

**This document contains the following redacted
representations in full:**

Name	Reference Number	Page Number
Cllr Ian Forster	LP1087	2
Home Builders Federation	LP1138	3
Banks Group	LP1149	22
Alex Woodcock	LP1153	53
Gateshead Council	LP1164	54
Miriam Hardie	LP1185	61
Mineral Products Association	LP1234	64
Chris Mills	LP1254	71
Valerie Harvey	LP1314	72
Keep Boldon Green	LP1334	79
Kate Osborne MP	LP1391	112
Jean Eckert	LP1409	117
Bellway Homes	LP1417	124

*In order to keep these documents to an appropriate size the number of representors featured
within each document may vary*

Local plan 2024

Ian Forster <[REDACTED]>

Sun 3/3/2024 7:57 AM

To: Local Plan <Local.Plan@southtyneside.gov.uk>

<div style="color: black; background-color: #ffff99; background-clip: padding-box; border: 2px solid black; margin: 5px; padding: 5px; font-family: Arial; font-size: 11pt;">*** WARNING - This message has originated from outside the Council. Do not provide any login or password details if requested. Do not click on any links or attachments unless you are sure that the content is safe. If you are unsure about this email or its content forward it to: email.quarantine@southtyneside.gov.uk, clearly stating your concerns in the email </div>

I'm Cllr Ian Forster Ward Councillor for Cleadon and East Boldon .

I know South Tyneside Council have the information and evidence which proves / suggests that the sustainability of building houses on farmland in Cleadon and East Boldon is not sustainable . I could list it again but it is well documented and will always be there for future reference . The Sewage system cannot cope with the present levels especially in wet weather and to accept Northumbria Waters claims there is capacity is unfounded .

The impact on School places , Health Services and Traffic volume and associated pollution will be huge for the residents I represent . I heard nothing at the public consultations to prove otherwise .

In this uncertain World we need to protect quality farmland to ensure food supplies are consistent . We can't just build houses on this land without a structured plan , once built on this land is lost forever .

First and foremost Councillors and Officers alike have a duty to act in the interests of the residents we serve .

There are no exceptional reasons to build on our green belt and I believe it's reckless to do so please listen to the people who live in South Tyneside today and take building on the green belt out of the Local plan .

The one thing we all have common is the need to start changing our habits to protect the Planet for our children ,so is building on the green belt in any of our interests . I ask you to work to achieve your goal of housing numbers without destroying the greenbelt .

The residents I represent believe this plan is simply a way to generate cash I hope not !

I wish you well in your work .

Kind regards Ian

Sent from my iPhone

HBF response to the South Tyneside Publication Draft Local Plan (Regulation 19) public consultation

Joanne Harding [REDACTED]

Thu 2/29/2024 11:28 AM

To: Local Plan <Local.Plan@southtyneside.gov.uk>

📎 1 attachments (214 KB)

24-02-23 HBF South Tyneside Local Plan Reg 19.docx;

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Dear Planning Policy Team,

Please find attached the response of the Home Builders Federation (HBF) to the South Tyneside Publication Draft Local Plan (Regulation 19) public consultation.

It would be greatly appreciated if you could confirm receipt of this response.

If you need any further information, or have any queries please feel free to get in touch at the details below.

Kind regards



Joanne Harding MRTPI
Planning Manager – Local Plans North
Home Builders Federation

T: [REDACTED]
E: [REDACTED]
A: [REDACTED]
X [REDACTED]

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From: Local Plan <Local.Plan@southtyneside.gov.uk>

Sent: Tuesday, January 23, 2024 11:24 AM

Subject: EXTERNAL: South Tyneside Publication Draft Local Plan (Regulation 19) public consultation

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Dear Sir / Madam

South Tyneside Publication Draft Local Plan (Regulation 19) public consultation

South Tyneside Council has prepared a Publication Draft Local Plan 2023-2040 for consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

A Local Plan sets out the vision and a spatial framework for the future development of a Local Authority area within a plan period. Local Plans address the needs and opportunities in relation to housing, the economy, community facilities and infrastructure. They also act as a basis for protecting and enhancing the natural environment, adapting to climate change, and securing good design.

