance	South Tyneside Council
			Executive Director – Regeneration and Resources	South Tyneside Council
			Executive Director – Neighbourhood Services	South Tyneside Council
			Executive Director – Children and Young People	South Tyneside Council
Mr	Paul	Walker	Head of Regulatory Services	South Tyneside Council
Mr	Andrew	Wainwright	Assistant Head of Regulatory Services	South Tyneside Council
Ms	Lynda	Fothergill	Head of Communications	South Tyneside Council
Mr	Rick	O’Farrell	Head of Enterprise and Regeneration	South Tyneside Council
Mr	Bill	Buckley	Head of Streetscape	South Tyneside Council

Ms	Sylvia	Brown	Head of Community Services	South Tyneside Council
Mr	Tony	Duggan	Head of Cultural Services	South Tyneside Council
Mr	Keith	Hannah	Head of Directorate Support – Neighbourhood Services	South Tyneside Council
Mr	Mike	Conlon	Head of Change Management	South Tyneside Council
Mr	Peter	Cutts	Head of School Inclusion and Achievement	South Tyneside Council
Ms	Christine	Smith	Head of Transition and Wellbeing	South Tyneside Council
Mr	David	Bowman	Assistant Head of Policy	South Tyneside Council
Mr	Paul	Robinson	Assistant Head of Performance	South Tyneside Council
Mr	Bryan	Atkinson	Assistant Head of Cultural Services	South Tyneside Council
Miss	Leanne	Knowles	Personal Assistant to Head of Regulatory Services	South Tyneside Council
Ms	Kath	Lawless	Planning Group Manager	South Tyneside Council
Mr	Robin	Bissell	Interim Housing Futures Manager	South Tyneside Council
Mr	Dave	Winder	Spatial Planning Manager	South Tyneside Council
Ms	Melanie	Holland	Strategic Housing Manager	South Tyneside Council
Mrs	Anne	Connolly	Housing Renewal Manager	South Tyneside Council
Mr	Les	Milne	Urban Design Manager	South Tyneside Council
Mr	John	Edwards	Transport Futures Manager	South Tyneside Council
Mr	Kevin	Broadbent	Transport Policy Manager	South Tyneside Council
Mr	Guy	Currey	Economic Development Manager	South Tyneside Council
Mr	Mike	Harding	Corporate Legal Manager	South Tyneside Council
Mr	Andrew	Whittaker	Waste Services Manager	South Tyneside Council
Mr	Mike	Linsley	Senior Area Manager – Jarrow and Hebburn	South Tyneside Council
Mr	Richard	Jago	Cultural Operations Manager	South Tyneside Council
Mr	Nick	Huston	Development Team Manager	South Tyneside Council
Miss	Andrea	King	Principal Planning Policy Officer	South Tyneside Council
Mrs	Elaine	Langman	Senior Planning Policy Officer	South Tyneside Council
Miss	Fiona	McGloin	Planning Policy Officer	South Tyneside Council
Mr	Ben	Stubbs	Planning Policy Officer	South Tyneside Council
Mr	Mervyn	Butler	Planner/UNISON	South Tyneside Council
Miss	Lucy	Burnell	Historic Environment Officer	South Tyneside Council
Mr	Matthew	Hawking	Senior Countryside Officer	South Tyneside Council
Miss	Clare	Rawcliffe	Countryside Officer	South Tyneside Council
Miss	Lisa	Roberts	Rights of Way Officer	South Tyneside Council
Mrs	Kate	Curry	Strategic Housing Policy Officer	South Tyneside Council

Mrs	Natalie	Spears	Strategic Housing Policy Officer	South Tyneside Council
Miss	Tracey	Hutchinson	Performance Monitoring Officer	South Tyneside Council
Mrs	Lindsay	Riddle	Project Officer – Cleadon Park	South Tyneside Council
Miss	Andrea	Wood	Project Assistant – Cleadon Park	South Tyneside Council
Mr	Ron	Potts	Temporary Housing Accountant	South Tyneside Council
Mr	Andrew	Chester	Housing Policy Support Officer	South Tyneside Council
Mr	Trevor	Male	Transport Policy Officer	South Tyneside Council
Mr	Peter	Foley	Transport Policy Officer – Development Control	South Tyneside Council
Mrs	Deborah	Crooks	School Travel Plan Co-ordinator	South Tyneside Council
Ms	Patricia	McDermott	Work Place Travel Plan Officer	South Tyneside Council
Miss	Myra	Gofton	Administrative Support Officer	South Tyneside Council
Mr	Gordon	Atkinson	Area Team Leader – East Team	South Tyneside Council
Mrs	Val	Brown	Senior Planner – East Team	South Tyneside Council
Mr	Garry	Simmonette	Senior Planner – East Team	South Tyneside Council
Mr	James	Thorpe	Senior Planner – East Team	South Tyneside Council
Ms	Christine	Matten	Senior Planner – East Team	South Tyneside Council
Ms	Helen	Wiltshire	Senior Planner – East Team	South Tyneside Council
Mrs	Rekha	Chowdhury	Planning Assistant – East Team	South Tyneside Council
Mr	John	Bundock	Area Team Leader – West Team	South Tyneside Council
Mr	Steve	Landells	Deputy Area Team Leader – West Team	South Tyneside Council
Mr	Mark	Brooker	Planner – West Team	South Tyneside Council
Mr	Peter	Cunningham	Senior Planner – West Team	South Tyneside Council
Mrs	Suzanne	McDermott	Senior Planner – West Team	South Tyneside Council
Ms	Christina	Snowdon	Senior Planner – West Team	South Tyneside Council
Mr	Malcolm	Watson	Senior Planner – West Team	South Tyneside Council
Mr	Dave	Gamble	Planning Assistant – West Team	South Tyneside Council
Mr	Martin	Eggenton	Senior Planning Enforcement Officer – West Team	South Tyneside Council
Mr	Mark	Lawson	Planning Enforcement Officer – West Team	South Tyneside Council
Miss	Tricia	Trewick	Senior Development Control Support Officer	South Tyneside Council
Miss	Danielle	Brown	Development Control Support Officer	South Tyneside Council
Mrs	Maggie	Hallway	Development Control Support Officer	South Tyneside Council
Mr	Ian	Rutherford	Lead Environmental Health Officer, Environmental Protection	South Tyneside Council
Mr	Alan A	Armstrong	Lead Environmental Health Officer, Housing	South Tyneside Council
Mrs	Joanne	Chastney	Lead Environmental Health Officer, Housing	South Tyneside Council

Ms	Veronica	Jukes	Senior Environmental Protection Officer	South Tyneside Council
Mr	Dave	Elliot	Highways and Transportation Design Manager	South Tyneside Council
Ms	Claire	Cardinal	Economic Regeneration Project Manager	South Tyneside Council
Mr	Paul	Graves	Economic Regeneration Project Manager	South Tyneside Council
Mrs	Jill	Romero	Support Administrator	South Tyneside Council
Ms	Vicky	Smith	Regeneration Officer – Regeneration Strategy	South Tyneside Council
Mrs	Pat	Richardson	Research Assistant	South Tyneside Council
Mr	Tom	Tweddell	Employment Development Co-ordinator	South Tyneside Council
Mr	Fred	Pippet	Information Officer	South Tyneside Council
Mrs	Janice	Sheffer	Information Support Officer	South Tyneside Council
Mr	Hugh	McShane	Community Network Manager	South Tyneside Council
Mr	Paul	Baldasera	Local Strategic Partnership Team	South Tyneside Council
Mr	Peter	Howson	Asset Management Team Leader	South Tyneside Council
Mr	Ron	Weetman	Assistant Head of Streetscape	South Tyneside Council
Mrs	Carol	Unwin	Landscape Team Leader	South Tyneside Council
Ms	Cheryl	Tolladay	Senior Landscape Architect	South Tyneside Council
Mr	Allan	Maving	Facilities Officer	South Tyneside Council
Mr	Ben	Broome	Principal Solicitor	South Tyneside Council
Ms	Julie	Turner	Senior Area Manager	South Tyneside Council
Mr	Philip	Render	Area Team Leader – Jarrow and Hebburn	South Tyneside Council
Ms	Tracey	Richardson	Area Team Leader – Riverside and West Shields	South Tyneside Council
Mr	Alan	Richardson	Community Involvement Team Leader	South Tyneside Council
Ms	Janet	Aynsley	Community Involvement Co-ordinator	South Tyneside Council
Mr	Jim	Holloway	Sports Development Manager	South Tyneside Council
Mr	Richard	Barber	Cultural Development Officer	South Tyneside Council
Ms	Laura	Sole	Project Liaison Officer – World Heritage Status	South Tyneside Council
Mr	Tony	Renwick	Asset Manager	South Tyneside Council
Mr	Stanley	Johnson	Building Schools for the Future Project Director	South Tyneside Council
Mr	Paul	Wellwood	Building Schools for the Future Project Manager	South Tyneside Council
Ms	Alison	Morris	Primary School Reorganisation Manager	South Tyneside Council
Mrs	Margaret	Welch	Parent Commissioner	South Tyneside Council

Annex 2:

Advertisement wording of the Statutory Notice – proposals matters and consultation (as published in ‘The Shields Gazette’, Wednesday 30th July 2008)

SOUTH TYNESIDE COUNCIL**THE TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT) (ENGLAND) REGULATIONS 2004****LOCAL DEVELOPMENT FRAMEWORK FOR SOUTH TYNESIDE COUNCIL:****NOTICE OF MATTERS AND STATEMENT OF AVAILABILITY OF DOCUMENTS UNDER REGULATION 17****SUPPLEMENTARY PLANNING DOCUMENT 5: PLANNING OBLIGATIONS AND AGREEMENTS**

South Tyneside Council has prepared a revised Draft Supplementary Planning Document on Planning Obligations and Agreements (SPD 5).

