

EAST BOLDON NEIGHBOURHOOD DEVELOPMENT PLAN

Submission Draft Version

**A report to South Tyneside Council
into the examination of the
East Boldon Neighbourhood Development Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The East Boldon Neighbourhood Development Plan has been prepared to set out the wishes of the community of East Boldon. The boundary of the neighbourhood plan area encompasses the East Boldon area of the Cleadon and East Boldon Ward, with a small section of the Boldon Colliery Ward of South Tyneside.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the clarity of the mapping of sites referred to in policies, to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - The deletion of Policies EB8 and EB19;
 - Clarification of the wording of policies and the supporting text; and
 - the improvement of the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the East Boldon Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the East Boldon Neighbourhood Plan.
- 2.2 The community of East Boldon lies within the district of South Tyneside. The boundary of the neighbourhood plan area encompasses the East Boldon area of the Cleadon and East Boldon Ward, with a small section of the Boldon Colliery Ward of South Tyneside. The area has an estimated population of 5117 in 2011.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the East Boldon Neighbourhood Plan (EBNP) by South Tyneside Council (STC) with the consent of East Boldon Neighbourhood Forum in February 2021. I do not have any interest in any land that may be affected by the EBNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.

- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, as incorporated into UK law; and
 5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - o Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

- 2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the EBNP dated February 2021.
- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Screening Opinions for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy, I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

Legislative Requirements

- 2.12 The neighbourhood plan making process has been led by East Boldon Neighbourhood Forum which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 Appendix 1 of the Basic Conditions Statement includes the report to South Tyneside Cabinet for the formal designation of the East Boldon Neighbourhood Area and the East Boldon Neighbourhood Forum on 3 January 2018.
- 2.14 A number of representations have been made objecting to the inclusion of Moor Lane and Boldon Flats in the neighbourhood plan area. However, I am satisfied that the Council has given consideration to the appropriateness of including this area in their Cabinet report and has undertaken the formal designation of the plan area in accordance with the legislation.
- 2.15 The Qualifying Body has confirmed that there are no other neighbourhood plans relating to the plan area.
- 2.16 A neighbourhood plan must specify the period during which it is to have effect. The Basic Conditions Statement states that this is from adoption to 2036. The Foreword to the Plan states the plan period is 2020 – 2036. However, the front cover of the Plan does not show the dates of the Plan. It is recommended that the plan period should be shown in the Plan cover and the commencement date should be the year that the Plan was submitted (2021) as this is the earliest date that the Plan can carry any weight in decision making.
- 2.17 Paragraph 1.3 of the Basic Conditions statement confirms that the Plan does not include provision for any excluded development: county matters (mineral

extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.

- 2.18 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. The Community Actions are set out in Annex 1 of the Plan and are clearly identified as such in the introduction to the Annex. I am satisfied that this requirement has been met.
- 2.19 I am satisfied therefore that the EBNP satisfies all the legal requirements set out in paragraph 2.4 above.

Recommendation 1: Include the Plan period on the front cover and the revise the date in the Foreword to the Plan to 2021 - 2036.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.20 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.
- 2.21 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.22 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.23 The NPPF of February 2019 (as amended) is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019.
- 2.24 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development*

and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.”

- 2.25 Table 1 of the Basic Conditions Statement includes comments on how the policies of the EBNP have had regard to key sections of the NPPF and NPPG. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

- 2.26 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.27 Tables 2, 3 and 4 of the Basic Conditions Statement sets out how the EBNP delivers the three overarching objectives of sustainable development.
- 2.28 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.29 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan relevant to the area comprises the South Tyneside Core Strategy (2007); South Tyneside Development Policies Document (2011); and South Tyneside Site Specific Allocations Document (2012).
- 2.30 Table 5 of the Basic Conditions Statement sets out how the EBNP policies are in general conformity with the relevant strategic development plan policies. Paragraph 4.2 of the Basic Conditions Statement adds that as the policies contained within the DPD are not considered to be strategic policies the EBNP has not been assessed against them.
- 2.31 The new South Tyneside Local Plan is currently under preparation; the consultation on the Pre Publication Draft (Regulation 18) Plan was carried out between August and October 2019. Reference is made within Table 5 Basic Conditions Statement to the emerging draft policies.
- 2.32 Following the consultation, a report on the South Tyneside Local Plan: Spatial Options Review was considered by the Cabinet meeting of 17 March 2021. In view of the number of representations received, the Council agreed to undertake a review of the spatial options and progress to a new draft Regulation 18 Local Plan to be informed by that review.

- 2.33 STC has confirmed that the status of the Regulation 18 Pre-Publication Draft Local Plan that was approved by Cabinet on 7 August 2019 is that it carries very limited weight as, subject to Cabinet approval, it will be superseded by a new Regulation 18 draft Local Plan. In the view of the LPA therefore, only very limited weight can be attributed to Policy H1 within the previous version of the Regulation 18 Pre-Publication Draft Local Plan.
- 2.34 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.35 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.36 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the competent authority (STC) that the plan is not likely to have “significant effects.”
- 2.37 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on a Special Area of Conservation or Special Protection Area, or other ecologically important European site (Ramsar) as a result of the plan’s implementation.
- 2.38 SEA and HRA screening opinions were undertaken by STC; the screening opinions are included in Appendix 2 of the Basic Conditions Statement. Paragraph 5.3 of the Basic Conditions Statement concluded:
- “This report contains the SEA and HRA Screening for the East Boldon Neighbourhood Plan. The screening reports establish whether there is a requirement for the undertaking of a full SEA as required by the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) and / or Appropriate Assessment as required by the Conservation of Habitats and Species Regulations (2017) as amended. The assessment for screening of both requirements was undertaken on the draft Neighbourhood Plan policies submitted to the council on 3rd June 2020. The conclusions based on the assessments set out in this report are that a full SEA and Appropriate Assessment are not required..... These conclusions have been supported by the consultation bodies.”*
- 2.39 Responses from Natural England and Historic England dated September 2020 are included in Appendix 3. They agreed with the conclusions of the screening assessments.

- 2.40 I am satisfied that the SEA and HRA assessments have been carried out in accordance with the legal requirements.
- 2.41 The Basic Conditions Statement considers the impact of the Plan on Human Rights and concludes that: *“5.1 Throughout the preparation of the EBNP emphasis has been placed to ensure that no sections of the community have been isolated or excluded. The EBNP is fully compliant with the requirements of the European Convention on Human Rights. There is no discrimination stated or implied, nor any threat to the fundamental rights guaranteed under the convention.”*
- 2.42 From my review of the Consultation Statement, I have concluded that the consultation on the EBNP has had appropriate regard to Human Rights.
- 2.43 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the EBNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.44 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.45 The following key stages of consultation were:
- Issues consultation (July 2017): engagement on the neighbourhood area boundary and identify issues important to the community;
 - Objectives consultation (June 2018): engagement on the main forum objectives informed by community engagement;
 - Business and Wellbeing Survey (October 2018): engagement with local businesses, leisure and recreational organisations;
 - Young people (December 2018): engagement with staff and children at East Boldon Junior School;
 - Vision and objectives consultation (March 2019): engagement on the vision for the plan area, housing, parking and natural environment issues;
 - Objectives consultation (June 2019): engagement on issues for transport, local economy, built and historic environment, community wellbeing, flooding and sustainable drainage.
- 2.46 A communications strategy was agreed which set out the means of publicity and communication with the community including through leaflets to all households and businesses, newsletters, email, press articles,

neighbourhood plan website and Facebook. Interested groups and organisations were engaged with.

- 2.47 A summary of the issues raised in each stage of consultation and the responses made is set out in the Consultation Statement. The Neighbourhood Forum are to be congratulated on how they have engaged with their community to secure a high level of responses in the early stages of making the plan.
- 2.48 The Pre-submission Draft Neighbourhood Plan was published for consultation from 26 October 2020 to 7 December 2020. Unfortunately, as the engagement took place during the Covid-19 pandemic, it was not possible to hold a drop in event. EBNF followed available guidance to ensure compliance with government rules that were in place at the time whilst ensuring the consultation was fair, accessible to all and robust. Prior to the formal commencement of the pre-submission engagement, on 10 August 2020 EBNF provided advance notification to landowners whose sites were likely to be affected by the policies and proposals within the pre-submission draft plan.
- 2.49 Paragraph 4.3 of the Consultation Statement sets out the measures that were undertaken to publicise the consultation. Responses were received from 11 of the consultation bodies (including four for landowners/ developers) and 58 responses from the local community. Many of the responses made comments on a number of policies in the Plan. Appendix 26 of the Consultation Statement summarises the comments received and sets out the Qualifying Body's response to them.
- 2.50 Consultation on the Regulation 16 Submission draft Plan was carried out by STC between 15 March to 23 April 2021. In total, representations from 152 organisations and individuals were received.
- 2.51 I am satisfied that from the evidence presented to me in the Consultation Statement, adequate consultation has been carried out during the preparation of the EBNP.
- 2.52 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that *“a policy should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area”*. I will consider this requirement as I examine each policy.
- 3.5 The EBNP contains policies on the sustainable development, built and historic environment, natural environment, local economy, housing, community wellbeing, transport and movement. There are Annexes containing Community Actions and Design Codes.
- 3.6 The introductory sections of the Plan set out the planning context for preparing the plan, summarises the consultation that has been carried out, describes a spatial portrait of the area and identifies the key issues the plan addresses.
- 3.7 The Housing Background Paper summarises the strategic planning context of the adopted Core Strategy and the emerging Local Plan which I will refer to further in my consideration of Policy EB2 on the Settlement Boundary. The Core Strategy sets the housing requirement to 2021 and STC is currently preparing a new South Tyneside Local Plan which will set the housing requirement to 2038 and replace the Core Strategy policies.
- 3.8 The policies in the EBNP are clearly distinguishable from the supporting text by surrounding coloured boxes.