As a statutory consultee or as someone who has previously requested your details are retained on our consultee database, I am writing to inform you that public consultation on our Local Plan has been extended by **1 week**.

The consultation will now run for 7 weeks from **15th January – Sunday 3rd March 2024**.

Representations at this stage should only be made on the legal compliance and soundness of the Local Plan. That is, has the Plan been prepared in accordance with all legal and procedural requirements, and does the Plan meet the prescribed tests of soundness.

As part of this consultation, copies of the Local Plan will be placed in South Shields Town Hall and Jarrow Town Hall. The Council will also be publishing the Local Plan, supporting documents and consultation material online at www.southtyneside.gov.uk/localplan

The following formal question and answer sessions are planned at the following locations where officers will be available to deliver a short presentation and answer any questions you might have.

Date	Venue	Time
Tuesday 23rd January	Jarrow Focus, Cambrian Street, Jarrow, NE32 3QN	5pm – 7pm
Wednesday 24 th January	Hebburn Central, Glen Street, Hebburn, NE31 1AB	6pm – 8pm
Friday 26 th January	Boldon Community Association, New Road, Boldon Colliery, NE35 9DS	6pm – 8pm

Short presentations will also be given at your local Community Area Forum:

<https://southtyneside.gov.uk/article/15186/CAF-meetings>

From the start of the consultation, everyone will be able to access and download the Local Plan, supporting technical reports and evidence and response forms from our dedicated webpage.

This is also the quickest and easiest way for you to respond: haveyoursay.southtyneside.gov.uk/

- The Statement of Representations Procedure for the Publication draft Local Plan can be found at:

www.southtyneside.gov.uk/localplan

Fellgate Sustainable Growth Area Supplementary Planning Document Scoping Report (2024) public consultation

The Fellgate Sustainable Growth Area will be allocated for up to 1200 new dwellings and supporting community infrastructure in the Publication draft Local Plan (2024). To ensure a comprehensive approach to the development of the site, a Masterplan, secured as part of a Supplementary Planning Document (SPD) will be required. The Scoping Report identifies the key objectives of the proposed SPD and is subject to consultation alongside the Publication draft Local Plan.

The purpose of the Scoping Report and consultation is to engage key stakeholders and the public in considering the key issues that the SPD could and should be addressing and the possible approaches, which the document can adopt to address those issues. The Fellgate Sustainable Growth Area SPD Scoping Report can be accessed:

www.southtyneside.gov.uk/localplan

We would like to receive your views on the Fellgate Sustainable Growth Area SPD Scoping Report. The consultation will also run for 7 weeks from **Monday 15 January to Sunday 3rd March 2024**.

The quickest and easiest way for you to respond is via the Fellgate Sustainable Growth Area SPD Scoping Report online consultation platform: haveyoursay.southtyneside.gov.uk/

Submitting comments:

All comments made to the consultation for the Publication draft Local Plan and/ or Fellgate Sustainable Growth Area SPD Scoping Report **must be made in writing and returned by 11.59pm on Sunday 3rd March 2024** in one of the following ways:

Consultation platform: haveyoursay.southtyneside.gov.uk/

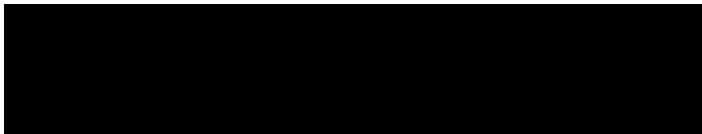
Email: Local.plan@southtyneside.gov.uk

Post: Spatial Planning, Development Services, Economic Regeneration, South Tyneside Council, Town Hall and Civic Offices, Westoe Road, South Shields, NE33 2RL.