The SPD provides additional guidance in support of Local Development Framework Core Strategy Policy ST1 “Spatial Strategy for South Tyneside” and covers the following topics: strategic transport improvements; recreational open space, children’s play areas and sports facilities; transport, car parking and traffic management; employment and training; social and community facilities; affordable housing; public realm, public art, heritage and conservation; and biodiversity and geodiversity.

The Document is available for inspection free of charge at the following locations:

South Tyneside Council Offices (between the hours of 8:30 am and 4:30pm Monday to Friday)

Town Hall and Civic Offices, Westoe Road, South Shields

Jarrow Town Hall, Grange Road, Jarrow

Hebburn Civic Centre, Campbell Park Road, Hebburn

South Tyneside Libraries (during normal opening hours)

Boldon Lane Library Boldon Lane, South Shields, NE34 0LZ

Chuter Ede Library Access Point, Chuter Ede Community Centre, Galsworthy Road, South Shields, NE34 9UG

Cleadon Park Library Sunderland Road, South Shields, NE34 6AS

East Boldon Library, Boker Lane, East Boldon, NE36 0RY

Hebburn Library, Station Road, Hebburn, NE31 1PN

Jarrow Library, Cambrian Street, Jarrow, NE32 3QN

Primrose Library, Glasgow Road, Jarrow, Primrose, NE32 4AU

South Shields Central Library, Prince Georg Square, South Shields, NE33 2PE

Whitburn Library, Mill Lane, Whitburn, SR6 7EN

The Document is also available on request free of charge for residents or organisations within the Borough (a charge applies for any other requests) from the postal or e-mail addresses below or can be downloaded from the Council's website at <http://www.southtyneside.info/planning>

Representations on the Document are invited and can be made in writing to the address below or via e-mail to ldf@southtyneside.gov.uk or via the response page on the website.

Representations can be made between 30 July and 29 August 2008.

The Supplementary Planning Document will be reviewed in the light of comments made, prior to being adopted by the Council. The adopted version must include a statement setting out: who was consulted, how those persons were consulted, a summary of the main issues raised in those consultations, and how those issues have been addressed in the adopted SPD.

Representations on the current document may be accompanied by a request to be notified when the Council has adopted the revised document.

**Head of Regulatory Services
South Tyneside Council
Town Hall and Civic Offices
Westoe Road
South Shields
NE33 2RL**

30 July 2008

Appendix 3: Responses to the revised consultation draft (July 2008)

Ref. no.	Respondent	Response	Council Response (actions are noted in bold)
SPD5/01	David S Tripcony	I cannot see the necessity of spending £15 million on work to Testo's roundabout. It is only a few years since the last work was carried out on it. Since the lights and extra lanes were put in the traffic flows well even at the busiest periods and also I believe it to be quite safe and could easily cope with a large increase in traffic. It is stated that we need to improve accessibility between South East Northumberland and Doxford park – I would like to ask why? What will we gain from it? Unless this money comes from Government funds then I do not see why South Tyneside should foot the bill for this unnecessary work.	Testo's grade separation scheme is the Highways Agency proposal and will be funded from their programme, not by the Council. The need is based on modelled junction capacity taking account of future background traffic growth plus additional traffic resulting from the New Tyne Crossing project. This modelling predicts that certain arms of the junction would be over capacity. The grade separation would also improve safety by reducing the numbers of potential vehicle conflicts, and by building in facilities for pedestrians, cyclists and horse riders. South Tyneside forms part of the Tyne and Wear City Region and it is important for the Borough to be well connected to neighbouring areas if people are to have good access to homes, jobs, services and education. The A19 plays a major role in the movement of people and goods in the City Region, and the Council will encourage improvements in transport infrastructure to support this strategic corridor. Comments noted.
SPD5/02	Government Office for the North East	Our advice on SPDs in general is that: <ul style="list-style-type: none"> • all of the matters covered in SPDs must relate to policies in a development plan document or a saved policy in a development plan (paragraph 4.40 of PPS12), and SPDs should state clearly which DPD policies or saved policies they support; • section 19(5) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Sustainability Appraisal of SPDs and a report of the findings; • regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 sets out the requirements for publicising and consulting on draft SPDs. 	The SPD includes reference to relevant DPD policies or saved UDP policies. The SPD includes a Sustainability Appraisal and a report of findings. Consultation on the first and revised draft SPD has been conducted in accordance with Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004. Comments noted.
SPD5/03	National Grid	National Grid have no particular comments to make in respect of the document, however, I should be grateful if you would continue to consult with National Grid and keep me informed of progress on the Local Development Framework.	Comments noted.
SPD5/04	Barratt Homes	On reading the document, I was heartened to note that you had accepted a lot of my previous comments and I looked forward to reading a much-changed document. Whilst I recognise it has been significantly changed in part, it still suffers from much of the guidance being subject to further guidance. As such the document is limited in its usefulness.	The Council revised the first draft of SPD5 to take account of the constructive comments received from Barratt Homes. The Council's Local Development Framework is still evolving, and it is useful to explain where further Supplementary Planning Documents are planned, for example for Travel Plans, and where further planning obligation tariffs