- 3.9 The Plan contains a map of the plan area and a Policies Map. The boundaries of the sites are clearly indicated on the map and the policies in the key are distinguishable. However, there are a number of overlapping site specific policies and it is difficult to distinguish them on a printed plan. It may be helpful to users if the various layers of the Policies Map can be viewed separately. Alternatively, maps could be included in the text to identify particular sites.

Recommendation 2: Improve the legibility of the Policies Map or include diagrams within the Plan relevant to each policy.

The Neighbourhood Plan

Vision and Objectives

- 3.10 The Plan includes a clear vision statement and eight objectives which are addressed through the policies of the Plan.

Policy EB1: Sustainable Development

- 3.11 The policy sets out eleven principles that developers will need to address as appropriate to demonstrate that their development is sustainable. It is considered that these are in accordance with national and strategic policies.
- 3.12 Paragraph 4.4 refers to concerns raised by the community and refers to “limited sewer capacity”. This is anecdotal and as no evidence has been provided to support this claim, it is recommended that it should be deleted.
- 3.13 I have concerns that four of the criteria repeat matters set out in other policies of the Plan. As the policies of the development plan have to be read as a whole there is no need to repeat them in Policy EB1 to demonstrate that a development is sustainable.
- Criterion d) is very similar to criterion j) of Policy EB3 and is therefore considered unnecessary.
 - Criterion e) effectively repeats criterion d) in Policy EB3 and is therefore considered unnecessary.
 - Criterion j) repeats Policy EB19 which I am recommending should be deleted. It seeks to have all infrastructure in place or committed prior to development being brought into use. It does not acknowledge that infrastructure is often phased. No assessment has been undertaken of the feasibility and viability of this approach and the potential impact on the deliverability of development. I am therefore recommending that it should be deleted.
 - Criterion k) repeats Policy EB14 and is therefore considered unnecessary.

- 3.14 There are typographical errors in criterion h) which should refer to “Building for a Healthy Life”.
- 3.15 Further modifications are proposed to this policy under “New Policy” on page 40.

Recommendation 3: Revise Policy EB1 as follows:

Delete criterion d)

Delete criterion e)

Criterion h) “Building for a *Healthy* Life”

Add “and” at the end of criterion h).

Delete criterion j).

Delete criterion k).

Delete “and limited sewer capacity” from paragraph 4.4, second sentence.

Policy EB2: General location of new development

- 3.16 The policy seeks to define a settlement boundary around East Boldon in order to support the sustainable growth of the community. The justification acknowledges that the expansion of the village is currently managed by the Green Belt designation which abuts the built up area.
- 3.17 The policy refers to the settlement boundary being defined on the Policies Map, however, the boundary line is indistinct. The Settlement Boundary background paper includes a map showing the draft proposed Settlement Boundary. This is drawn close to the built up area and includes the employment area.
- 3.18 The EBNP does not include a housing requirement figure for the plan period although the potential growth of the community is discussed in the Housing Background Paper. The research undertaken by the QB in the East Boldon Housing Needs Assessment (2019) indicates that there is a local requirement of 12 dwellings per annum. This equates to 192 dwellings over the 16 year period of 2020 – 2036.
- 3.19 The Housing Background Paper summarises the strategic planning context of the adopted Core Strategy and the emerging Local Plan. The adopted Core Strategy sets the housing requirement to 2021; the emerging South Tyneside Local Plan will set the housing requirement to 2038 and replace the Core Strategy policies.

- 3.20 The draft Local Plan (2019) proposes a spatial strategy that seeks to focus the majority of new development in the main urban area of South Shields, Hebburn and Jarrow whilst securing the sustainability of the villages, including East Boldon, by supporting growth which respects the distinctive character of each village. In addition, the policy encourages the re-use of brownfield land and encourages higher development densities. Policy H1 defines the housing requirement for the borough between 2016 to 2036 to be at least 7,000. A specific requirement for the East Boldon Neighbourhood Area of 950 is identified. STC has confirmed that they are to review the spatial options and distribution of development in their emerging Local Plan and very limited weight is to be given to the housing requirements and proposals in Policy H1 of the 2019 Pre-Submission Draft Local Plan.
- 3.21 A number of representations to the pre-submission draft Plan have questioned the proportionality of the distribution of housing in the draft Local Plan, particularly the distribution to the villages. The Council has prepared a response to this point to state that “*the supply of Strategic Housing Land Availability Sites that are deliverable and developable does not neatly align with the distribution of population*”. They have indicated that Policy H1(b) (which sets out the housing requirement in the East Boldon NP area) will be reviewed when preparing the next iteration of the Local Plan.
- 3.22 The EBNP has been prepared within a context of uncertainty over the strategic housing requirement for the plan area. Whilst NPPF paragraph 136 makes provision for neighbourhood plans to amend Green Belt boundaries where the need for changes has been established through strategic policies; that need has not been confirmed. The plan makers have therefore chosen not to allocate any sites for housing development in the EBNP.
- 3.23 The NPPG states that “*Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.*” Paragraph: 040 Reference ID: 41-040-20160211
- 3.24 Further advice in the NPPG states that “*Where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area..... Neighbourhood planning bodies will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the ‘basic conditions’.*” Paragraph: 105 Reference ID: 41-105-20190509.

- 3.25 The current position in the plan area is that new housing development is constrained by the boundaries of the Green Belt which abuts the edge of the built up area. The Pre Publication Draft (Regulation 18) Plan is considering the amount of housing development that will be required up to 2038 and has reviewed a number of sites around the edges of the built up areas in the Borough through the SHLAA and a Green Belt review. Three sites have been proposed in the EBNP area in the Pre Publication Draft (Regulation 18) Plan (to which very little weight is to be given) and representations have been lodged to all of them. It remains for the strategic housing requirement and the suitability of the sites proposed to be allocated in the Local Plan to be tested at the examination on the Local Plan in due course.
- 3.26 Because of this uncertainty, a local housing need for East Boldon has been established through the East Boldon Housing Needs Assessment which paragraph 8.5 of the plan explains equates to 12 dwellings per annum.
- 3.27 Paragraph 4.8 of the EBNP states that the proposed settlement boundary has been drawn to support sustainable growth and support an appropriate level of development.
- 3.28 I have asked the QB to give an indication of the number of additional dwellings that are anticipated within the settlement boundary in the plan period. They have informed me that since 2019, 19 houses have been completed and planning permission has been granted for 10. The emerging Local Plan gave an indicative number of 245 dwellings on the Cleadon Lane Industrial Estate, although the QB has suggested that it may be possible to achieve a higher density on the site.
- 3.29 The recent figures show that there is limited capacity for windfall housing development in the settlement boundary. The plan is therefore relying on the release of part of the Industrial Estate to secure land to deliver the housing growth that is needed to meet local needs. A judgement will be needed to ascertain whether the need for land for housing outweighs the loss of employment land. Further consideration is given to this matter under Policy EB11.
- 3.30 I have considered whether defining the settlement boundary would help to deliver the sustainable development that is needed in the plan or whether it would place an unnecessary restriction on development. It is considered that as the settlement boundary follows the Green Belt boundary which constrains new development, it would provide a clear boundary to focus the location of new housing development in the Plan area. There may be limited opportunities for housing development in the Green Belt and the policy makes it clear that any such development will be considered against national policy on Green Belts.
- 3.31 The settlement boundary has been defined using proportionate evidence to determine the amount of new housing that is required locally and the availability of sites. If the emerging Local Plan determines that additional

housing should be allocated in the plan area to meet the housing needs of other parts of South Tyneside, this will be tested at the Local Plan examination, and may as a consequence result in the replacement of some of the policies within the EBNP by policies in the Local Plan.

Recommendation 4: Improve the clarity of the settlement boundary on the Policies Map.

Policy EB3: Design

- 3.32 The policy sets out 16 criteria to be taken into account in the design of new development. The policy links to the East Boldon Design Code which has been prepared by consultants alongside the EBNP and is contained in Annex 2 of the Plan. This is a very comprehensive document covering a wide range of design matters ranging from the site context, street and building design, sustainable design and parking. STC has commented that the Design Code appears to respond to the local context and follows good practice in terms of design principles.
- 3.33 The policy will help in the delivery of the NPPF's emphasis on creating high quality buildings and places. It accords with NPPF paragraph 125 which recognises the role of neighbourhood plans in identifying the special qualities of each area and explaining how this should be reflected in development. The 2021 draft revisions to the NPPF promote the preparation of design codes to promote better designs in development.
- 3.34 The policy accords with and sits alongside the adopted Core Strategy Policy ST2 Sustainable Urban Living and Policy DM1 Management of Development.
- 3.35 STC has made a number of suggestions to improve the wording of the policy.
- 3.36 The first paragraph of the policy states that development "should accord with the requirements of the EB Design Code". However Design Codes are not requirements; they are tools that provide guidance on local factors to be considered designing development. I am therefore recommending that the wording should be revised to "should take account of the EBDC".
- 3.37 Criterion b) states that development should "*avoid extensive and repetitive development proposals*". It is considered that the word "extensive" refers to the size of the development rather than its design; the extent of a development would be considered under other policies. It is recommended that it be deleted.
- 3.38 STC has stated that there may be a tension between criteria b) and c). In some cases it may be appropriate to have a contrasting design in an extension or new development rather than a complementary one. It is recommended that the inclusion of the words, "*where appropriate*" at the beginning of criterion c) would assist in the interpretation.