Following the public consultation, the Local Plan will be formally submitted to the Secretary of State for its formal public Examination before an independent Planning Inspector.

If you require any further information regarding this consultation, please do not hesitate to contact the Spatial Planning Team via telephone number 0191 424 7385.

Yours faithfully



Andrew Inch
Senior Manager - Planning

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South Tyneside Council, Town Hall & Civic Offices, Westoe Road, South Shields, Tyne & Wear, NE33 2RL, Tel: 0191 427 7000,
Website: www.southtyneside.gov.uk

Spatial Planning,
Development Services,
Regeneration and Environment,
South Tyneside Council,
Town Hall and Civic Offices,
Westoe Road,
South Shields,
Tyne & Wear,
NE33 2RL

SENT BY EMAIL
local.plan@southtyneside.gov.uk
20/08/2024

Dear Planning Policy Team,

SOUTH TYNESIDE LOCAL PLAN: PUBLICATION DRAFT (REGULATION 19)

1. Thank you for consulting with the Home Builders Federation (HBF) on the South Tyneside Publication Draft Local Plan.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF would like to submit the following comments upon selected policies within the publication consultation document. These responses are provided in order to assist South Tyneside Council in the preparation of the emerging local plan. The HBF is keen to ensure that the Council produces a sound local plan which provides for the housing needs of the area.
4. The HBF notes that the Local Plan is intended to replace the Core Strategy, Development Management Policies, South Shields Town Centre and Waterfront AAP, Central Jarrow AAP and Site Specific Allocations documents, but not the International Advanced Manufacturing Park AAP.
5. The HBF also notes that whilst the NPPF was updated on 19th December 2023, the transition guidance set out in the new NPPF¹ states that the policies in the December 2023 NPPF will apply for the purpose of examining plans where those plans reach regulation 19 stage after 19th March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the previous version of the NPPF.

¹ NPPF December 2023 paragraph 230



Plan Period

6. The Council are proposing a Plan period from April 1st 2023 to 31st March 2040, with the Council assuming that the Plan will be adopted in approximately 2025, this is amended from the previous plan period. The HBF considers that this could be appropriate if Council move to adoption to their assumed timescales of 2025, this is in line with the NPPF² which states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery.

Vision and Objectives

7. The HBF generally supports Strategic Objective 5 which looks for the Council to increase the supply and choice of new high-quality homes throughout South Tyneside. New homes will meet the needs of existing residents and those wishing to move to the area and include different housing types and tenures, including affordable housing.

Policy SP1: Presumption in favour of Sustainable Development

Policy SP1 is not considered to be sound as it is not consistent with national policy for the following reasons:

8. This policy sets out the Council's approach to the presumption in favour of development. The HBF considers that whilst it can be useful for the Council to set out how they will take a positive approach to development, it is not necessary to repeat policies contained within the NPPF. The HBF recommends that this text be included as part of the introductory text rather than as a policy.

Policy SP2: Strategy for Sustainable Development to meet identified needs

Policy SP2 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

9. This policy states that the Plan will deliver 5,253 new homes (equivalent to 309 dwellings per annum (dpa)) and a minimum of 49.41 ha of land for economic development. This is a reduction in the housing requirement from the previous consultation document which proposed 5,778 net additional dwellings (equivalent to 321dpa). The Council state that to determine the minimum number of homes needed a local housing needs assessment has been conducted using the standard method, and that this has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required each year.
10. The NPPF³ states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The PPG sets out the method for calculating the minimum annual local housing need figure⁴. The Standard Method identifies a minimum

² NPPF September 2023 paragraph 22 / December 2023 Paragraph 22

³ NPPF September 2023 Paragraph 61 / December 2023 Paragraph 61

⁴ PPG ID:2a-004-20201216

Local Housing Need (LHN) of 305dpa⁵. This is slightly lower than that identified in the Strategic Housing Market Assessment (SHMA) 2023 which identified an LHN of 309dpa, this is due to the use of the 2014 data for 2023-2033 period in the SHMA. The PPG⁶ also sets out when it might be appropriate to plan for a higher housing need figure than the standard method, these include where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method.