		<p>The benefit of collecting all the obligations together in a single document is that they can all be seen collectively and a realistic estimate made of the consequences upon economic viability and thereby delivery of development. Unfortunately with information missing, the value of your document is undermined.</p> <p>I have no objection to the principle of a comprehensive obligations document despite the impending proposals for a Community Infrastructure Levy because I feel the levy will be some time away before it can be brought forward. However, I feel that with one eye on the levy you have misled yourself. Until the levy proposals are enacted, subject to regulation and brought forward via a Development Plan Document, Circular 05/2005 will remain. This Circular provides for the fundamental principle that any obligation should be necessary for the development to go ahead and related in scale and kind to the development; the levy would change relationship between charge and the development. However, whilst Circular 05/2005 remains the policy framework with its legal implications then your tariff proposals are unsound.</p> <p>Despite these general comments, I attach some detailed comments on the document for your consideration.</p> <p>1. Introduction</p> <p>1.1 The comments set out below are made in order that the matters appear in the document and do not represent a priority of the issues. However, it is considered that the document taken as a whole is flawed to the extent that it cannot be adopted as a Supplementary Development Document at this time and be used as a material consideration in development decisions.</p> <p>1.2 The justification for the various elements of the document is based on Core Strategy policies. The key policy on which it all hangs is Policy ST1. However, this does not set out a requirement for planning obligations. The policy only states "The use of Planning Obligations is essential in delivering this overall strategy". This is a statement of the obvious and could have said, "Development will be implemented by granting planning consents". The statement has no policy or justification for this SPD.</p> <p>1.3 Other policies on which the SPD is allegedly based makes no mention of planning gain. The Council's Local Development Scheme provides for the</p>	<p>will be developed, for example for sports facility provision.</p> <p>The Council considers that it is important to provide guidance on its approach to planning obligations and agreements prior to the Introduction of the Government's new Community Infrastructure Levy, which is yet to be agreed.</p> <p>The Council sets out in this SPD what is required from developers in the form of planning obligations, and the guidance is intended to provide greater certainty for developers from the outset. All negotiations over planning obligations will have regard to the guidance contained in Circular 05/2005, and it is agreed that a planning obligation must be necessary to make the proposed development acceptable in planning terms and it must be fairly and reasonably related in scale and kind to the development. (See paragraph 3.3).</p> <p>Paragraph 6.5 of the SPD has been clarified to state that, "All negotiations over planning obligations will have regard to the guidance contained in Circular 05/2005 (summarised in chapter 3 of this document), the specific details of the development proposal and the viability of the scheme".</p> <p>1.1 The SPD has been prepared to accord with national, regional and local planning policy and has been revised to take account of representations received on two consultation draft documents. It is now considered to be appropriate to advertise the adoption of the SPD and for it be regarded as a material consideration in the determination of future planning applications.</p> <p>1.2 Chapter 4 of the SPD has been expanded to include the full text of Policy ST1, which provides the parent adopted DPD policy for further guidance on planning obligations. It seeks to ensure that development maximises the community benefits of regeneration but avoids or minimises any adverse environmental impacts, congestion or harm to natural and cultural assets.</p> <p>1.3 In each chapter reference is made to relevant adopted development plan policies and to saved UDP policies, which refer to the use of</p>
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		<p>production of a Development Control Policies DPD. This may well be a document that contains a policy (policies) on which this SPD can be based but it is not provided by the Core Strategy.</p> <p>2. Paragraph 6.2 2.1 This paragraph in the context of validation states that "it will be appropriate for the draft heads of terms or draft S106 Agreements to be negotiated prior to the submission of a planning application". This is not appropriate and goes beyond the government document "The Validation of Planning Applications". That document at paragraph 27 states that "Validation of applications for planning permission should essentially be an administrative process to check that the right documents and fee...have been submitted". Validation is not a process requiring the local planning authority to be satisfied about the content of the information. Therefore, there is no requirement for pre-negotiation. 2.2 The government's document also states that the local list should have been subject to consultation and published on the website (paragraph 11). A search of the website has not revealed a local list and so validation will not require the local list information at the present time.</p> <p>3. Paragraph 6.8 3.1 There is no provision with Circular 05/2005 or Planning Obligations: Practice Guidance for a developer to contribute to the costs of monitoring planning obligations. Indeed Circular 05/2005 at paragraph B5 says that "This will require monitoring by local planning authorities, which in turn may involve joint working by different parts of the authority". There is no mention of developer involvement or contribution. It is clear that this is a planning authority duty, which they have to fund. 3.2 When the government recently proposed the increase in planning fees, it published a report in May 2007 "Planning Costs and Fees". That report, used to justify the recent massive increase in fees, says at paragraph 1.6 "...it has long been the Government's policy that the would-be developer should pay for the work of validating, publicising, assessing and deciding each planning application."</p>	<p>planning obligations e.g. ENV5, ENV6 and ENV7.</p> <p>2.1 The Validation of Planning Applications in Tyne & Wear at paragraph 29 states that, "The need for a planning obligation should be fully discussed with the Council at pre-application stage" and that, "Applications which generate a requirement for a planning obligation should be accompanied by a statement which contains draft heads of terms. Precise requirements should be clarified in pre-application discussions". The validation document has been subject to public consultation and sets out the information that must be submitted for planning applications to be made valid. The SPD does not say that pre negotiation is a requirement, but it does recommend a process for the preparation of planning obligations and agreements (Figure 1), which is intended to secure the determination of planning applications within statutory timescales. Pre application negotiations will therefore be useful. The Validation of Planning Applications in Tyne & Wear can be viewed on the Council's website at: http://www.southtyneside.info/ and http://www.southtyneside.info/search/document_view.asp?mode=8&pk_document=16692 This has been added to the SPD at paragraph 6.2 as a margin note.</p> <p>3.1 At paragraph B50, Circular 05/2005 states that it is important that once planning obligations have been agreed, "they are implemented or enforced in an open and transparent way". Paragraph 6.8 of SPD5 explains that the Council will undertake the monitoring of planning obligations but will expect a monitoring contribution to be made where a particular scheme involves a complex legal agreement with numerous obligations, or where the nature of the planning obligation involves prolonged monitoring over a considerable period of time. This is intended to cover exceptional circumstances.</p> <p>Paragraph 6.8 of the SPD has been amended to make it clear that this will apply in exceptional circumstances.</p>
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		<p>Monitoring is not mentioned. Monitoring of S106 Agreements is akin to planning enforcement. There is no proposal anywhere to require planning fees to cover enforcement. Monitoring costs should be omitted.</p> <p>4. Paragraph 7.3 4.1 This paragraph refers to planning obligation tariffs as set out in Section B. Whilst there is no objection to the use of standard formulae as set out in paragraph B35 of Circular 05/2005, "Standard charges and formulae applied to each development should reflect the actual impacts of the development or a proportionate contribution to an affordable housing element and should comply with the general tests in this Circular on the scope of obligations", it is considered that some of the proposals in Section B are outside of this Circular advice.</p> <p>5. Section 8 – Strategic Transport Improvements 5.1 The attempt of the Council to provide information on a scale of contribution and to work out a fair system is recognised and welcomed. However, it is fundamentally flawed. There is no relationship between the contributions to be raised as a consequence of a particular development and the scheme to which it is to fund. It fails the basic test of Circular 05/2005.</p> <p>5.2 In addition the analysis is unclear. A tariff system of the sort envisaged by the Community Infrastructure Levy requires: –</p> <ol style="list-style-type: none"> a) An analysis of the infrastructure required and its cost. b) The amount of public funding and thereby the shortfall. c) The amount of development that could contribute to the shortfall. d) A contribution rate for types of development. e) An economic analysis of the effect of the contributions at (d) upon the viability of development. f) In the event that (d) and (e) are not compatible, a re-worked scheme of reduced infrastructure, reduced tariff or additional development. <p>5.3 None of the above are clearly provided but in any case should not be provided across the Council area but rather on the basis of a direct relationship between development and infrastructure.</p>	<p>4.1 At paragraphs 8.4 to 8.9 of the SPD5 details of the two transportation studies undertaken by JMP Consultants Ltd (Transport Consultants and Engineers) are provided. The relationship between the developer contributions sought and the modelled impacts of potential development sites on the highway network is explained. It is not possible to reproduce the full modelling work in the SPD, but the process involved making an assessment of the trip generations from each site, assigning these to the road network according to a travel to work pattern model, and calculating the proportion of the contribution this traffic makes to the need to carry out improvements. Each individual site may thus be responsible for a proportion of the costs at a number of different junctions. The study approach was to sum the total effects of generated traffic and the total requirements for network enhancements and apportion this through the methodology included in the SPD. Contributions will need to be pooled and improvements programmed over several years according to priority (junctions reaching limit of capacity first).</p> <p>5.2 This SPD has been prepared as further guidance on Section 106 Agreements, and not the proposed Community Infrastructure Levy. The JMP Transformation Study identified the impact of background traffic growth and development traffic on key junctions and links and current/future capacity issues. A range of hard and soft measures have been proposed to mitigate against the potential impact and costed accordingly. The research analysed the infrastructure required and its cost and the amount of development that could contribute. The developer contribution tariff proposes a contribution rate for different types of development set with regard to the local economy and viability of sites within the Borough, and minimum thresholds have been identified. None of the proposed highway schemes qualify for specific major schemes allocations from Government. LTP capital allocations are the only source of funding available, but this is already fully committed to projects such as local safety schemes, traffic calming, cycle routes, pedestrian crossings, safe routes to school projects etc and there are insufficient funds for these network enhancements, made</p>
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			amended the revised consultation draft of SPD5 to take account of further representations received from Barratt Homes and other consultees during a second round of consultation in July 2008 (see Appendix 3). It is now considered to be appropriate for the Council to adopt the final version of SPD5 and issue the statement of adoption to consultees.
SPD5/05	Cyclists Touring Club	<p>8.13, last sentence. Delete 'car' (so that parking then covers car and cycle parking).</p> <p>10. Transport, Car Parking and Traffic Management – In the heading delete 'Car' (so that parking then covers car and cycle parking). This is then consistent with saved UDP policy T17: Car and Cycle Parking.</p> <p>10.1. 'Cycleways' is not a good word to use, as a cycleway is often a designated cycle route, e.g. Hadrian's Cycleway, which can be off or on-road. Cycle track is the official term for off-road cycle routes although in a new development we would only expect to see cycle tracks installed if they provided short cuts to the existing highway network. New estate roads should be designed to slow motor vehicles so that dedicated provision for cyclists is not needed.</p>	<p>Paragraph 8.13 of the SPD has been amended to refer to car and cycle parking.</p> <p>Chapter heading 10 of the SPD has been amended to delete the word car as suggested.</p> <p>Paragraph 10.1 of the SPD has been amended to replace 'cycleways' with 'cycle routes'.</p>
SPD5/06	Northumbria Police	This is clearly an opportunity for future development to consider neighbourhood policing and the provision of fully integrated services provided in partnership. I am confident that the police in South Tyneside will be appropriately consulted in future planning applications where a Section 106 Agreement or Obligation may impact upon/improve community safety or crime prevention.	Comments noted.
SPD5/07	North East Assembly	<p>Under section 38 (3) of the Planning and Compulsory Purchase Act (2004), the Regional Spatial Strategy (RSS) (July 2008) is part of the statutory development plan. Under the plan-led system, this means that the determination of planning applications will be made in accordance with the RSS and other development plan documents, unless material considerations indicate otherwise.</p> <p>The purpose of the document is to provide developers; landowners; the community; and the council, with advice and assistance on planning obligations or contributions. A planning obligation, also known as a 'section 106 agreement,' is a legally binding agreement between a local authority and a developer/landowner. The agreement requires a developer to carry out certain works, or provide a contribution towards the provision of infrastructure, services, or facilities, which are required to enable the development to proceed. Planning obligations can also mitigate potentially negative impacts of development.</p>	<p>At paragraph 4.1 the SPD describes the components of the statutory development plan, including the Regional Spatial Strategy for the North East.</p> <p>Comments noted.</p>