- 3.39 STC has commented that criterion d) is very similar to Policy EB1e). No change, it is considered that this is a valid and important design consideration.
- 3.40 STC has suggested replacing “when viewed from surrounding areas of countryside” with “as part of long distance views” in criterion e). I agree that this would improve the clarity of the policy wording and aid its interpretation.
- 3.41 STC has questioned how criterion g) can be assessed. I consider that this is valid aspiration and does not place an unacceptable requirement on a developer; it could be demonstrated through the Design and Access Statement. No change recommended.
- 3.42 STC has commented that they consider criterion j) to be unnecessary as Policy DM1(B) addresses the matter adequately. I consider that criterion j) provides more details about how amenity is to be addressed and I recommend no change.
- 3.43 STC has questioned how the word “sufficient” in criterion k) is to be defined and notes that they are preparing a new SPD on the subject. The criterion states that car parking and cycle storage should meet the parking standards. These are set out under Policies EB22 and 23. However, I am recommending modifications to these policies that the detailed standards should be set out in an annex to the East Boldon Design Code. I therefore recommend a consequential amendment to criterion k).
- 3.44 STC comments on how criterion n) is to be measured and what happens if it is not possible to incorporate such measures. I will address the subject of biodiversity net gain further under Policy EB7. No change is recommended.
- 3.45 The penultimate criterion concludes with the word “or” which implies that development proposals will only need to satisfy one criterion. This is clearly incorrect and should state “and” to show that all criteria will be considered.

Recommendation 5: Revise Policy EB3 as follows:

Revise the first paragraph to read: “..... of the area, it should take *account of the East Boldon Design Code. Development will be supported where it:*”

Delete “extensive and” from criterion b).

Add “*Where appropriate*” at the beginning of criterion c).

Replace “when viewed from surrounding areas of countryside” with “*as part of long distance views*” in criterion e).

Revise criterion k) to read: “*Provide car parking and cycle storage in accordance with the parking standards in the guidance set out in the*

East Boldon Design Code Annex on Parking and which is appropriately sited.....”

In criterion o) replace “or” with “and”.

Policy EB4: Heritage Assets

- 3.46 The policy sets out a number of factors that are to be taken into account in the consideration of development proposals affecting heritage assets in the plan area. It provides local details to aid the interpretation of the adopted Local Plan policies on heritage.
- 3.47 The first paragraph makes reference to the preparation of a heritage statement and documents that should be used to inform significance. STC has referred me to a document “The Validation of Planning Applications 2019” that was agreed by the Tyneside local authorities which specifies the type of applications that require a heritage statement.
- 3.48 Policy EB4 does not specify when a heritage statement is required and I consider that there is no conflict with the Councils’ document. However, it would be helpful to plan users to include a reference to “The Validation of Planning Applications 2019” in the justification.
- 3.49 The second paragraph of the policy paraphrases text from NPPF paragraphs 193 and 197. As there is no need to repeat national policy, I am recommending that this paragraph should be deleted.
- 3.50 Historic England has suggested that criterion c) should be revised to replace “prevailing” with “special”. I agree that this would improve the clarity of the wording.
- 3.51 The fourth paragraph sets out key considerations for the assessment of the impact of development on the character or appearance of the conservation area and its setting. STC has approved the East Boldon Conservation Area Appraisal and Management Plan which set out a comprehensive assessment of the conservation area and principles for considering development proposals in the East Boldon Conservation Area. The East Boldon Community Character Statement provides further advice on the character of the conservation area and the plan area as a whole. Historic England is supportive of the Plan’s approach to the conservation area which is on their Heritage at Risk Register.
- 3.52 I have asked the QB to provide me with a map to show the significant views, the green views and the eastern village gateway referred to in criterion e) as they are referred to as examples. It is not clear where these are located or whether there are others that need to be considered. The QB has provided me with a map showing 12 numbered views and 4 unnumbered views labelled as being into or out of East Boldon.

- 3.53 I have noted the comments in the East Boldon Conservation Area Character Appraisal that “*Views out of the conservation area are few due to tree cover and the introspective nature of the linear hill-top development. Those south from South Lane are the widest and most representative of its historical relationship with the countryside around. Views out along Western Terrace, Sunderland Road and Station Road are unremarkable, the later cluttered by Metro infrastructure and signage.*”
- 3.54 I note that the policy wording refers to the key considerations to assess the impact of development on the character or appearance of the conservation area and its setting. However, only viewpoints 10, 11 and 13 are within or on the edge of the conservation area. The remaining viewpoints shown on the Qualifying Body’s map are located in the green areas outside the village which I consider to be outside of the setting of the conservation area. I am recommending therefore that only viewpoints 10, 11 and 13 should be shown on the Policies Map or an inset map. Criterion e) should be revised accordingly.
- 3.55 The final paragraph of the policy paraphrases NPPF paragraphs 195 - 196, with reference to the conservation area. However, as Historic England points out it does not include the four exceptional circumstances set out in paragraph 195 and the policy does not therefore accord with the national policy. As there is no need to repeat national policy, I am recommending that the final paragraph should be deleted. Reference to the relevant NPPF paragraphs may be included in paragraph 5.11 if considered necessary.
- 3.56 Historic England has highlighted three further listed buildings in the plan area. The QB has confirmed that one of these lies outside the plan area. The other two should be included in paragraph 5.12. Paragraph 2.25 should also be updated to amend the reference to seven listed buildings to nine.
- 3.57 Paragraph 5.13 refers to locally listed buildings and locally significant heritage assets. It is not clear whether these are different designations. The QB has proposed a revision to the paragraph to clarify that they are the same.
- 3.58 The QB has proposed a revision to paragraph 5.14. I am recommending its inclusion to improve its clarity of this paragraph.

Recommendation 6: Revise Policy EB4 as follows:

Delete the second paragraph of Policy EB4 and criteria a) and b).

Revise criterion c) to read: “...the *special* character and ...”

Revise criterion e) to read “The impact on significant views *of and from the conservation area shown on the Policies Map.*” Include views 10, 11 and 13 from the map of significant views submitted by the Qualifying Body.

Delete the last paragraph of Policy EB4.

Revise paragraph 5.12 to include the two additional listed buildings:

- *“Baldon War Memorial*
- *South Lodge”*

Revise paragraph 2.25 to read “....and *nine* grade II listed buildings.”

Revise paragraph 5.13 to read “In addition, *within the plan area*, there are 21 locally significant heritage assets *which have been identified by South Tyneside Council in their 'Local List'*, which are as follows (16 of these listings fall within the conservation area):”

Revise paragraph 5.14 to read: “A further nine non-designated heritage assets have been identified *by the East Boldon Forum* during the preparation of the plan *and are listed in paragraph 5.22*. These are in addition to the assets identified in the *South Tyneside Local List* and they will be suggested to the Council when this is updated (*Community Action 3*).”

Include a reference to “*The Validation of Planning Applications in Tyneside – 2019*” in the justification to the policy.

Policy EB5: Green and Blue infrastructure

- 3.59 The policy seeks to protect, improve and extend the green and blue infrastructure network in the plan area. The areas covered by the policy are defined on the Policies Map which shows wildlife corridors, the green infrastructure corridor of countryside around East Boldon, blue infrastructure consisting of streams, brooks and ponds. However, the description in paragraph 6.6 is more wide ranging and refers to open spaces including parks, rights of way and private gardens. Some of these open spaces are included under Policies EB17 and 18, private gardens are not. Reference is also made to specific bridleways. It is recommended that this paragraph should be revised to refer to green and blue infrastructure in general terms.
- 3.60 Paragraph 6.6 notes that the wildlife corridors are those shown on figure 10.2 of the South Tyneside Green Infrastructure SPD and are shown on the adopted Policies Map of the Site Specific Allocations Plan. I note that these are shown as indicative strategic corridors across the open areas outside the settlements in South Tyneside. They are not locally defined corridors selected to link up local wildlife sites, woodlands, hedgerows and other areas important for wildlife.
- 3.61 As the wildlife corridors shown on the Policies Map are indicative strategic corridors and are not locally defined, I am recommending that they be deleted from the Policies Map. Reference to wildlife corridors in the policy and justification should be to the latest evidence prepared by STC.