11. The HBF considers that the Council should review the housing requirement to ensure that it reflects the local housing need identified by the standard method and gives consideration to the circumstances where a higher figure would be appropriate. The SHMA has highlighted the North East Local Enterprise Partnership's (NELEP) Strategic Economic Plan, which it states looks for 25,000 new jobs for South Tyneside by 2031. However, no evidence is provided to demonstrate the balance between the employment needs and aspirations and the housing requirement. Therefore, it is not apparent that the policy is in line with the NPPF⁷ which states that planning policies should seek to address potential barriers to investment, such as housing.
12. The SHMA (2023) identified a need for an additional 361 affordable units per year, including social / affordable units or intermediate tenure. It is noted that the PPG⁸ states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, the HBF considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.

Policy SP3: Spatial Strategy for sustainable development

Policy SP3 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

13. This policy sets out the spatial strategy it looks to focus housing in the main urban areas of South Shields, Hebburn, Jarrow; securing sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons; encouraging the re-use of suitable and viable brownfield land; the delivery of housing in sustainable locations through the allocation of sites in the Main Urban Areas and by amending the Green Belt boundary to allocate Urban and Village sustainable growth areas; and the creation of a new sustainable community within the Fellgate Sustainable Growth Area.
14. The HBF considers that it is important that the spatial distribution of sites follows a logical hierarchy, provides an appropriate development pattern and supports sustainable development within all market areas. The HBF supports the Council in amending Green

⁵ MHCLG Household Projections 2014 2024: 71,379, 2032:74,249, average change 287. Adjustment factor 2022: 1.0638.

⁶ PPG ID: 2a-010-20201216

⁷ NPPF Sept 2023 Paragraph 82 / NPPF Dec 2023 Paragraph 86

⁸ PPG ID: 2a-024-20190220

Belt boundaries and identifying exceptional circumstances to ensure that the housing need is met. However, the Council will need to ensure that they are meeting all aspects of need in the housing market, across the borough. The HBF also note that there is no consideration of safeguarded land which would ensure that the Council can meet the longer-term development needs and maintain an appropriate spatial strategy. The HBF considers that this is not in line with the NPPF⁹ which states that when defining green belt boundaries plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

Policies SP4-8: Housing Allocations

Policies SP4-8 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

15. This policy identifies housing allocations. There appear to be 25 housing allocations in the Main Urban Area identified in Policy SP4 with an indicative capacity of 849 dwellings. There are then Strategic Allocations at the Former Brinkburn Comprehensive School for approximately 151 dwellings; and at the former Chuter Ede Education Centre for 120 extra care residential units and approximately 70 dwellings. Policy SP7 identifies 6 Urban and Village Sustainable Growth areas with an indicative capacity of 1,108 dwellings. Policy SP8 identifies the Fellgate Sustainable Growth Area and proposes it will deliver approximately 1,200 dwellings. Giving an overall total of 3,498 dwellings, including the 120 extra units. The Local Plan housing requirement is identified as 5,253 dwellings.
16. The HBF has no comments on the individual proposed housing allocations in Policies SP4-8 and these representations are submitted without prejudice to any comments made by other parties. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.
17. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver South Tyneside's housing requirement. This sufficiency of housing land supply (HLS) should meet the housing requirement, ensure the maintenance of a 5 Year Housing Land Supply (YHLS), and achieve Housing Delivery Test (HDT) performance measurements. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared and flexible.

⁹ NPPF Sept 2023 paragraph 143 / NPPF Dec 2023 paragraph 148

18. The Council's overall HLS should include a short and long-term supply of sites by the identification of both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, therefore strategic sites should be complimented by smaller non-strategic sites. The widest possible range of sites by both size and market location are required so that small, medium and large housebuilding companies have access to suitable land to offer the widest possible range of products. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice / competition in the land market.
19. The Council should also ensure it has identified at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target in line with the NPPF requirements.