		<p>The NEA welcomes the development of a supplementary planning document (SPD) on planning obligations within the council's local development framework and commented on the first draft in July 2007. The revised document has addressed the issues of conformity highlighted in the NEA's response to the first draft.</p> <p>The only additional issue that the NEA wishes to highlight is that the document states that the council may look to secure travel plans through the use of planning obligations. With the adoption of the RSS this could be strengthened as RSS policy 54 requires travel plans to be prepared for all major development proposals that will generate significant additional journeys.</p> <p>Overall the document is considered to be in general conformity with the RSS, and will assist in the implementation of a number of objectives of regional policy.</p>	<p>Supportive comments welcomed.</p> <p>Paragraph 10.4 of SPD5 has been strengthened to refer to RSS policy 54 Parking and Travel Plans, which requires travel plans to be prepared for all major development proposals that will generate significant additional journeys. Additional reference has also been made to LDF Core Strategy Policy ST2 regarding travel plans.</p> <p>Supportive comments welcomed.</p>
SPD5/08	Commission for Architecture and the Built Environment	<ol style="list-style-type: none"> 1. Design is now well established in planning policy at national and regional levels, and LDFs offer an opportunity to secure high-quality development, of the right type, in the right place, at the right time. 2. Robust design policies should be included within all LDF documents and the Community Strategy, embedding design as a priority from strategic frameworks to site-specific scales. 3. To take aspiration to implementation, local planning authorities' officers and members should champion good design. 4. Treat design as a cross-cutting issue – consider how other policy areas relate to urban design, open space management, architectural quality, roads and highways, social infrastructure and the public realm. 5. Design should reflect understanding of local context, character and aspirations. 6. You should include adequate wording or 'hooks' within your policies that enable you to develop and use other design tools and mechanisms, such as design guides, site briefs, and design codes. <p>You might also find the following CABE Guidance helpful.</p> <ul style="list-style-type: none"> • "Making design policy work: How to deliver good design through your local development framework" • "Protecting Design Quality in Planning" • "Design at a glance: A quick reference wall chart guide to national design policy". <p>These, and other publications, are available from our website www.cabe.org.uk</p>	<p>Comments noted.</p> <p>Additional reference to relevant design guidance has been included in the margin of Chapter 14 of the SPD.</p> <p>Noted.</p>
SPD5/09	English Heritage	<p>I would confirm my satisfaction with the content of the revised draft consultation document. I am also pleased with the way in which the Council has responded to</p>	<p>Supportive comments welcomed.</p>

		<p>the comments and observations set out in my earlier letter of 21 May 2007.</p> <p>I welcome, too, the intention as expressed in Section 2, Table A2.1, concerning the Sustainability Appraisal that the Council intends to prepare an Urban Design Framework SPD. I look forward to the opportunity to comment on this in due course. I assume it will expand upon the work done on the design guide for South Tyneside in 2004.</p>	<p>The Urban Design Framework SPD will expand upon the previous Urban Design Guidance. English Heritage will be consulted on the SPD at the appropriate time.</p>
SPD5/10	Durham Wildlife Trust	<p>Durham Wildlife Trust welcomes the SPD on Planning Obligations and Agreements, in particular the reference to working with external organisations such as Durham Wildlife Trust to develop appropriate schemes to compensate for any biodiversity loss resulting from developments within South Tyneside.</p> <p>Durham Wildlife Trust would welcome the opportunity to work with South Tyneside Council to develop a series of schemes across the area that can be implemented via Section 106 and other planning agreements. Of particular interest are schemes designed to facilitate the adaptation of our countryside to climate change and allow the movement of habitats and species across the landscape in response to changing climate. Durham Wildlife Trust is currently developing its Living Landscapes proposals as part of the national Living Landscapes campaign developed by the Wildlife Trusts. This provides an opportunity for the Council to develop a range of mitigating projects that can have real significance not only in South Tyneside but across the wider region.</p>	<p>Supportive comments welcomed.</p> <p>Reference to the Living Landscapes campaign has been included in the margin of chapter 15 of the SPD.</p>
SPD5/11	<p>England & Lyle Chartered Town Planners</p> <p>Representation on behalf of Northumbrian Water Ltd. (NWL).</p>	<p>Appendix 1: Responses to first consultation draft SPD5 (May 2007)</p> <p>NWL notes the table of comments received in relation to the first consultation draft of SPD5, published in May 2007. NWL submitted representations on this draft Document during the consultation period held by the Council. However, it would appear that none of the comments contained in these representations have been acknowledged, rejected and/or incorporated in Appendix 1. To this end, and notwithstanding their previously submitted comments in May 2007, NWL would make the following comments in relation to the second draft SPD5.</p> <p>In paragraph 2.1, NWL acknowledges and supports the principle, purpose and function of SPD 5 to provide "guidance on the planning obligations or agreements that will be required to ensure that new development can be accommodated in the Borough, with acceptable impact and within the principles of sustainable development."</p> <p>NWL continues to welcome the Council's positive and pro-active response with the</p>	<p>Unfortunately, the Council did not receive the comments sent on behalf of NWL to the first consultation draft of SPD5, but has now obtained a further copy of these comments and has taken these into account when addressing the representation received from NWL.</p> <p>Supportive comments welcomed.</p> <p>Supportive comments welcomed.</p>

		<p>Company to ensuring that the Core Strategy DPD, Development Policies DPD and Area Action Plan DPDs adequately addressed issues relating to the Company's water and sewerage infrastructure operations. However, NWL feel that the SPD could better reflect the Company's position regarding its requirements for additional water and sewerage infrastructure necessitated by cumulative and major developments.</p> <p>Whilst recognising that it has a statutory duty to provide infrastructure for water supply, sewerage or sewerage disposal by virtue of sections 41, 98 and 146 of the Water Industry Act, the Company aims to identify its infrastructure requirements at the earliest stage of development proposals and encourages developers to work with the Company to ensure a 'joined-up' approach to its provision of water and sewerage infrastructure. As stated in B52 'Other Legislation' in ODPM Circular 05/2005: Planning Obligations: "There is of course merit in ensuring a joined-up approach is taken to planning of the provision of all infrastructure and services relating to a site".</p> <p>In order to encourage this 'joined-up' approach to developments, NWL would therefore request that the following wording is incorporated into the final version of SPD5: "Proposals for new development must be capable of being accommodated by existing or planned water and sewerage infrastructure services (whether supplied by utilities providers or the development itself), and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the existing community. The Council recognises that the provision of additional water and sewerage infrastructure capacity, necessitated by certain developments, is essential to the timely implementation and functioning of developments. Along with their requisitionary responsibilities developers will be encouraged to in some cases through financial provision to facilitate water and sewerage infrastructure, through the use of a planning obligations, where appropriate to ensuring the effective and efficient phasing of development".</p> <p>This content could be conveniently and adequately incorporated into 'Section C: Site Specific Requirements' as 'Infrastructure capacity' or a similar title relating to utilities. Further to NWL's representations, similar policy wordings have been incorporated recently in LDF documents by various other local planning authorities in the north-east.</p>	<p>Comments noted.</p> <p>Chapter 16. Water and Sewerage Infrastructure has been included in the final version of the SPD to address the representation made on behalf of NWL. At paragraph 16.3 reference has also been made to the possible use of planning obligations for sustainable urban drainage systems (SUDS). This suggestion was made by the Environment Agency in May 2007 in response to consultation on the first draft of SPD5. The Council had intended to include the suggestion in a future revision of SPD1 Sustainable Construction and Development but it is now appropriate to include the suggestion here in SPD5.</p>
SPD5/12	Persimmon Homes	<p>In our initial response to the original consultation draft of this document in May 2007, Persimmon Homes highlighted a number of key issues, which we felt</p>	<p>The SPD has been prepared to accord with national, regional and local planning policy and has been revised to take account of representations</p>