- 3.62 A representation has been made objecting to the route of the wildlife corridor across land to the south of Tiledshed Lane and the inclusion of the associated parcel of private land as green infrastructure. I have noted that Tiledshed Burn which is bounded by mature hedges runs to the north of the site. However, I consider that as the wildlife corridor is an indicative strategic route, it should not be included on the Policies Map. However, I note that the whole of this uncultivated field referred to in the representation has been shown as a Secondary Feature and most of it as a Buffer Zone in the latest evidence.
- 3.63 Another representation objects to the designation of land east of Boker Lane as a Green Infrastructure Corridor and part of the site as a Wildlife Corridor. I have noted that this field is cultivated and only a small area abuts the stream on the northern boundary. Most of the field is shown as a Buffer Zone in the latest evidence.
- 3.64 SPD3 states in paragraph 10.12 *“Proposals should ensure that existing networks of open spaces and wildlife corridors are protected and enhanced wherever possible, particularly to minimise the potential fragmentation of wildlife habitats. Movement corridors and spaces for wildlife should be protected and new spaces integrated into the existing network of wildlife corridors, linked open space and green infrastructure.”*
- 3.65 In response to my question on the subject, STC has referred me to their report of December 2020 entitled *“Local Wildlife Corridors Network Review”* which has been prepared as evidence for the emerging Local Plan. Annex B include maps showing Core Sites, Secondary Sites, Stepping Stones and Buffer Sites. The location of Key Species is also mapped. However as the findings of this report have not been subject to consultation as part of the preparation of the EBNP, the sites within East Boldon should not be shown on the Policies Map. Reference to it may be included in the justification as the latest evidence.
- 3.66 STC has expressed concern about the wording of the first part of the policy as to whether it can be applied to all development. The caveat “where applicable” gives flexibility in the application of the policy; the addition of “where appropriate” to the second sentence would provide further flexibility.
- 3.67 Criterion f) refers to the use of legal agreements. It is recommended that the term “planning obligations” may be more appropriate.
- 3.68 The second section of the policy sets out a list of options to be considered where development may impact on the water environment. I am recommending that it should be revised to introduce some flexibility by the use of “should, where feasible” instead of “will”.
- 3.69 STC has commented on how criterion j) is to be applied. The wording of this point is very wide ranging. However, it is usual practice to consider how potential sources of pollution arising from a development proposal are to be controlled and mitigated. It is not clear what “diffuse agricultural and urban

pollution” refers to and I am recommending a revision to clarify this point and to aid its interpretation.

- 3.70 Criterion m) refers to the development not fragmenting the wildlife corridor. It is unclear whether this refers to the strategic wildlife corridor shown on the Policies Map or the localised one associated with the watercourse. I am recommending additional text to clarify how this point should be applied.
- 3.71 The third part of the policy requires the provision of replacement green infrastructure in equally accessible locations should the development result in its loss. Whilst this is a customary requirement for the loss of public open spaces, STC has commented that it is considered that this is unduly onerous in the context of the sites defined on the Policies Map as these include broad areas of countryside. I agree and am recommending that the third paragraph of the policy should be deleted.
- 3.72 STC has stated that the description of Boldon Flats SSSI as a lowland wetland is inaccurate. The citation should read “*Boldon Pastures comprises unimproved neutral grassland formerly subject to ridge and furrow cultivation, with associated hedgebanks and drainage channels.*”

Recommendation 7: Revise Policy EB5 as follows:

Revise the first paragraph, second sentence to read: “*Where appropriate, in determining planning applications, consideration.....*”

Revise criterion f) to read “.....planning conditions or *planning obligations.*”

Revise the first sentence of the second paragraph of the policy as follows: “.....water environment is possible, *should, where feasible,* bring about....”.

Revise point j) to read: “*Controlling and mitigating potential pollutants likely to arise from the development, as appropriate;*”

Revise point m) to read: “does not fragment the wildlife corridor *associated with the stream or pond;* and”

Delete the third paragraph of Policy EB5.

Revise paragraph 6.1 first sentence to read: “.....SSSI which comprises *unimproved neutral grassland formerly subject to ridge and furrow cultivation, with associated hedgebanks and drainage channels.*”

Delete paragraph 6.6 and replace it with the following:

“The green and blue infrastructure includes sites that are safeguarded as national and local wildlife sites, Local Green Spaces, Protected Open Spaces, woodlands, the environs of streams and ponds. These are shown on the Policies Map.”

“The report “Wildlife Corridors Network Review” of December 2020 prepared for STC provides evidence of sites important for wildlife and has identified and mapped the Core Sites, Secondary Features, Stepping Stones and Buffer Sites within the strategic wildlife corridors. The location of Key Species is also mapped”.

Revise the Policies Map to remove the Wildlife Corridors and to include only those sites within the description of the revised paragraph 6.6 under the Green Infrastructure Corridor notation.

Policy EB6: Landscape

- 3.73 The policy seeks to enhance the landscape character of the area and sets out six factors that should be demonstrated as part of development proposals to improve the landscape quality.
- 3.74 The Policies Map indicates the “Area of High Landscape Value and Area of High Landscape Significance” under Policy EB6. However, as the “Area of High Landscape Value and Area of High Landscape Significance” is not defined under this policy and no specific requirements are set out for this area, it is recommended that it should be deleted from the Policies Map. It may be shown on a figure in the Plan to support the reference in paragraph 6.7.
- 3.75 STC has prepared “*The South Tyneside Local Justification of High Landscape Value and amendment to proposed Boldon Downhill Area boundary southwards on the South Tyneside Coast for extending the High Landscape Value Plan*” (July 2019) which proposes a review to the boundary of the Area of High Landscape Vale by deleting an area west of the cemetery. STC has confirmed that the amendments set out will be reviewed alongside the emerging Local Plan. Reference to the review may be included in the justification to Policy EB6.
- 3.76 A representation has been made to the inclusion of a parcel of land west of Sunderland Road as an Area of High Landscape Vale.
- 3.77 STC has commented that the application of the second paragraph is unclear. The QB has suggested a revision which I recommend.
- 3.78 STC has noted that criterion e) should include hedgerows; and that criterion f) which seeks tree lined verges along new roads is not always appropriate. I have recommended modifications to address these points of concern.
- 3.79 It is considered that subject to the recommended modifications, the policy accords with the NPPF on achieving well designed places and strategic policies on the protection of the special character of the urban fringe villages, including East Boldon (Policy EA1C) and the local landscape (Policy DM7B).

Recommendation 8: Revise Policy EB6 as follows:

Revise the second paragraph to read: “*When determining planning applications, consideration will be given to how relevant development proposals:*”

Revise criterion e) to read: “...including trees, *hedgerows*, shrubs and water features: and”.

Revise criterion f) to read: “...along new roads, *where appropriate and safe.*”

Delete the “Area of High Landscape Value and Area of High Landscape Significance” from the Policies Map and include as a diagram within the text.

Add the following at the end of paragraph 6.7: “*The Area of High Landscape Value and Area of High Landscape Significance is shown on Diagram X. STC is undertaking a review of the Area as part of the preparation of the emerging Local Plan.*”

Policy EB7: Biodiversity

- 3.80 The policy seeks the protection and enhancement of biodiversity. It sets out a requirement that proposals should demonstrate how a minimum of 10% biodiversity net gains are to be achieved. Biodiversity net gain is included in the NPPF under paragraphs 170(d) and 175(d); the latter paragraph refers to measurable net gains but does not specify a percentage for the gain. STC has noted that the forthcoming Environment Bill includes a requirement for all future schemes including the development of land to deliver a mandatory 10% biodiversity net gain, but this has not yet been enacted.
- 3.81 The policy appears to require net gains will be sought on all proposals. This may not be feasible or practicable and some flexibility should be included in the policy.
- 3.82 I am recommending that the policy be revised to refer to measurable net gains to accord with national policy and to introduce a degree of flexibility in its application.
- 3.83 The second paragraph of the policy supports the conservation and enhancement of habitat for water dependent protected and priority species.
- 3.84 The representation from Natural England suggests that the wording on coastal mitigation required as a result of new development should be strengthened. STC and the QB have agreed wording to be included in Policy EB7 to address these concerns with additional explanatory text to be added to the justification which I have recommended should be included.

- 3.85 Subject to the recommended modification, it is considered that the policy accords with national and strategic policies.

Recommendation 9: Revise Policy EB7 as follows:

Revise the second sentence of the first paragraph to read: “Where practicable, proposals should demonstrate how measurable net gains will be achieved.”

Add the following after the first paragraph of Policy EB7:

“Any future housing developments should have regard to Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites or any successor document. All financial contributions required in accordance with this policy will be secured by way of a planning obligation under section 106 of the Town and Country Planning Act 1990, or any subsequent amending legislation”.

Add the following to the justification after paragraph 6.10:

“An increase in residential development in the plan area could result in an impact on the internationally important Northumbria Coast Special Protection Area and Durham Coast Special Area of Conservation. New development may result in increased recreation related disturbance. Policy EB7 has identified that these adverse effects could be ameliorated where developers agree to contribute to appropriate mitigation.”

Policy EB8: Protecting Trees and Woodland

- 3.86 The policy sets out a requirement for development proposals to protect trees and to undertake tree surveys. It is considered that the policy adds no locally specific details to Policy DM1 which protects soft landscaping in development sites. I am therefore recommending that it should be deleted. The justification may be retained as it includes reference to a number of locally significant mature trees in the plan area. Paragraph 6.16 should be revised to make reference to the requirements of Policy DM1 in the consideration of trees and development proposals.

Recommendation 10: Delete Policy EB8.

Revise paragraph 6.16 to read: “Policy DM1 in the South Tyneside Development Policies DPD sets out the requirements for considering trees and hedges in development proposals. It is not necessary to include a specific policy in the EBNP.”

Policy EB9: Employment

- 3.87 The policy sets out criteria to be considered in the location of new employment development. Criterion b) restricts their development to locations within the settlement boundary. It is considered that this is unduly restrictive and does not accord with national planning policy on supporting a prosperous rural economy.

Recommendation 11: Revise Policy EM9 as follows:

Delete criterion b).