Policy 1: Promoting Healthy Communities

Policy 1 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

20. This policy requires new major developments to contribute to improving health and reducing health inequalities by requiring a Health Impact Assessment (HIA) to be submitted for residential schemes for 100 or more dwellings.
21. The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.
22. The PPG¹⁰ sets out that HIAs are 'a useful tool to use where there are expected to be significant impacts' but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for development proposals of 100 dwellings or more without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference

¹⁰ PPG ID:53-005-20190722

to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

23. The Viability Assessment does not appear to have included any assessment of costs associated with this policy in either contributing to improving health and reducing health inequalities or for providing the HIA.

Policy SP15: Climate Change

Policy SP15 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

24. This policy states that to meet the challenge of mitigating and adapting to the effects of climate change a comprehensive approach to delivering sustainable development and reducing carbon emissions is required. It states that this will be achieved through a number of criteria including by requiring development to reduce carbon emissions by embedding sustainable principles into the design, construction and operation of developments; and reducing greenhouse gas emissions through the delivery of low carbon heating networks and renewable energy generation.
25. The HBF supports the Council in seeking to meet the challenge of mitigating and adapting to the effects of climate change. The HBF considers that the Council should ensure that this policy is only implemented in line with the December 2023 Written Ministerial Statement¹¹ which states that 'a further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continue to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes'. It goes on to state that 'the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale'. The HBF considers as such it would be appropriate to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development. The Council will also be aware that the Future Homes and Buildings Standards: 2023 consultation¹² has been released covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).
26. The Viability Assessment does not appear to have included any assessment of costs associated with this policy in relation to embedding sustainable principles into the design, construction and operation of developments or in relation to reducing

¹¹ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>

¹² <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation>

greenhouse gas emissions through the delivery of low carbon heating networks. However, it is noted that the Viability Update 2023 has given consideration to changes to part L of the Building Regulations and whilst it has mentioned the Future Homes Standard, due to uncertainties around what it will require the costs associated with this have not been included.

Policy 5: Reducing energy consumption and carbon emissions

Policy 5 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

27. This policy states that all development shall embody sustainable design and carbon reduction measures as far as possible, with an emphasis on a whole life carbon approach, and that development which achieves zero carbon will be supported.
28. The policy goes on to states that development shall incorporate sustainable design and construction practices including water efficiency that meets the highest national standard. The HBF notes that the Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The Optional Technical Housing Standard is 110 litres per day per person.
29. As set out in the NPPF¹³, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. Therefore, a policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG¹⁴ states that where there is a *'clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'*. PPG¹⁵ also states the *'it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement'*. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North East and South Tyneside are not considered to be an area of Water Stress as identified by the Environment Agency¹⁶. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

¹³ NPPF Sept 2023 paragraph 31 / NPPF Dec 2023 paragraph 31

¹⁴ ID: 56-014-20150327

¹⁵ ID: 56-015-20150327

¹⁶ 2021 Assessment of Water Stress Areas Update:

<https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

30. Part 3 of the policy states that major development shall include a Sustainability Statement outlining their approach to: adaptation to climate change; carbon reduction; water management; site waste management; and use of materials.
31. The HBF considers it is unnecessary to require a Sustainability Statement to be submitted with all major planning applications, this requirement should be proportionate to the scale of the development, and should accept that it may only refer to details provided in other evidence submitted with the application.
32. The Viability Assessment does not appear to have included any assessment of costs associated with this policy, it does not appear to have included costs associated with the need for development to incorporate water efficiency to the highest national standard or in relation the cost of preparing a Sustainability Statement or in relation to the costs associated with the sustainable design.

Policy 6: Renewables and Low Carbon Energy Generation.