		<p>needed to be addressed fully in order for this SPD to pass government soundness tests and fit for purpose. Upon reading the Consultation Revised Draft it has become clear that despite extensive revisions to the original draft, a number of issues within the document remain unresolved resulting in the document as a whole being flawed and unadoptable as an SPD in its current format. It would therefore not constitute being a material consideration when making development decisions.</p> <p>The following represents the companies' comments in relation to the various references given:</p> <p>Negotiating and Monitoring of Section 106 Agreements: Paragraph 6.8 I would like to draw your attention to paragraph 6.8 which states that 'the Council will expect a monitoring contribution to be made' to ensure continual monitoring of the developer compliance with agreed planning obligations. There is no requirement within Circular 05/2005 or Planning Obligations: Practice Guidance for a developer to contribute costs towards the monitoring of planning obligations.</p> <p>The monitoring process is an in-house planning authority duty, which they have to finance and therefore monitoring costs should be omitted from this SPD.</p> <p><u>Use of this Supplementary Planning Document: Paragraph 7.3</u> Persimmon Homes has no objection to the use of standard formulae, however, we would like to draw to your attention advice from paragraph B35 of Circular 05/2005 which states that 'standard charges and formulae applied to each development should reflect the actual impacts of the development' and we ask that all proposals within Section B meet this Circular advice as opposed to being applied in blanket form regardless of the impact of development.</p> <p><u>Paragraph 7.5</u> This paragraph refers to the regular review of developer contribution rates based on inflationary price increases and market conditions. Persimmon Homes requests further details on how such reviews are to be calculated and measured. Is it intended that contributions come down as well as up, taking account of prevalent market conditions?</p> <p><u>Section 8: Strategic Transport Improvements</u> Until the Community Infrastructure Levy (CIL) comes into force, it is essential that any developer contributions must pass the basic tests set out within Circular</p>	<p>received on two consultation draft documents. It is now considered to be appropriate to advertise the adoption of the SPD and for it to be regarded as a material consideration in the determination of future planning applications</p> <p>Paragraph 6.8 of SPD5 explains that the Council will undertake the monitoring of planning obligations but will expect a monitoring contribution to be made where a particular scheme involves a complex legal agreement with numerous obligations, or where the nature of the planning obligation involves prolonged monitoring over a considerable period of time. This is intended to cover exceptional circumstances. Paragraph 6.8 of the SPD has been amended to make it clear that this will apply in exceptional circumstances.</p> <p>SPD5 clearly highlights the relationship to be established between the impact of development and the developer contributions sought, at paragraph 6.5. Paragraph 6.5 of the SPD has been clarified to state that all negotiations on planning obligations will have regard to guidance contained in Circular 05/2005, the specific details of the development proposal and the viability of the scheme.</p> <p>At paragraph 5.5 of the SPD, the Council explains that it will use the retail prices index excluding mortgage interest payments to determine appropriate price increases for the costs given at 2008 prices in the SPD. The Council will regularly review its planning obligation tariffs and the level of contribution required in light of market conditions and other material considerations.</p> <p>The Council considers that it is important to provide guidance on its approach to planning obligations and agreements prior to the Introduction of the Government's new Community Infrastructure Levy,</p>
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		<p>05/2005, whereby there is a direct relationship between the consequence of a development and the scheme to which it is to fund.</p> <p>The CIL will require the formulation of an Infrastructure Plan to analyse local requirement and its cost; in DPD form this will need to be tested on a sound evidence base prior to Public Inquiry and Adoption. Only once such plans are in place could a fair developer contribution be formulated, and until this time, it would be totally inappropriate to suggest levels of contribution within this SPD.</p> <p>Section 9: Recreational Open Space, Children’s Play Areas and Sports Facilities</p> <p>It is a government requirement to ensure that on site public open space is an integral part of residential development proposals. Persimmon Homes supports the inclusion of open space; however, the precise amount, location, type and design of such provision should be negotiated with applicants taking account of the specific characteristics of the development.</p> <p>For larger housing schemes, Persimmon Homes accept that off-site contributions towards open space, play areas and sports facilities may be necessary; however, the level of contribution should be based on solid evidence identifying need, with sports contributions calculated in line with Sport England guidance and a local assessment of provision.</p>	<p>which is yet to be agreed.</p> <p>The Council sets out in this SPD what is required from developers in the form of planning obligations, and the guidance is intended to provide greater certainty for developers from the outset. All negotiations over planning obligations will have regard to the guidance contained in Circular 05/2005, and a planning obligation must be necessary to make the proposed development acceptable in planning terms and it must be fairly and reasonably related in scale and kind to the development. (See paragraph 3.3).</p> <p>There are two aspects to developer contributions acknowledged by government. One being the site-specific access and accessibility requirements of a development, and the other being those of the impacts on the wider network. The JMP Consultants transportation studies identified the impact of background traffic growth and development traffic on key junctions and links and current/future capacity issues in the Borough. A range of hard and soft measures have been proposed to mitigate against the potential impact and costed accordingly. Flows generated by each development have been modelled and distributed throughout the road network. The impact on each link and junction has been distributed proportionately and a contribution to each measure identified.</p> <p>The provision of public open space as part of residential developments will be a matter for negotiation as set out in paragraph 9.31 of the SPD. Clarification of this point is provided at paragraph 9.10 of the final version of the SPD. “The Council will take into account the scale and nature of the proposed residential development and the likely demand for recreational open space that will be generated. Detailed planning obligation negotiations will also consider existing local provision of recreational open space and the availability of suitable land within the development site when determining opportunities for on or off site provision”.</p> <p>A planning obligation for sports facility provision is not proposed in this SPD, but will be researched in consultation with Sport England in the future.</p>
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		<p>work from the Council is required and therefore it is questionable whether or not this section of the SPD holds any relevance at this time. Such policy should come from SHMA work.</p> <p><u>Section 14: Public Realm, Public Art, Heritage and Conservation</u> Whilst Persimmon Homes agree that public art can make a positive contribution to the quality of the built environment and public realm, there is currently no necessary test that can be linked into development proposals to suggest a public art contribution is required from a developer. As a result, the 10 dwellings or more threshold as stated within paragraph 14.4 holds no direct relevance to the criteria set out in Circular 05/2005 and should therefore be omitted.</p> <p><u>Conclusion</u> Persimmon Homes would like to emphasise that it is essential that any planning gain requirements are fully considered in relation to site viability and founded on a robust and credible evidence base. It is important to remember that in the absence of the CIL, developers can only be asked to fund facilities and services where need directly relates to new development in line with the criteria set out within Circular 2005/05.</p> <p>It is our position that to be considered 'sound' a number of changes are required to the document to make it in conformity with Circular advice and guidance and without these changes this document should be afforded no weight.</p>	<p>Adopted LDF Core Strategy and saved UDP policies noted in chapter 14 provide the framework for the negotiation of the provision of publicly accessible artwork on major planning applications. This is not stated as a requirement, but will be encouraged in order that buildings and their settings make a positive contribution to the local area. A minor revision has been made to paragraph 14.4 of the SPD to refer specifically to adopted Core Strategy Policy ST2, and to relate negotiation, where appropriate, to major planning applications.</p> <p>The Council considers that it is reasonable to ask developers to contribute towards the cost of infrastructure, facilities and services that will be needed as a result of their development. The Council sets out in SPD5 what is required from developers in the form of planning obligations. All negotiations over planning obligations will have regard to the guidance contained in Circular 05/2005 (and summarised in chapter 3 of this document), the specific details of the development proposal and the viability of the scheme. In particular, the Council will seek to secure a fair and reasonable developer contribution, without removing the incentive for new development taking place in the Borough.</p> <p>Constructive comments on the revised consultation draft of SPD5 have been addressed. Appropriate changes have been made where they improve and substantiate the document. The Council has amended the revised consultation draft of SPD5 to take account of further representations received from Persimmon Homes and other consultees during a second round of consultation in July 2008 (see Appendix 3). It is now considered to be appropriate for the Council to adopt a final version of SPD5 and issue the statement of adoption to consultees.</p>
SPD5/13	Sport England North East	<p>Sport England considers that the revised draft has made excellent progress since we were consulted on the previous draft, last summer.</p> <p>The document recognises the need to base contributions on locally derived standards and also acknowledges the need for South Tyneside to undertake a</p>	<p>These supportive comments are welcomed. The SPD has been revised to take account of Sport England's constructive comments on the first draft of the document.</p>