Policy EB10: Homeworking

- 3.88 The policy sets out matters to be considered by proposals for homeworking. STC has noted that not all proposals require planning permission and the policy should be revised to include “where planning permission is required” at the beginning of the policy. I agree that this would clarify the policy and its application.
- 3.89 The third paragraph supports new ‘live-work’ units in the settlement boundary. It is considered that this is unduly onerous and does not accord with national planning policy on exceptional forms of development in the Green Belt and rural areas.

Recommendation 12: Revise Policy EB10 as follows:

Include “*Where planning permission is required*” at the beginning of the first paragraph.

From the third paragraph, delete “where they are located within the settlement boundary” and add “*Proposals affecting the Green Belt will only be supported where they satisfy the exceptions set out in the NPPF.*”

Policy EB11: Cleadon Lane Industrial Estate

- 3.90 The first part of the policy supports the continued use of the Cleadon Lane Industrial Estate for “main” employment uses. The second part sets out a requirement for proposals for the redevelopment of the site to be informed by a comprehensive masterplan prepared in consultation with the community. Twelve factors are set out that should be included in the masterplan.
- 3.91 The adopted Core Strategy does not include any specific policies relevant to this employment area, other than support for economic development in the urban area. The draft Local Plan (to which little weight should be given) includes a proposal under Policy RG5 for the redevelopment of part of the Cleadon Lane Industrial Estate of about 5.45 ha for 245 houses and the

retention of 2.1 ha of land for employment uses and sets out some key considerations. No details are provided of the area to be redeveloped.

- 3.92 The industrial estate has an area of 9.48 ha and consists of a number of industrial and warehouse units with a considerable amount of outdoor storage. At the time of the Employment Land Review in 2019 there was 1.21 ha of vacant employment land on two sites in the industrial estate. There are a number of businesses on the estate including automotive, demolition, architectural salvage and construction.
- 3.93 A representation has been submitted on behalf of the majority landowner which seeks to ensure that the EBNP does not conflict with Policy RG5 of the draft Local Plan for the proposed allocation of part of the site for mixed use with approximately 245 homes and 2.1 ha of employment land. They maintain that the proposed allocation of part of the site for housing has been based on the Council's evidence that demonstrates that the site has a limited future as exclusively employment land and it is proposed to be allocated for housing in response to an identified need. The representation notes that it is normal practice for consultations to be carried out with the community by the developer on the proposed scheme in advance of the submission of a planning application.
- 3.94 The representation has commented that some of the requirements are considered to be unduly onerous or cannot be delivered, namely:
- The policy does not include residential as an acceptable use as proposed in emerging Policy RG5;
 - criterion d) "ensuring parking provision does not exacerbate current parking issues in the wider area" is unreasonable;
 - criterion g) that the development should comply with the East Boldon Design Code is unnecessary as it is included in other policies in the EBNP;
 - as the site is previously developed land, flexibility is required in the design of the redevelopment proposals due to site constraints.
- 3.95 STC has noted that:
- a masterplan is normally associated with a large strategic site and STC does not have the resources to produce a masterplan;
 - the policy should reflect the changes to the Use Class Order in respect of the former B1 uses;
 - criterion c) is queried with respect to the housing meeting identified local needs;
 - criterion d) is covered by Policies EB22 and EB23.
- 3.96 As stated previously, as the draft Local Plan is at an early stage, limited weight can be afforded to the proposed allocation of part of the site in Policy

RG5. However, the background evidence may be considered in preparing the EBNP.

- 3.97 East Boldon Neighbourhood Plan Local Economy Background Paper February 2021 states in paragraph 3.5 that *“The Employment Land Review divides the borough into a number of sub areas; the neighbourhood plan area sits within the Boldon sub area. It highlights strong demand for employment uses within the Boldon sub area and suggests a shortfall in employment land provision.”*
- 3.98 Paragraph 7.38 of the South Tyneside Employment Land Review (2019) states *“It is also understood that the Council is considering the allocation of Cleadon Industrial Estate as a mixed used development with a much reduced employment area. We consider that this is appropriate as the environment of the estate is not high quality and it is not well situated in relation to the strategic highway network”.*
- 3.99 Furthermore, the EBNP Local Economy Background Paper states in paragraph 5.8 that *“the survey of local businesses for the EBNP has demonstrated the importance of Cleadon Lane Industrial Estate which provides accommodation for a range of different businesses. As a result, it is essential that the plan both protects the site for a mix of business uses and encourages viable businesses to move there.”*
- 3.100 The Strategic Housing Land Review identified the industrial area as a potentially suitable for housing development (amber). Some constraints were identified and these were included in the criteria included in Policy RG5.
- 3.101 However, no plans or details have been provided to show how part of the industrial estate could be re-developed to provide a satisfactory residential environment. Policy EB11 seeks to address this uncertainty by setting out a requirement for a masterplan be prepared in consultation with the local community and sets out the matters that must be taken into account. It is considered that it is a reasonable step to undertake as part of the preliminary site assessment work and consideration of options for the design and layout of possible housing development and for the community to be consulted on these in view of the significance of the site to the community, in accordance with NPPF paragraph 124,
- 3.102 The background evidence demonstrates that there is a continuing need for general employment land in the Boldon area. It is therefore appropriate for the policy to support the continued use of Cleadon Lane Industrial Estate for employment uses. If the housing scheme is brought forward in advance of the allocation of the site for housing in the emerging Local Plan, it is considered reasonable for the EBNP to seek justification for the loss of employment land in view of the evidence of the need for such sites in the Council’s latest background documents.

- 3.103 I have asked the LPA and QB whether the first paragraph should be clarified to specify the type of employment uses that are acceptable. STC considers that this would be overly prescriptive. In view of the current mix of uses in the estate, I am recommending that the word “main” should be deleted from the first paragraph of the policy.
- 3.104 Criterion c) should be revised to be consistent with criterion b) of Policy EB13
- 3.105 Developers can only be required to meet the parking needs arising from the development itself in accordance with approved parking standards. Reference in criterion d) to “*not exacerbating current parking issues in the wider area*” is not an appropriate consideration. I consider that criterion d) should be revised to refer to adequate parking provision to meet the needs of the development in accordance with the standards set out in the Annex in the East Boldon Design Guidance.

Recommendation 13: Revise Policy EB11 as follows:

Delete “main” from the first paragraph of Policy EB11.

Revise criterion c) to read: “*How the housing mix will contribute to delivering local housing needs as demonstrated in an up to date Housing Needs Assessment;*”

Revise criterion d) to read: “*The provision of adequate vehicle and cycle parking provision taking account of the guidance set out in the Annex to the East Boldon Design Code;*”

Policy EB12: Local Retail Centres

- 3.106 The policy proposes that three clusters of shops should be identified as local retail centres. Four criteria set out matters to be considered with development proposals that strengthen the vitality and viability of the centres. No acceptable types of development are specified.
- 3.107 The final part of the policy seeks to protect essential local services and convenience retail from loss where there is no other provision locally. STC has noted that the term “essential local services” is not defined. The QB has suggested that they should be defined “convenience store, chemist, post office and dentist”. However, the policy does not explain how these forms of uses are to be protected. It is considered that this part of the policy is unclear and is not capable of being applied consistently by decision makers; I am therefore recommending that it be deleted.

Recommendation 14: Delete the final paragraph of Policy EB12. “Essential local services....the plan area.”

Policy EB13: The delivery of new housing

- 3.108 The plan makers have determined not to allocate any sites for housing development in the EBNP. STC has confirmed that following the consultation on the pre-submission draft Local Plan, they are to review the spatial options and distribution of development and reconsult on them. Consequently, very limited weight is to be given to the housing requirements and proposals in Policy H1 of the 2019 Pre-Submission Draft Local Plan.
- 3.109 From the research carried out by the QB, it is suggested that there is a local housing need of about 12 dwellings per annum in the EBNP area which equates to approximately 192 dwellings over the 16 year period of 2020 – 2036. However, it will be for the emerging Local Plan to determine whether any additional housing should be located in the Plan area to meet the housing needs of other part of South Tyneside.
- 3.110 As it is not proposed to allocate any housing sites in the EBNP, it will be for the emerging Local Plan to determine the most suitable sites. My task as examiner is to ensure that the policies in the EBNP will positively support the national and strategic policies to promote housing development and are not unduly restrictive so as to undermine the delivery of an appropriate level of housing in the emerging Local Plan.
- 3.111 I have already considered under Policy EB2 whether defining the settlement boundary would help to deliver sustainable development that is needed in the plan area and I have come to the conclusion that as the settlement boundary follows the Green Belt boundary which constrains new development, it would provide a clear boundary to focus the location of new housing development in the Plan area. There may be limited opportunities for housing development in the Green Belt and the policy makes it clear that any such development will be considered against national policy on Green Belts. It is recommended that a paragraph is added to the justification to refer to the clause in Policy EB2 on this matter.
- 3.112 The second part of the policy requires developments of 10 or more dwellings or of 0.5 ha or more to be informed by a comprehensive masterplan to be prepared in consultation with the local community. It is considered that this is unduly onerous for all developments. However, this may be appropriate for larger or more complex developments. I shall recommend the deletion of this paragraph from the policy and the inclusion of a paragraph in the justification that encourages housing developers to consult the community and stakeholders on pre-application proposals.
- 3.113 The third part of the policy sets out a comprehensive list of matters that should be considered in preparing a masterplan. This section should be revised to refer to masterplan being prepared as part of development proposals.