Policy 6 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

33. Part 4 of this policy states that major developments will be required, via a Sustainability Statement, to assess the feasibility of connecting to an existing decentralized energy network, or where this is not possible, assess the feasibility of a new network. Whilst Part 6 states that developments within 400m of an existing network or an emerging network shall be designed ready to connect.
34. The HBF considers that it is important that this is not seen as requirement to connect to a heat network and is instead implemented in relation to the assessment of feasibility, with the use of heat networks determined by the developer. Heat networks are one aspect of the path towards decarbonising heat, however currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered.
35. Government consultation on Heat Network Zoning¹⁷ also identifies exemptions to proposals for requirements for connections to a heat network these include where a

¹⁷ Heat Networking Zoning consultation (2021)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1024216/heat-network-zoning-consultation.pdf

connection may lead to sub-optimal outcomes, or distance from the network connection points and impacts on consumers bills and affordability.

36. Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.
37. The Viability Assessment does not appear to include a cost for assessing the feasibility of connecting to a district heating system or to connect to a heating network.

SP16: Housing Supply and Delivery

Policy SP16 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

38. This policy states that the Council will work with Partners and landowners to deliver South Tyneside's overall housing requirement of 5,253 net additional dwellings (309 per year) and maintain a rolling five-year land supply. It suggests that this will be done by allocating sites, making provision for homes in the East Boldon and Whitburn Village Neighbourhood Forum Areas, windfall development, small sites, conversion and change of use.

39. Table 2 (copied to the right) within the justification text sets out the Council's housing requirement and supply. It suggests that the Council needs to allocate 3,443 new homes during the Plan period. It is noted that Policies SP4-8 allocate sites with an indicative capacity of 3,498 dwellings, including 120 extra-care units.

40. The justification text suggests that over the past five years there have been an average of 113 windfall dwellings each year, however, the Strategic Housing Land Availability Assessment (SHLAA) accounts for a windfall rate of 37 dwellings per year from year 6. The HBF would generally recommend that an allowance for windfall should not be included in the supply and instead should form part of the flexibility in supply. However, the HBF recommends that if the Council intends to include an allowance for windfall that they have an appropriate evidence base to support this, this would be in line with the NPPF¹⁸ which states that where an allowance is made for windfall sites there should be compelling evidence that they will provide a reliable source of supply and should be realistic having regard to the historic windfall delivery rate and expected future trends.

Table 2 Residual Housing Requirement

A	Local Plan minimum housing requirement 2023 to 2040	5253
B	Commitments (at November 2023)	1475
C	Completions (net) (April 2023 – November 2023)*	122
D	10% lapse rate for commitments on sites not yet started	95
E	Projected demolitions / losses	165
F	Windfalls	444
G	Brownfield Register (small sites)	30
H	Residual housing requirement = A – B - C + D + E - F – G	3443