		<p>PPG17 Local Needs Assessment that can examine the demand and supply of indoor and outdoor sport facilities. Sport England is also aware that the Council intends to commence, very shortly, on an open space assessment and an update to the Playing Pitch Strategy. This suite of three strategies will fully comply with the need to set local standards required by PPG17. This would also provide a sound evidence base upon which to base planning contributions.</p> <p>We are pleased that the document recognises the principle of pooled contributions. This can be essential in delivering wider community benefits from a combination of smaller development proposals. Pooled contributions can assist in delivering more costly developments such as swimming pools, sports centres etc.</p> <p>Sport England acknowledges that the SPD is a revised draft and once the suite of strategies has been produced and/or updated, this will assist in providing local standards and tables, similar to the ones proposed for Children's Play Areas.</p> <p>I note that paragraph 9.8 makes reference to updating the SPD when the strategies are complete. In the meanwhile, it would be prudent to refer to the Sport England Facilities Calculator. This calculates the amount and cost of facilities required for new residential development and is based on local demographics. The calculator can be accessed on the Sport England website: www.sportengland.org and clicking 'Get Recourses', clicking 'Planning for sport', then clicking 'Planning Contributions' and clicking on the link for the Sport Facility Calculator.</p> <p>Sport England produces a facility costs sheet, which is updated every other quarter. This gives the most recent costs for the development of a range of different sport facilities. I have enclosed a copy of the document. It can also be viewed on this link, for the most recent version: www.sportengland.org/kitsbag_fac_costs_q2_2008.doc This cost sheet could be appended to the SPD to give an indication of the costs of delivering different sport facilities, particularly where pooled contributions are being considered.</p> <p>PPG17 does not restrict the requirement for planning obligations for sport to just housing and therefore it is legitimate to request obligations from non-residential developments. Developments that attract a number of employees or visitors can also create a demand for sport facilities. This could include office developments, where employees may create a demand to use facilities locally, such as utilising a</p>	<p>Supportive comments welcomed.</p> <p>Comments noted.</p> <p>Reference has been made to the Sport England Facilities Calculator in chapter 9, at paragraph 9.31, of the SPD.</p> <p>Reference has been made to the Sport Facility Costs sheet in chapter 9, at paragraph 9.31, of the SPD.</p> <p>Sport England's advice is noted. When the Open Space Strategy and other research are completed, the Council will review its planning obligations for sports facility provision. The Council will consult Sport England at an early stage in the drafting of further planning obligations. The helpful reference to other good practice examples of planning</p>
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		<p>gym or tennis courts during lunch hours. Sport England considers that the SPD should also consider the demand that non-residential development may have on sport facilities and consider requesting obligations to provide for such facilities. Herefordshire Council have produced a Planning Obligations SPD that Sport England were involved with. This example requests money into sport from non residential developments and can be viewed on this link: www.herefordshire.gov.uk/docs/FINAL_Planning_Obs_SPD(1).pdf</p> <p>In summary Sport England considers the draft to be making excellent progress and has recognised the key documents in order to provide a sound evidence base for calculating planning contributions. Until the strategies are produced, it is difficult to determine the local provision and their associated costs and therefore, the SPD should be amended at a later date when these strategies become available.</p>	<p>obligation SPDs is noted. It will be taken into consideration when the Council is in a position to review its planning obligations for recreational open space. The Council's Open Space Strategy (SPD 3) and other planned strategies will be used as the basis for further calculations on planning obligations for recreational open space.</p>
<p>SPD5/14</p>	<p>Turley Associates – representations on behalf of Sainsbury's Supermarkets Ltd.</p>	<p>This representation relates to Section 8: Strategic Transport Improvements, of SPD5: Planning Obligations and Agreements revised draft.</p> <p>Sainsbury's agrees with the sentiment in Paragraph 2.7 of the South Tyneside LDF Core Strategy in that it may be necessary for developers to enter into agreements to provide the required infrastructure improvements to facilitate their development. However, applying a flat rate, albeit on a sliding scale, is not considered appropriate or reasonable.</p> <p>The levels of contribution for food retail development is almost double that for other retail development. While Sainsbury's is not opposed to making contributions where appropriate, it is felt that these contribution rates are unreasonably high. Circular 11/85, Paragraph 8, Standard Conditions warns that model conditions can encourage the use of conditions as a matter of routine, without the careful assessment of the need for each condition. Sainsbury's are concerned this will happen and result in contributions that place unjustifiable burdens on applicants. Therefore Sainsbury's would like to see contributions that are appropriate to suit the particular circumstances of a case, based on Transport Assessment, and not determined by a set tariff.</p> <p>The levels of contribution also fail to meet the Secretary of State's Policy Test 4. By operating a flat rate, contributions are not "fairly and reasonably related in scale and kind to the proposed development", and could result in contributions that either fall or go over and above the level needed to bring a development in line with the objectives of sustainable development.</p>	<p>The Council considers that it is reasonable to ask developers to contribute towards the cost of infrastructure that will be needed as a result of their development. The Council sets out in this SPD what is required from developers in the form of planning obligations, and the guidance is intended to provide greater certainty from the outset. Negotiation will be a key part of the process, and the Council will seek to secure a fair and reasonable developer contribution, relevant to the specific details of the development proposal, without removing the incentive for new development taking place in the Borough. (See paragraphs 6.5 and 8.18 of the SPD).</p> <p>The JMP Transformation Study identified the impact of background traffic growth and development traffic on key junctions and links and current/future capacity issues. A range of hard and soft measures have been proposed to mitigate against the potential impact and costed accordingly. The Transportation Study Supplementary Report (JMP Consultants Ltd, May 2008) will be made available online at www.southtyneside.info/planning/strategic/ldf as a supporting technical paper to the Supplementary Planning Document.</p> <p>Flows generated by each development have been modelled and distributed throughout the road network. The impact on each link and junction has been distributed proportionately and a contribution to each measure identified. Interrogation of the TRICs database shows that the trip rates generated by food retail are more than double those generated</p>

			<p>by non-food retail developments and this is mirrored in the developer contribution rates applied. It is considered that these contribution rates are not unreasonable, being significantly less than those set by other authorities, as investigated by the study. The level of contribution is based upon use, size and location of the proposed development and minimum thresholds have been set.</p> <p>The trips associated with each development are generated by the TRICs database. TRICs® is the system that challenges and validates assumptions about the transport impacts of new developments. It is the only national (UK and Ireland) trip generation and analysis database, containing trip generation data and site information for over 2,800 sites. Trip rates are based upon land use size and location.</p>
SPD5/15	One NorthEast	<p>As you are aware One NorthEast is responsible for the development, delivery and review of the Regional Economic Strategy (RES) on behalf of North East England. The RES sets out how greater and sustainable prosperity will be delivered to all of the people of the North East over the period to 2016.</p> <p>The revisions to this draft document are noted. As stated in our previous response to the first draft, One NorthEast welcomes and endorses your Council's intention to provide a Supplementary Planning Document on planning obligations and agreements. The revised document sets out clearly and concisely the context and process involved in planning obligations and agreements and should prove to be an excellent tool for developers.</p>	<p>The adopted LDF Core Strategy, to which the SPD relates, has been prepared in accordance with the Regional Economic Strategy.</p> <p>Supportive comments welcomed.</p>
SPD5/16	The Theatres Trust	<p>The Theatres Trust is the national advisory public body for theatres and a statutory consultee on planning applications affecting land on which there is a theatre. This applies to all theatre buildings, old and new, in current use, in other uses, or disused. Established by The Theatres Trust Act 1976 'to promote the better protection of theatres', our main objective is to safeguard theatre use, or the potential for such use but we also provide expert advice on design, conservation, property and planning matters to theatre operators, local authorities and official bodies. Due to the specific nature of the Trust's remit we are concerned with the protection and promotion of theatres and therefore anticipate policies relating to cultural facilities.</p> <p>Thank you for taking on board our comments regarding the inclusion of the term 'cultural facilities' within items 12.2 and 12.5 in the section on Social and Community Facilities.</p> <p>It is important that the need for developer contributions for cultural facilities is</p>	<p>LDF Core Strategy policy SC1 Creating Sustainable Urban Areas focuses and promotes development within the built-up areas of the Borough where it sustains the provision of community facilities.</p> <p>Supportive comments welcomed.</p> <p>Comments noted.</p>

		<p>identified as we are concerned and wish to be assured that any future buildings for theatre and the performance arts will benefit appropriately under the terms of S106 agreements. Section 106 has significantly benefited the provision of cultural facilities and should continue to be used in this way.</p>	
<p>SPD5/17</p>	<p>Tyne Crossings Alliance</p>	<p>We have focused our comments on Appendix 2, Sustainability Assessment, since this is the aspect of the work that especially concerns the Tyne Crossings Alliance.</p> <p>A2.1 Objective: "To create and retain wealth"</p> <p>We suggest that your Appraisal Team's response does not take into account the full effect of congestion during the period of the Plan and, especially, subsequent to the period of the Plan. "Growth" for its own sake, not taking into account congestion, is counter-productive so the word "sustainable" in the Question: "Will it generate sustainable economic growth" has been overlooked. We are very concerned that extra traffic in the Borough occasioned by the Second Tyne Crossing for instance has been played down, and in this context we cite the following extract from the JMP ST Study 2006: ".In addition to this figure approximately 1,000 additional movements are predicted on the A19 during the peak hours due to the introduction of the 2nd Tyne Crossing" (11.4).</p> <p>We assume this means 1000 extra vehicle movements in the morning rush-hour and another 1000 in the evening rush hour, and this is a very significant addition to present congestion not only on the A19, as the Study says, but throughout the Borough since much of this traffic (almost all of it, according to the original promoters of the New Tyne Crossing) will be local. We are concerned that the JMP study doesn't appear to take this dispersal into account. We wonder, also, how rigorous is the 1000 additional vehicle movements figure. It is ironical that the Tunnel developers are presumably likely to be held to be free from developer contribution liability.</p> <p>Likewise Table T3.9 in the JMP ST Study 2006 concerning traffic to and from the proposed Hebburn super-store under-reports the problem in our view: "Arrivals / Departures: AM Peak 146 / 300, PM Peak 313 / 101". This traffic is "assumed to be local to the Jarrow and Hebburn areas". We submit that traffic to this store would be Borough-wide and not local, if Tesco gets its way (and it usually does, planning agreements notwithstanding – the size of the proposed car park gives an indication). We also query whether a superstore size exceeding 4000 sq m (including "comparison goods") has been used in the traffic-generation model since the traffic assumed seems low. It may be relevant that main retail shopping</p>	<p>The sustainable development objectives set out in the Sustainability Appraisal (SA) are those that have been formulated for the assessment for all South Tyneside LDF documents, since the preparation of the adopted Core Strategy.</p> <p>Transport Consultants were commissioned by the Council to study the impact of new development on local and strategic transport infrastructure across the Borough. It is acknowledged that the model could not take into account every single development that will take place and concentrates on the known main sites identified in the LDF. The contributions tariff will apply to all new developments (above threshold levels) and so raise funding for strategic transport improvements. The study does not solely relate to highways but also to such as the need to develop cycle routes. The traffic impacts of the New Tyne Crossing were fully appraised in association with the promotion of this scheme, and for example the need to improve junctions on the A19 was highlighted (and now programmed by the Highways Agency). The long-term impact on changes to traffic patterns on local roads remote from the A19 will possibly need more detailed examination in the future, as it cannot be determined at this stage due to the number of variables. Access to the A19 itself may be subject to control in the future by the Highways Agency.</p> <p>Use of the term "local" in relation to traffic attracted to the New Tyne Crossing means traffic arising within the north-east region rather than further afield as for such as the A1 or M1. 2001 Census shows that a large proportion of trips undertaken within South Tyneside are generated within the borough. Journey lengths through the tunnel however are not what we would consider to be local in that they could not be reasonably achieved through bus, walking or cycling.</p> <p>The transport consultants' studies provide indicative figures for a</p>