- 3.114 It is recommended that criterion g) is revised to be consistent with criterion d) of Policy EB11.
- 3.115 Criterion k) should be revised to improve its clarity.

Recommendation 15: Revise Policy EB13 as follows:

Delete the second part of the policy “All new development proposals..... impacting on the development.”

Revise the third part of the policy to read: “Where appropriate and relevant to the site, a masterplan should be *prepared as part of the development proposals* and should include details of:”

Revise criterion g) to read: *The provision of adequate vehicle and cycle parking provision taking account of the guidance set out in the Annex to the East Boldon Design Code;*”

Revise criterion k) to read: “....key considerations *should include*....”

Add a new paragraph to the justification: “*There may be limited opportunities for housing development in the Green Belt and Policy EB2 makes it clear that any such development will be considered against national policy on Green Belts.*”

Add a new paragraph to the justification after paragraph 8.6: “*Developers of new and replacement housing are encouraged to consult the East Boldon Neighbourhood Forum, the local community and other key stakeholders prior to submitting their proposals to the local authority for planning permission.*”

Policy EB14: Housing mix

- 3.116 The policy refers to housing developments basing their housing mix on the latest East Boldon Housing Needs Assessment and South Tyneside Housing Market Assessment.
- 3.117 It is considered that this policy will help support the delivery of national and strategic policies on delivering a suitable mix of house types and tenures. No modifications are recommended.

Policy EB15: Affordable housing

- 3.118 The policy sets out the requirement for sites of 10 or more houses to contribute to the provision of affordable housing. STC has noted that the policy does not include the percentage that will be sought as a contribution. In the absence of a locally set target, it is recommended that the policy is revised to refer to the target set in the Council’s policy and guidance. STC

has suggested that the policy should also include reference to the Council's viability assessment.

- 3.119 The Council has commented that criterion a) is unduly restrictive and the Council needs the flexibility to consider options Borough wide when determining the location of off-site affordable housing. I have noted that the policy does not require the off-site provision to be within the plan area. It is recommended that an explanation is added to the justification to recognise that sites may be outside the plan area in view of the limited opportunities available in the Plan area and Green Belt constraints.
- 3.120 The Council has commented that criterion b) is unduly prescriptive. Payments are sometimes phased and the Council questions whether there would always be opportunities to spend the financial contributions in the neighbourhood plan area within the time parameters set by S106 for payments to be spent. I am recommending that the criterion be revised to refer to the Council's guidance on the subject.
- 3.121 The third part of the policy refers to proposals provide affordable housing at a level below that required by the policy. To be consistent with my recommended modification to the first part of the policy, I am recommending that it should be revised to refer to the Council's policy.
- 3.122 The final sentence of part five and criteria c) to e) set out matters to be included in planning conditions or planning obligations. It is a matter for implementation and is not considered to be planning policy. It is recommended that it should be deleted from the policy but may be included in the justification.

Recommendation 16: Revise Policy EB15 as follows:

Revise the first paragraph of the policy to read: “.....will be required to contribute to the provision of affordable housing *in accordance with South Tyneside Council's SPD on Affordable Housing, latest Housing Needs Survey and the latest viability work undertaken for the Council to determine the level of affordable housing that is deliverable*”.

Revise the first sentence of criterion b) by adding the following: “....by the local planning authority *in accordance with the Council's SPD on Affordable Housing*”. Delete the second sentence of criterion b).

Revise the fourth part of the policy to read: “....that required under the terms of *South Tyneside Council's policy and guidance*....

Delete the final sentence of the last part of the policy “Any planning permission.....to secure:” and criteria c), d) and e). Place this text in a new paragraph in the justification.

Add the following to the justification: “*In view of the Green Belt constraints and limited availability of housing land, off-site affordable*”

housing provision may have to be located elsewhere in South Tyneside.”

Policy EB16: Community Services and Facilities

- 3.123 The policy supports the enhancement of community services and facilities and sets out the factors to be taken into account in considering proposals for new development. The second part of the policy sets out the matters to be demonstrated for development that would result in the loss of a community facility.
- 3.124 Criterion d) would benefit with rewording to improve its clarity and to aid its interpretation. It is not clear what “in its current form” relates to and the word “or” should be placed at the end of the criterion.

Recommendation 17: Revise Policy EB16 as follows:

Revise criterion d) to read: “The facility is no longer required; *or*”.

Policy EB17: Local Green Space

- 3.125 This policy proposes the designation of 10 areas as Local Green Spaces. The sites have been assessed in the report of East Boldon Neighbourhood Plan Local Green Space and Protected Open Space (February 2021) against the criteria set out in NPPF paragraph 100.
- 3.126 Four of the sites are within the Green Belt. NPPG advises that *“If land is already protected by Green Belt policy, ... then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.*
- “One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.”* Paragraph: 010 Reference ID: 37-010-20140306
- 3.127 It is considered that sites LGS03 Victoria Allotments, LGS04 Cemetery and LGS10 Mundles Lane Play Area are areas within the Green Belt that are particularly important to the community.
- 3.128 I have given further consideration to site LGS09 Land south of New Road and Tiled Lane in the light of the representations submitted on behalf of the developers with an interest in the land who has objected to the designation of the area as Local Green Space. The site is within the Green Belt. The objection states that eastern field is privately owned and there are no public rights of way across the land, notwithstanding that local residents have used

the area regularly for walking. The area has been uncultivated for about 20 years and has naturally regenerated. Part of the proposed Local Green Space lies within the field to the west of the bridleway which is cultivated. There is no public access to the north eastern part of the field shown as a proposed Local Green Space.

- 3.129 I acknowledge that the eastern field has acquired some importance to the local community through informal usage. However, as the community has no right of access to this privately owned land, I consider that its safeguarding as Green Belt is adequate and there is insufficient justification to designate it as Local Green Space.
- 3.130 The western field adjacent to Boker Lane is in arable cultivation. There is a right of way across the field bounded by hedges. However, there is no access to the cultivated land that is included in the proposed Local Green Space. There is a hedgerow alongside the stream, however, I consider that its safeguarding as Green Belt is adequate and there is insufficient justification to designate it as Local Green Space.
- 3.131 The two fields have been identified within the SHLAA as a potential housing site. It would be for the Local Plan to determine whether they should be removed from the Green Belt and designated for housing.
- 3.132 The first sentence of the second part of the policy repeats that in the first paragraph. A recommendation is made to delete the phrase from the first paragraph. The use of the term “will not be permitted” should be avoided in policies in accordance with NPPF paragraph 2.

Recommendation 18: Revise Policy EB17 as follows:

Delete from the first paragraph of the policy “*which will be protected from development in a manner consistent with the protection of land within the Green.*”

Delete LGS09 Land to the south of New Road and Tiled Lane from the policy and Policies Map.

Revise the second sentence of the second part of the policy to read: “*Inappropriate development should not be approved except in very special circumstances.*”

Policy EB18: Protected Open Space

- 3.133 The policy seeks to protect five areas as protected open spaces; the golf course, the school playing field and three areas of amenity open space with residential development. The sites have been assessed and justified in the report of East Boldon Neighbourhood Plan Local Green Space and Protected Open Space (February 2021).

- 3.134 In its representation, STC commented that reference should be made to the “Developer Contributions SPD” as the most up to date and relevant guidance in the final paragraph of the policy. However in response to my question on the relevant document to be referred to, STC has withdrawn its comment as they consider that SPD5 is out of date.
- 3.135 It would be helpful to plan users to add another paragraph to the justification to explain that new development proposals should include open space in accordance with the STC latest evidence set out in the Open Space Study 2015 and 2019 addendum.

Recommendation 19: Revise the justification to Policy EB18 as follows:

Add the following at the end of paragraph 9.11: “*New housing development should include areas of open space for children’s play, sports and amenity in accordance with STC’s policies and Open Space Study 2015 and 2019 addendum.*”

Policy EB19: Infrastructure

- 3.136 The policy seeks to require the provision of or contributions towards necessary infrastructure which should be in place or provided prior to the development being brought into use. No details are set out about the type of infrastructure required other than anecdotal comments in the justification.
- 3.137 NPPF paragraph 20 states that strategic policies should make provision for various types of infrastructure and community facilities. Paragraph 34 states that plans should set out the contributions expected from development, including affordable housing provision and various types of infrastructure; and such policies should not undermine the deliverability of the plan.
- 3.138 The NPPG on Neighbourhood Planning states that “*A qualifying body should set out and explain in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan.*” Paragraph: 046 Reference ID: 41-046-20140306.
- 3.139 South Tyneside Core Strategy Policy ST1 makes reference to the importance of Planning Obligations in delivering the spatial strategy.
- 3.140 It is considered that Policy EB19 does not add any locally specific details to the strategic policy on infrastructure provision. Furthermore, it seeks to have all infrastructure in place or committed prior to development being brought into use. It does not acknowledge that infrastructure is often phased. No assessment has been undertaken of the feasibility and viability of this approach and the potential impact on the deliverability of development. I am therefore recommending that the policy should be deleted.

- 3.141 The QB has suggested revisions to the wording of the policy, however, I consider that it does not overcome my concerns about the policy.
- 3.142 STC has commented that they do not have Community Infrastructure Levy in place and has made no decision about implementing it. I am therefore recommending that references to it in paragraph 9.14 should be deleted.

Recommendation 20: Delete Policy EB19.