* Including sites with a resolution to grant

¹⁸ NPPF Sept 2023 paragraph 71 / NPPF Dec 2023 paragraph 72

41. The supply also includes 30 dwellings from the Brownfield Register, the justification text suggests that these are sites that are less than 5 dwellings that are expected to be delivered during the Plan period. The HBF considers that it will be important to ensure that there is not any overlap between these dwellings and the windfall supply, and to ensure that there is appropriate evidence to show that these dwellings will come forward within the Plan period.
42. As set out previously, the Council's housing land supply should include a short and long-term supply of sites with both strategic and non-strategic allocations for residential development. Housing delivery is optimised where a wide mix of sites is provided, with a range of sites by both size and market location. A wide mix of sites provides choice for consumers, allows places to grow in sustainable ways, creates opportunities to diversify the construction sector, responds to changing circumstances, treats the housing requirement as a minimum rather than a maximum and provides choice and competition in the land market. The Council should identify at least 10% of its housing requirement on sites no larger than one hectare or else demonstrate strong reasons for not achieving this target in line with the NPPF requirements.
43. The Council should also provide some headroom between its minimum housing requirement and overall housing land supply. Whilst there is no numerical formula to determine the appropriate quantum of headroom, if the Local Plan is highly dependent upon one or relatively few sites and geographical locations then greater numerical flexibility is necessary than where supply is based on a more diversified portfolio of sites.
44. Part 7 of the policy states that the Council will maintain a five-year land supply and will introduce a range of contingency measures where the supply or delivery is projected to fall below the housing requirements. The justification text suggests that these actions may include implementing measures required by the housing delivery test (HDT), drawing upon more up to date supply information, and the partial and early review of the Plan, which may include further consideration of releasing additional land from the Green Belt.
45. The HBF notes that the Council has sought to reduce the level of land to be released from the Green Belt, justification in relation to the specific sites no longer being taken forward is set out the Site Selection Topic Paper. The HBF also notes that proposals to safeguard land are no longer being taken forward by the Council, as the Council considers that inclusion of Safeguarded Land would result in the further alteration of Green Belt boundaries which would go beyond meeting identified needs for the Plan period. Given the limited flexibility in the housing land supply currently identified, and the Council's suggested contingency measures, it would appear that the Council is acknowledging that it will continue to need to release land in the Green Belt to meet future needs. Therefore, the HBF would recommend that the Council should be seeking to identify Safeguarded Land this would be in line with the NPPF¹⁹ which states that when defining Green Belt boundaries plans should, where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the Plan period. It also states that when

¹⁹ NPPF Sept 2023 paragraph 143 / NPPF Dec 2023 paragraph 148

defining Green Belt boundaries plan should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period.

Policy 14: Housing Density

Policy 14 is not considered to be sound as it is not justified and not consistent with national policy for the following reasons:

46. This policy states that proposals for residential development will be permitted provided that the development optimises the density of the site, taking in to account the location and character of the area. The justification text provides the expected density for developments they range from 60 dwellings per hectare (dph) within 400m of Jarrow and Inner South Shields Character Areas, to 55dph within 400m of the Borough's defined town, district and local centres or Metro stations, 45dph between 400-800m and 35dph beyond 800m.
47. The NPPF²⁰ states that plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible . . . and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport.
48. The HBF considers that the Council should ensure that the policy is in line with the NPPF, but also ensure that it includes a level of flexibility. The HBF would recommend clarity around the use of the Density Study recommendations set out in the justification text and amendments to create greater flexibility to allow developers to take account of to individual site characteristics and evidence in relation to demand, market aspirations and viability.
49. The HBF considers that it is important to ensure that the density requirements do not compromise the delivery of homes in sustainable locations to meet local needs. The Council will need to ensure that consideration is given to the full range of policy requirements as well as the density of development, this will include the provision of M4(2) and M4(3) standards, the NDSS, the provision of cycle and bin storage, the mix of homes provided, the availability of EV Charging and parking, any implications of design coding and the provision of tree-lined streets, highways requirements, and the potential requirements in relation to Biodiversity Net Gain, changes to the Building Regulations requirements in relation to heating and energy and the Future Homes Standard.

Policy 18: Affordable Housing

Policy 18 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

50. This policy states that 10 or more dwellings or development on a site of 0.5ha or more, will be required to deliver affordable housing where appropriate and viable. It goes on to set the affordable housing requirements for areas across the borough, ranging from 10% in South Shields and Jarrow, 15% in Hebburn, 20% in West Bolden and Bolden Colliery

²⁰ NPPF Sept 2023 paragraph 125 / NPPF Dec 2023 paragraph 129

and 25% East Boldon and Whitburn Village and 30% in Cleadon. It also sets out how the 10% affordable home ownership and First Homes requirements will be met in each area. In relation to First Homes the justification text refers to the Discounted Market Sales Policy Statement and the First Homes Interim Policy Statement. The policy does allow for viability evidence to be submitted where the affordable housing requirements would make a scheme unviable and for alternative provision to be made.