		<p>traffic is not likely to occur at peak hours, so traffic to this development would be (we hope not: "will be") very substantial indeed.</p> <p>The later JMP ST 2008 Study doesn't elaborate on these assumptions. The allocation of £7,500 in Appendix C to improvements to the Victoria Road/Station Road junction (adjacent to, or part of, the proposed superstore vehicle access) suggests a modest traffic increase, which we applaud but don't believe. The allocation of £123,000 to Station Road, which we presume includes widening, attracts only a £26,061 contribution, which we consider derisory, even though it is compensated by a £25,023 excess on the junction contribution.</p> <p>The Question "Will it [SPD 5] increase average household income" is meaningless unless accompanied by an assessment of associated spending power for any particular income and the quality of life that arises results. Rich people stuck in traffic jams in sordid, smelly and noisy streets are NOT happy bunnies! Even less happy are the residents of those streets and those for instance having to push prams and wheelchairs on the road due to cars parked on the pavement. Poorer people occupying a clean, fume-free, properly policed and attractive environment are much more likely to be happy than their "rich" compatriots. We suggest the main way that SPD 5 could influence the lot of this majority of South Tyneside's population for the better is through traffic-reduction. SPD 5 fails this test.</p>	<p>number of development sites across South Tyneside, including the Hebburn Town Centre food store site. Prior to the submission and assessment of proposals, these requirements may be subject to further detailed analysis and assessment. The precise details of development at Hebburn are yet to be determined, but it has already been highlighted that the levels of car parking will need to be appropriate for local demand, taking into account the totality of the uses in the town centre and the potential for linked trips. It is considered reasonable to expect that Hebburn Town centre will attract mainly from the locality since there are already large supermarkets catering for the demands of the other areas of the Borough. The scheme will provide for pedestrian and cycle movement and for connections to the Metro and bus services. Changes to Victoria Rd / Station Rd junction are envisaged to be minor since a new access from Victoria Rd West will cater for vehicular access to the area. The main changes in traffic will therefore arise from the large residential developments in the vicinity that will need to be incorporated in the transport assessment to be carried out for the town centre.</p> <p>The study that informed SPD5 has taken into account the potential for reducing traffic generation through travel planning measures for these new developments. However, new development will generate additional motorised traffic and the purpose of this SPD is to secure the necessary improvements to the network to avoid congestion. The Supplementary Planning Document cannot address reducing existing traffic in general not related to new development. This is being addressed through the Local Transport Plan and the South Tyneside Integrated Transport Strategy. It would be unrealistic to suggest that new development could take place without any associated generations of traffic.</p> <p>This sustainable development objective and others set out in the SA are those that have been formulated for the assessment for all South Tyneside LDF documents, since the preparation of the adopted Core Strategy. SPD5 does not address such matters as parking on pavements, since this is an enforcement matter. It should be noted that whilst we do apply maximum parking standards to minimise provision as a tool to manage demand, this could actually increase the likelihood of people parking on pavements.</p>
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		<p>A2.2 Objective: "To help businesses start up, grow and develop" We submit that the two developments we have cited (the second Tunnel, already approved, and the proposed Hebburn superstore which is awaiting approval – though with more than a hint that the Council intends to accept) both increase congestion. In that sense they are counter-productive, and developer contributions to facilitate traffic flow would appear to make that worse. The proposed Hebburn super-store can do no other than destroy retail employment opportunities (that is how superstores make their profit) and experience elsewhere indicates a very clear correlation between large superstore domination of a community and a decline in social capital of which small business and employment is a major component. We appreciate that the main place for this objection was the Public Examination into the Hebburn Area Action Plan and we made the objection then, with a long list of references. We consider that our objection to this proposed development has implications for SPD 5 too.</p> <p>A2.3 Objective: "To ensure high and stable levels of employment so everyone can share and contribute to greater prosperity" We suggest that this is a bogus aspiration. A better formulation of words would have been: "To increase employment levels and tackle the causes of deprivation" (1). Consideration of basic issues such as ensuring cleanliness and freedom of parked cars from pavements, as opposed to increasing the number of cars per household, might shift policies in a much more favourable direction of which traffic limitation and management will be an essential part. This materially bears on developer contributions, which need not to facilitate traffic growth, but to provide alternative means of access. The JMP studies indicate many ways to provide alternatives to car use, but the Borough must go further by constraining car use through, for example, parking charges, control and management.</p> <p>A2.4 Objective: "To establish and retain a flexible and highly skilled workforce through training and education" Public Health North East says: "We will press the case that the primary purpose of the North East economy should be to improve the health and well-being of its population" (2). Training and education must have a clear objective if they are to succeed, and this requires employment for a varied and skilled workforce. The proposed Hebburn superstore does nothing for skilled labour, and would reduce employment compared to the preferred alternative of many healthy local shops as well as reducing social capital, as mentioned in our comments on A2.2. A more sensitive proposal for the development of Hebburn Town Centre focused on local</p>	<p>The Supplementary Planning Document does not seek to address detailed issues relating to the redevelopment of Hebburn Town Centre, which have been considered in the Hebburn Town Centre Area Action Plan DPD. The Sustainability Appraisal (SA) recognises that the impacts of SPD5 may be indirect for objective A2.2, but there may be some positive effects for business development, such as through the use of local suppliers and produce, and improvements to the strategic transport infrastructure.</p> <p>In terms of planning obligations and Section 106 Agreements, Chapter 11 of SPD5 deals with employment and training in the context of the Council's Social Clauses programme. The SA recognises that SPD5 should have a positive impact in increasing targeted recruitment and training. The Transformation Study identifies the impact of new development traffic on key junctions and links and current/future capacity issues in the Borough. A range of hard and soft measures (including public transport improvements and pedestrian and cycle improvements) has been proposed to mitigate against this impact and have been costed accordingly.</p> <p>Comments noted. The Supplementary Planning Document does not seek to address detailed issues relating to the redevelopment of Hebburn Town Centre, which have been considered in the Hebburn Town Centre Area Action Plan DPD.</p>
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		<p>unclear.</p> <p>The JMP studies 2006 and 2008 These studies appear to be predicated on what the Council already planned to do before the consultants were instructed. The opportunity therefore of gaining the expertise of JMP in drawing up these plans has been lost – all JMP could do was seek to secure the door after the horse had bolted. This is another example of the Council's back-to-front "consultation" referred to in our paragraph above. The difference is between top-down "consultation" and bottom-up co-operation both with the public and, as here, through the employment of consultants.</p> <p>As stated previously (A2.2), we consider that JMP's treatments of traffic generated by the Second Tyne Crossing, and the proposed Hebburn super-store, are ambiguous in the first case, and wrong in the second. This affects conclusions based on these studies. We don't have the contour maps showing accessibilities, but we note that these were drawn up assuming the TyneWear Park would go ahead. They have not, so far as I am aware, been recalculated since. As the TyneWear contribution was a major feature of the 2006 Study, this is a serious lack. A realistic assessment of traffic arising from the New Tyne Crossing, and from the proposed Hebburn Superstore (NOT just local traffic!) would have been valuable information to inform SPD 5.</p> <p>The consultants' figures for access to sites by public transport require to be door-to-door. In that case an optimistic journey time from my house in North Drive, Hebburn, to South Shields by Metro (a trip I frequently make) amounts to: walk to Metro 10m, average wait for a train in rush hour 4m, journey time (2m per section) 12m, walk to a typical destination in South Shields say 5m. Total 31m. This puts this house well outside the 20m band, and the very large number of houses located further from the station than we are, are worse off. Were the walks both to and from the stations and bus stops included in the journey time figures?</p> <p>We welcome JMP's emphasis on alternatives to car transport, but quite clearly the consultants' hands are tied. The Council injunction to set Developer contributions "much lower than other local authorities in England...keeping in mind the economy of the borough" (JMP ST 2008 6.24) – and at half those set in Nottingham for instance – is, we suggest, a policy of defeat. One can surmise that the entire proposed Developer contribution of £1,831,991 for all developments in the Borough may be used up by the cost of these studies and the associated Council bureaucracy required to administer the system including the preparation of SPD 5.</p>	<p>The Council commissioned consultants to provide an independent and robust borough-wide analysis of the transportation requirements arising from anticipated future development. SPD5 has been prepared in accordance with the Council's adopted Statement of Consultation, and has been subject to sustainability appraisal and two periods of public consultation prior to adoption.</p> <p>The trips associated with each development are generated by the TRICS database. TRICS® is the system that challenges and validates assumptions about the transport impacts of new developments. It is the only national (UK and Ireland) trip generation and analysis database, containing trip generation data and site information for over 2,800 sites. Trip rates are based upon land use size and location. Flows generated by each development site have been modelled and distributed throughout the road network, which can be seen in the Transformation Study. The impact on each link and junction has been distributed proportionately and a contribution to each measure identified. The original JMP study examined the transport impacts with and without the Tyne Wear Park. By the time the supplementary work was commissioned to inform the developer contributions model the situation had been clarified and subsequent modelling work excluded this site. In addition, the work revised the information on the sites to be included in accordance with the latest position.</p> <p>It has not been policy to set developer contributions at a lower level than elsewhere. The point is made to demonstrate that the Council is not imposing excessive demands on developers. Developer contributions secured towards strategic transport improvements will only be used for that purpose.</p>
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		<p>Anomaly We understand that S106 agreements are regarded as a way forward by Government, so we are stuck with them. They have good and bad aspects, the bad aspect being an incentive to accommodate rather than reduce traffic. But the Note in red on p10 of SPD 5 catches my eye. Since a local tax on value might facilitate the assessment of developer contributions in a way which does not provide an excuse for permitting traffic increase, and may operate without the contentious threshold, we have examined this Note and made suggestions. The text reads: "Viability – The gross development value of a site will usually be the <u>product</u> of the build cost of the development (including infrastructure and any abnormal costs), the developers' profits, overheads and interest payments and the residual land value of the site". (Our underlining).</p> <p>We ask: 1) Why does this note appear, since we can't find development value mentioned elsewhere either in the SPD or in the JMP studies? 2) Should the word "product" (underlined above) be changed to "sum"? 3) Whereas the sum is referred to as a "value", it is technically a measure of cost. The sum takes no account of worth or benefit to the community of a development, which may be either positive or negative. This latter outcome could occur, for instance, if the development is unsightly, or generates much traffic and/or other demands on the public infrastructure.</p> <p>General The principle of developer contributions to the road infrastructure provides a reduced incentive for an Authority to implement traffic reduction policies. There is also a question, raised by some developers, concerning the ethics of requiring contributions only for developments over a certain threshold. The obvious corollary arises that either the contributions required may be nominal (as proposed for South Tyneside) or developers will evade them through split developments. If a threshold is necessary for practical and administrative purposes, perhaps that further indicates that another mechanism – or a revised mechanism – is required.</p> <p>NOTES 1) SustainE: "The Integrated Regional Framework for the North East of England", March 2008, Appraisal Checklist: "Strengthening the North East Economy?" Objective 1 p45 (One North East) 2) "Better Health, Fairer Health – A Strategy for 21st Century Health and Well-being in the North East of England". Public Health North East, Feb 2008 p7</p>	<p>The use of the term 'product' in this context is considered appropriate. The reference to 'viability' allows the reader to understand the term in the context of SPD5, and for the Council to acknowledge that the viability of development proposals will be taken into account in negotiations on planning obligations and agreements.</p> <p>The Council is making every effort to implement measures and policies to promote sustainable travel and reduce car travel. The introduction of developer contributions for strategic transport improvements will not introduce a reduced incentive for the Authority to achieve these targets. The Council is acting responsibly by planning ahead for any increases in traffic resulting from new development, and to ensure that developers fulfill their responsibilities.</p> <p>Comments noted.</p>
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		(Government Office North East) 3) Quoted in SustainNE: "The Integrated Regional Framework for the North East of England", March 2008, p5 ibid.	
SPD5/18	Nexus	<p>The main area of interest to Nexus in this document is the section relating to contributions for transport infrastructure/enhancements. We welcome the principle of a Developer Contribution Tariff as set out in Table 8.1. However, the text in the document gives the impression that these contributions are solely for infrastructure provision. It is not clear how the revenue implications of new transport services would be dealt with. For example, a new bus service or service diversion to serve a remote employment site may need subsidy for a number of years before it covers its costs. This is the equivalent of the commuted sums for maintenance that are included in the calculation of levels of contributions for play areas described elsewhere in the document. While this issue may be covered in a Travel Plan that is required as part of planning permission, the financial implication needs to be made more explicit.</p> <p>The same comments apply to paragraph 10, section C, Transport, Car Parking and Traffic Management. Although paragraph 10.3 refers to "The Developer may also be required to fund other appropriate measures" this still reads as referring to infrastructure or capital investment rather than revenue support.</p>	<p>The JMP Transformation Study (2006) identified bus infrastructure improvements as well as assessing accessibility to each site. Nexus were consulted on the proposals at the time and shuttle bus services to the Riverside and dedicated services to Tyne Wear Park and Hebburn and Jarrow were identified. Other sites have come forward through the South Tyneside LDF for consideration, and the Tyne Wear Park site has now been omitted from the RSS and LDF.</p> <p>At paragraph 8.8, the SPD does make reference to proposed public transport improvements of £500,000 identified in the JMP Supplementary Report (2008). This relates to the potential provision of a Riverside Shuttle Bus Service (2011). JMP Consultants also recommended that annual maintenance and running costs would need to be taken into account for the provision of bus routes to the riverside regeneration area.</p> <p>The capacities of existing bus services, and the need for new or changed bus connections, will need to be taken into account as part of any Transport Assessments for future developments on a site by site basis. A developer would be required to cater for their own site specific requirements through a travel plan and this could include pump priming of bus services for achieving adequate accessibility to the site. Such measures can be included in a section 106 agreement, and may be considered for example in lieu of car parking provision.</p> <p>Paragraph 10.3 of the SPD has been amended to explain that other appropriate measures could include enhancements to or provision of bus services and that Section 106 agreements may need to include commuted sums to subsidise the service until it becomes self-sustaining.</p>
SPD5/19	Highways Agency	The changes made to the document following the consultation process carried out on the draft document in May 2007 are welcomed, and I can confirm that the Agency has no further issues or concerns to make on this document.	Supportive comments welcomed.
SPD5/20	The Coal Authority	Just to confirm that The Coal Authority has no specific comments to make in response to this document.	Comment noted.
SPD5/21	Natural England	We are pleased to note that sections of the SPD cover Strategic transport	In response to comments received from Natural England paragraph 9.1