Retain paragraphs 9.13 and 9.14. Delete “and South Tyneside Council are working towards the introduction of CIL”.

Policy EB20: Sustainable transport and new development

- 3.143 The policy supports development that maximises the use of sustainable transport and sets out six factors that are to be taken into account by developers.
- 3.144 It is considered that the policy accords with national policy on sustainable transport and Core Strategy Policy A1 and Development Management Policy DM1. No change is recommended.

Policy EB21: Metro parking

- 3.145 The policy acknowledges the shortage of car parking at Boldon Metro Station and sets out an approach to the provision of additional parking and supports the provision of additional cycle parking at the Metro Station.
- 3.146 Nexus has commented to say that they have undertaken an independent study to assess future demand for park and ride facilities which has concluded that East Boldon Metro should be a priority location for further parking provision, They have identified 3 potential sites , however two sites have either Green Belt or Local Green Space designation.
- 3.147 It is considered that the policy accords with national policy on sustainable transport and Core Strategy Policy A1 and Development Management Policy DM1. There is provision within the NPPF policies on development in Green Belts for development that is justified in very special circumstances. No change is recommended.

Policy EB22: Cycle Storage and Parking

- 3.148 The policy sets out very detailed requirements for cycle storage and parking in residential development which I consider to be unduly prescriptive and inappropriate for a planning policy. I am recommending that they should be included in an annex to the Design Code. I am recommending that the policy

wording should be revised to read “should” instead of “must” to provide a degree of flexibility.

- 3.149 It noted that the Design Code includes requirements for cycle parking in non-residential / commercial buildings and public realm and the final paragraph of the policy should refer to this.

Recommendation 21: Revise Policy EB22 to read:

“Development proposals creating additional residential units *should* demonstrate how secure storage for bicycles can be provided *in accordance with guidance set out in the East Boldon Design Code Annex on Parking.*”

“Other traffic generating non-residential developments must provide appropriate cycle parking *in accordance with the East Boldon Design Code and agreed in consultation with the highway authority.*”

The other text setting out detailed standards should be deleted from the policy and placed in an Annex to the East Boldon Design Guidance.

Policy EB23: Residential Parking Standards

- 3.150 The policy sets out very detailed requirements for car parking in residential development which I consider to be unduly prescriptive and inappropriate for a planning policy. I am recommending that they should be included in an annex to the Design Code.
- 3.151 STC parking standards are set out in SPD6. These are maximum standards and were adopted in 2010. NPPF paragraph 106 provides a degree of flexibility in setting parking standards and states that maximum parking standards should only be set where there is clear and compelling justification that they are necessary for managing the local road network.
- 3.152 STC has expressed concerns about the use of minimum standards that may lead to car centric development and lack of flexibility that may render a development unviable. I am recommending that the policy wording should be revised to read “should” instead of “must” to provide a degree of flexibility.
- 3.153 The Written Ministerial Statement of 2015 states: *“The imposition of maximum parking standards under the last Administration led to blocked and congested streets and pavement parking. Arbitrarily restricting new off-street parking spaces does not reduce car use, it just leads to parking misery. It is for this reason that the Government abolished national maximum parking standards in 2011...”*
- 3.154 As required by NPPF 105, the plan makers have provided me with evidence required by the guidance to justify setting local parking standards. They have set their local car parking standards as minimum.

Recommendation 22: Revise Policy EB23 to read:

“Residential development proposals creating additional residential units *should* provide an adequate level of parking for residents and visitors *in accordance with guidance set out in the East Boldon Design Code Annex on Parking.*”

The other text setting out detailed standards should be deleted from the policy and placed in an Annex to the East Boldon Design Guidance.

Policy EB24: Non-residential Parking Standards

3.155 The policy includes matters to be taken into account in determining the level of off-street parking required for non-residential developments. As no detailed standards are provided, it would be helpful to plan users to include reference to the Council’s parking standards in the policy.

Recommendation 23: Revise Policy EB24 to read:

Revise the first sentence of the policy to read: “.....network and amenity of the area *in accordance with the Council’s Parking Standards.* When determining....”

Policy EB25: Walking and Cycling Network

3.156 The policy proposes the improvement of the walking and cycling network, although it does not include any proposals. It also proposes the protection of the network of Active Travel Routes identified on the Policies Map.

3.157 In response to my question, the QB has stated that not all routes shown on the Policies Map are public rights of way. As public rights of way are covered by other legislation, it is not necessary to protect them in planning policies. The status of other routes and the rights of access over them is a legal matter and it is not appropriate for them to be protected through planning policy.

3.158 A number of representations have been made concerning the use of Moor Lane, Cleadon as a pedestrian route. STC has confirmed that this proposal is subject to public consultation and that, depending on the feedback the Council receives, the proposals may change, or may go ahead. In view of the uncertainties over this proposal, I am recommending that it be deleted from the Policies Map.

Recommendation 24: Revise Policy EB25 to read:

Delete the second sentence and criteria a) and b): “The network, identified on the policies map will be protected.....an agreed timescale.”

Delete the network of Active Travel Routes from the Policies Map.

New Policy

- 3.159 Northumbrian Water has proposed that a new policy should be included on flood risk and sustainable drainage considerations given the importance of the issue as part of wider climate change discussion. I am recommending that Policy EB1 should be strengthened to clarify the approach to the subject.
- 3.160 Further advice on surface water drainage preferences as advised by Northumbria Water may be included in the Design Code.

Recommendation 25: Revise Policy EB1 as follows:

Revise point c) to read: “Ensure that the development will not increase flood risk elsewhere and where possible, reduce flood risk overall *by minimising flood risk to people, property and infrastructure from all potential sources by assessing the impact of the development proposal on existing sewerage infrastructure and flood risk management infrastructure;*”

Add new point after c) “*Ensure that development proposals separate, minimise and control surface water runoff, with sustainable drainage systems being the preferred approach;*”

Include further advice on drainage preferences as advised by Northumbria Water in the Design Code.

4.0 Referendum

- 4.1 The East Boldon Neighbourhood Development Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Development Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area; and
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to South Tyneside Council that the East Boldon Neighbourhood Development Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by South Tyneside Council on 3 January 2018.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- East Boldon Neighbourhood Plan Submission Draft Version February 2021
- East Boldon Neighbourhood Plan Basic Conditions Statement February 2021
- East Boldon Neighbourhood Plan Consultation Statement February 2021
- East Boldon Neighbourhood Plan SEA Screening Opinion February 2021
- East Boldon Neighbourhood Plan HRA Report May 2019
- East Boldon Local Green Spaces and Protected Open Spaces February 2021
- East Boldon Community Character Statement August 2019
- East Boldon Neighbourhood Plan Built and Historic Environment Background Paper, February 2021
- East Boldon Conservation Area Character Appraisal, STC, 2006.
- South Tyneside SPD 15 East Boldon Conservation Area Management Plan, STC, April 2009
- East Boldon Housing Needs Survey, 2019
- East Boldon Neighbourhood Plan Background Papers (February 2021) on Housing, Local Economy, Transport, Built Environment, Community Wellbeing, Natural Environment, Settlement Boundary,
- National Planning Policy Framework 2019 (as amended)
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- South Tyneside Core Strategy (2007)
- South Tyneside Development Policies Document (2011)
- South Tyneside Site Specific Allocations Document (2012)
- South Tyneside Local Plan, pre submission draft plan (2019)
- Validation of Planning Applications in Tyneside – 2019
- South Tyneside SPD 3: Green Infrastructure Strategy February 2013
- South Tyneside SPD 4: Affordable Housing August 2007
- South Tyneside SPD 5: Planning Obligations & Agreements October 2008
- South Tyneside SPD 6: Parking Standards December 2010
- Wildlife Corridors Network Review, Burton Reid for STC, December 2020
- The South Tyneside Local Justification of High Landscape Value and amendment to proposed Boldon Downhill Area boundary southwards on the South Tyneside Coast for extending the High Landscape Value Plan (July 2019)
- Employment Land Review Final Report South Tyneside Council July 2019

6.0 Summary of Recommendations

Recommendation 1: Include the Plan period on the front cover and the revise the date in the Foreword to the Plan to 2021 - 2036.

Recommendation 2: Improve the legibility of the Policies Map or include diagrams within the Plan relevant to each policy.

Recommendation 3: Revise Policy EB1 as follows:

Delete criterion d)

Delete criterion e)

Criterion h) “Building for a *Healthy* Life”

Add “and” at the end of criterion h).

Delete criterion j).

Delete criterion k).

Delete “and limited sewer capacity” from paragraph 4.4, second sentence.

Recommendation 4: Improve the clarity of the settlement boundary on the Policies Map.

Recommendation 5: Revise Policy EB3 as follows:

Revise the first paragraph to read: “..... of the area, it should take *account of the* East Boldon Design Code. Development will be supported where it:”

Delete “extensive and” from criterion b).

Add “*Where appropriate*” at the beginning of criterion c).

Replace “when viewed from surrounding areas of countryside” with “as *part of long distance views*” in criterion e).

Revise criterion k) to read: “Provide car parking and cycle storage in accordance with the parking standards in the guidance set out in the East Boldon Design Code Annex on Parking and which is appropriately sited.....”

In criterion o) replace “or” with “and”.

Recommendation 6: Revise Policy EB4 as follows:

Delete the second paragraph of Policy EB4 and criteria a) and b).