		<p>improvements [8], Recreational Open space [9], Biodiversity & Geodiversity [15]. We would encourage South Tyneside to consider developing a green infrastructure strategy which would integrate these along with sustainable drainage, health, social and other aspects.</p> <p>We are however concerned that issues identified in studies and reports are not fully embedded in the related tariffs and requirements. This relates especially to the provision of cycle and footpath routes which are recognized as being required but the SPD does not set out what will be required with regard to provision, management and maintenance. We would look to see ANGSt (Access to Natural Greenspace Standards) criteria integrated in the provision of open space. These standards are demonstrated in the State of the Natural Environment 2008 http://www.naturalengland.org.uk/sonne/docs/SoNE-Section6.7.pdf.</p> <p>Provisions should be made for management and maintenance (as well as creation and enhancement) of both open space and biodiversity/ geological conservation interests. Provision for biodiversity and geological conservation should also include access, enjoyment interpretation and education where appropriate.</p> <p>As indicated in our previous response this SPD must be subject to Assessment under Habitats Regulation 85 Appropriate Assessments for Land Use Plans for England and Wales, as required by the Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. This is addressed briefly in Appendix 2 the Sustainability Report but does not clearly demonstrate that the Council has ascertained that the SPD will not adversely affect the integrity of a European site or a European offshore marine site (as the case may be). This must be established before adoption. It should be recognized that planning obligations or agreement may be critical in ensuring necessary mitigation or compensation consequent on the Appropriate Assessment of a development proposal. As requested at our recent meeting I am forwarding a copy of our CD of advice on this process by post.</p> <p>This opinion is based on the information provided by you, and for the avoidance of</p>	<p>of the revised consultation draft SPD was amended to include reference to RSS Policy 2 regarding the creation of green infrastructure and chapter 16 of the final version of SPD5 now refers to sustainable drainage systems.</p> <p>The tariff for children's play areas includes a sum for ten years maintenance, and the SPD refers to provision and maintenance of public open space. Management and maintenance of strategic transport improvements (which may include investment in highway improvements, public transport improvements and pedestrian and cycle improvements) will normally be borne by the highway authority or will be negotiated on a site-by-site basis as part of the terms of a S106 agreement. Clarification of this point has been included in paragraph 8.20 of the SPD.</p> <p>The Council is about to commence work on its Open Space Strategy (SPD3). Reference to the ANGSt criteria is helpful and will be noted. Provisions for management and maintenance have been clarified in the SPD in chapter 9 (recreational open space) and in chapter 15 (biodiversity and geodiversity) of the SPD. Chapter 15 has been amended to make reference to access, enjoyment, interpretation and education as suggested.</p> <p>Paragraphs 1.7 and 1.8 of revised consultation draft SPD5 explained that the Council had formally considered the requirement to undertake Appropriate Assessment of the SPD. The document provides additional information and guidance on adopted policies of the South Tyneside Local Development Framework Core Strategy, which were subject to Appropriate Assessment during the preparation of the Core Strategy. It does not introduce new policies or proposals for specific sites within the Borough, but seeks to provide generic guidance on planning obligations and agreements. The Council considers that the impact of this document would not detrimentally affect the protection of the integrity of Designated European Sites and further Appropriate Assessment is not therefore required for this document, but Appropriate Assessment may be necessary for some significant planning applications.</p> <p>The Council has clarified its comments on Appropriate</p>
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		<p>doubt does not affect our obligation to advise on, and potentially object to any specific development proposal which may subsequently arise from this or later versions of the plan or programme which is the subject of this consultation, and which may have adverse effects on the environment.</p>	<p>Assessment at paragraphs 1.5, 1.6 and 1.7 of the final version of the SPD.</p>
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**To find out more about the new
Local Development Framework, contact:**

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If you know someone who would like this information in a different format, for example Braille, audio tape and languages other than English, these can be provided, on request, by contacting the Communications Unit on 0191 424 7385.