Revise criterion c) to read: “....the *special* character and”

Revise criterion e) to read “The impact on significant views *of and from the conservation area shown on the Policies Map.*” Include views 10, 11 and 13 from the map of significant views submitted by the Qualifying Body.

Delete the last paragraph of Policy EB4.

Revise paragraph 5.12 to include the two additional listed buildings:

- “*Boldon War Memorial*”
- “*South Lodge*”

Revise paragraph 2.25 to read “....and *nine* grade II listed buildings.”

Revise paragraph 5.13 to read “In addition, *within the plan area*, there are 21 locally significant heritage assets *which have been identified by South Tyneside Council in their 'Local List'*, which are as follows (16 of these listings fall within the conservation area):”

Revise paragraph 5.14 to read: “A further nine non-designated heritage assets have been identified *by the East Boldon Forum* during the preparation of the plan *and are listed in paragraph 5.22. These are in addition to the assets identified in the South Tyneside Local List and they will be suggested to the Council when this is updated (Community Action 3).*”

Include a reference to “*The Validation of Planning Applications in Tyneside – 2019*” in the justification to the policy.

Recommendation 7: Revise Policy EB5 as follows:

Revise the first paragraph, second sentence to read: “*Where appropriate, in determining planning applications, consideration.....*”

Revise criterion f) to read “....planning conditions or *planning obligations.*”

Revise the first sentence of the second paragraph of the policy as follows: “.....water environment is possible, *should, where feasible, bring about....*”.

Revise point j) to read: “*Controlling and mitigating potential pollutants likely to arise from the development, as appropriate;*”

Revise point m) to read: “does not fragment the wildlife corridor *associated with the stream or pond;* and”

Delete the third paragraph of Policy EB5.

Revise paragraph 6.1 first sentence to read: “.....SSSI which comprises unimproved neutral grassland formerly subject to ridge and furrow cultivation, with associated hedgebanks and drainage channels.”

Delete paragraph 6.6 and replace it with the following:

“The green and blue infrastructure includes sites that are safeguarded as national and local wildlife sites, Local Green Spaces, Protected Open Spaces, woodlands, the environs of streams and ponds. These are shown on the Policies Map.”

“The report “Wildlife Corridors Network Review” of December 2020 prepared for STC provides evidence of sites important for wildlife and has identified and mapped the Core Sites, Secondary Features, Stepping Stones and Buffer Sites within the strategic wildlife corridors. The location of Key Species is also mapped”.

Revise the Policies Map to remove the Wildlife Corridors and to include only those sites within the description of the revised paragraph 6.6 under the Green Infrastructure Corridor notation.

Recommendation 8: Revise Policy EB6 as follows:

Revise the second paragraph to read: “*When determining planning applications, consideration will be given to how relevant development proposals:*”

Revise criterion e) to read: “...including trees, *hedgerows*, shrubs and water features: and”.

Revise criterion f) to read: “...along new roads, *where appropriate and safe.*”

Delete the “Area of High Landscape Value and Area of High Landscape Significance” from the Policies Map and include as a diagram within the text.

Add the following at the end of paragraph 6.7: “*The Area of High Landscape Value and Area of High Landscape Significance is shown on Diagram X. STC is undertaking a review of the Area as part of the preparation of the emerging Local Plan.*”

Recommendation 9: Revise Policy EB7 as follows:

Revise the second sentence of the first paragraph to read: “*Where practicable, proposals should demonstrate how measurable net gains will be achieved.*”

Add the following after the first paragraph of Policy EB7:

“Any future housing developments should have regard to Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites or any successor document. All financial contributions required in accordance with this policy will be secured by way of a planning obligation under section 106 of the Town and Country Planning Act 1990, or any subsequent amending legislation”.

Add the following to the justification after paragraph 6.10:

“An increase in residential development in the plan area could result in an impact on the internationally important Northumbria Coast Special Protection Area and Durham Coast Special Area of Conservation. New development may result in increased recreation related disturbance. Policy EB7 has identified that these adverse effects could be ameliorated where developers agree to contribute to appropriate mitigation.”

Recommendation 10: Delete Policy EB8.

Revise paragraph 6.16 to read: “Policy DM1 in the South Tyneside Development Policies DPD sets out the requirements for considering trees and hedges in development proposals. It is not necessary to include a specific policy in the EBNP.”

Recommendation 11: Revise Policy EM9 as follows:

Delete criterion b).

Recommendation 12: Revise Policy EB10 as follows:

Include “Where planning permission is required” at the beginning of the first paragraph.

From the third paragraph, delete “where they are located within the settlement boundary” and add “Proposals affecting the Green Belt will only be supported where they satisfy the exceptions set out in the NPPF.”

Recommendation 13: Revise Policy EB11 as follows:

Delete “main” from the first paragraph of Policy EB11.

Revise criterion c) to read: “How the housing mix will contribute to delivering local housing needs as demonstrated in an up to date Housing Needs Assessment;”

Revise criterion d) to read: “The provision of adequate vehicle and cycle parking provision taking account of the guidance set out in the Annex to the East Boldon Design Code;”

Recommendation 14: Delete the final paragraph of Policy EB12. “Essential local services....the plan area.”

Recommendation 15: Revise Policy EB13 as follows:

Delete the second part of the policy “All new development proposals..... impacting on the development.”

Revise the third part of the policy to read: “Where appropriate and relevant to the site, a masterplan should be *prepared as part of the development proposals* and should include details of:”

Revise criterion g) to read: *The provision of adequate vehicle and cycle parking provision taking account of the guidance set out in the Annex to the East Boldon Design Code;*”

Revise criterion k) to read: “....key considerations *should* include....”

Add a new paragraph to the justification: “*There may be limited opportunities for housing development in the Green Belt and Policy EB2 makes it clear that any such development will be considered against national policy on Green Belts.*”

Add a new paragraph to the justification after paragraph 8.6: “*Developers of new and replacement housing are encouraged to consult the East Boldon Neighbourhood Forum, the local community and other key stakeholders prior to submitting their proposals to the local authority for planning permission.*”

Recommendation 16: Revise Policy EB15 as follows:

Revise the first paragraph of the policy to read: “.....will be required to contribute to the provision of affordable housing *in accordance with South Tyneside Council’s SPD on Affordable Housing, latest Housing Needs Survey and the latest viability work undertaken for the Council to determine the level of affordable housing that is deliverable*”.

Revise the first sentence of criterion b) by adding the following: “....by the local planning authority *in accordance with the Council’s SPD on Affordable Housing*”. Delete the second sentence of criterion b).

Revise the fourth part of the policy to read: “....that required under the terms of *South Tyneside Council’s policy and guidance*....

Delete the final sentence of the last part of the policy “Any planning permission.....to secure:” and criteria c), d) and e). Place this text in a new paragraph in the justification.

Add the following to the justification: “*In view of the Green Belt constraints and limited availability of housing land, off-site affordable*”

housing provision may have to be located elsewhere in South Tyneside.”

Recommendation 17: Revise Policy EB16 as follows:

Revise criterion d) to read: “The facility is no longer required; *or*”.

Recommendation 18: Revise Policy EB17 as follows:

Delete from the first paragraph of the policy “*which will be protected from development in a manner consistent with the protection of land within the Green.*”

Delete LGS09 Land to the south of New Road and Tiled Lane from the policy and Policies Map.

Revise the second sentence of the second part of the policy to read: “*Inappropriate development should not be approved except in very special circumstances.*”

Recommendation 19: Revise the justification to Policy EB18 as follows:

Add the following at the end of paragraph 9.11: “*New housing development should include areas of open space for children’s play, sports and amenity in accordance with STC’s policies and Open Space Study 2015 and 2019 addendum.*”

Recommendation 20: Delete Policy EB19.

Retain paragraphs 9.13 and 9.14. Delete “and South Tyneside Council are working towards the introduction of CIL”.

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“Development proposals creating additional residential units *should* demonstrate how secure storage for bicycles can be provided *in accordance with guidance set out in the East Boldon Design Code Annex on Parking.*”

“Other traffic generating non-residential developments must provide appropriate cycle parking *in accordance with the East Boldon Design Code and agreed in consultation with the highway authority.*”

The other text setting out detailed standards should be deleted from the policy and placed in an Annex to the East Boldon Design Guidance.

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“Residential development proposals creating additional residential units *should* provide an adequate level of parking for residents and visitors *in accordance with guidance set out in the East Boldon Design Code Annex on Parking.*”

The other text setting out detailed standards should be deleted from the policy and placed in an Annex to the East Boldon Design Guidance.

Recommendation 23: Revise Policy EB24 to read:

Revise the first sentence of the policy to read: “.....network and amenity of the area *in accordance with the Council’s Parking Standards*. When determining....”

Recommendation 24: Revise Policy EB25 to read:

Delete the second sentence and criteria a) and b): “The network, identified on the policies map will be protected.....an agreed timescale.”

Delete the network of Active Travel Routes from the Policies Map.

Recommendation 25: Revise Policy EB1 as follows:

Revise point c) to read: “Ensure that the development will not increase flood risk elsewhere and where possible, reduce flood risk overall *by minimising flood risk to people, property and infrastructure from all potential sources by assessing the impact of the development proposal on existing sewerage infrastructure and flood risk management infrastructure;*”

Add new point after c) “*Ensure that development proposals separate, minimise and control surface water runoff, with sustainable drainage systems being the preferred approach;*”

Include further advice on drainage preferences as advised by Northumbria Water in the Design Code.