51. The justification text for the policy states that the SHMA (2023) identified a need for an additional 361 affordable units per year, including social / affordable units or intermediate tenure.
52. The HBF has significant concerns how the Council intend to deliver the 361 affordable dwellings needed each year to meet local need if the housing requirement is only 309dpa. The affordable need equates to more than the housing requirement (117%). It is noted that the PPG²¹ states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, the HBF considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.
53. The HBF supports the need to address the affordable housing requirements of the borough. The NPPF²² is, however, clear that the derivation of affordable housing policies must not only take account of need but also viability and deliverability. The Council should be mindful that it is unrealistic to negotiate every site on a one-by-one basis because the base-line aspiration of a policy or combination of policies is set too high as this will jeopardise future housing delivery.
54. The Viability Assessment Update 2023 shows the viability challenges in the Borough, these have worsened since the Viability Assessment in 2021. The Viability Assessment recommended the affordable housing proportions currently used in the Plan. However, these do not quite correlate with test 3 set out in the Assessment, but this is closer than other assessments, it continues to show significant challenges in viability.

Policy 19: Housing Mix

Policy 19 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

55. This policy looks for housing development to provide an appropriate mix of housing types, sizes and tenures to meet identified needs. Additionally, it looks to increase the supply of detached homes in the Borough; looks to increase the choice of suitable accommodation for the elderly; encourage the inclusion of self-build and custom build homes as part of larger housing developments; and ensures new homes meet the needs of our aging population and are accessible to all.

²¹ PPG ID: 2a-024-20190220

²² NPPF Sept 2023 Paragraph 34 / NPPF Dec 2023 Paragraph 34

56. The HBF understands the need for a mix of house types, sizes and tenures and is generally supportive of providing a range and choice of homes to meet the needs of the local area. It is, however, important that any policy is workable and ensures that housing delivery will not be compromised or stalled due to overly prescriptive requirements, requiring a mix that does not consider the scale of the site or the need to provide significant amounts of additional evidence.
57. The HBF recommends a flexible approach is taken regarding housing mix which recognises that needs and demand will vary from area to area and site to site; ensures that the scheme is viable; and provides an appropriate mix for the location. The HBF also recommends that the evidence required to support the housing mix is proportionate to the development and is not overly onerous.
58. The HBF would seek clarity around the wording that development should also seek to ensure new homes are accessible to all. It is not clear if this seeking the M4(2) standard for all homes or some other standard. If this is in relation to Policy 20 technical design standards for new homes it would be useful to refer to the policy.

Policy 20: Technical Design Standards for New Homes

Policy 20 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

59. This policy looks for up to 5% of new build housing in developments of 50 homes or more to be wheelchair accessible or easily adaptable for residents who are wheelchair users (M4(3) Category 3 Wheelchair User dwellings). It goes on to state that all residential dwellings should be designed to be accessible and adaptable (M4(2)), except where it can be demonstrated that this is impractical or unviable due to site specific constraints.
60. The HBF is generally supportive of providing homes that are suitable to meet the needs of older people and disabled people. However, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes the Council should only do so by applying the criteria set out in the PPG. The PPG²³ identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for South Tyneside which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then the HBF recommends that an appropriate transition period is included within the policy.
61. The PPG also identifies other requirements for the policy including the need to consider site specific factors such as vulnerability to flooding, site topography and other circumstances, and the ability to provide step-free access.

²³ ID: 56-007-20150327

62. The Council should also note that the Government response to the Raising accessibility standards for new homes²⁴ states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. M4(3) would continue to apply as now where there is a local planning policy in place and where a need has been identified and evidenced.

Policy 35: Delivering Biodiversity Net Gain

Policy 35 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

63. This policy states the Biodiversity Net Gain (BNG) shall be secured and delivered in accordance with the statutory framework. The policy goes on to provide a locational hierarchy for delivery of BNG off site, and state that only where it can be demonstrated that there is no feasible possibility of delivering compensation within the locational hierarchy will the purchase of national credits be considered an appropriate means of delivering BNG.
64. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a biodiversity net gain of 10%. In light of all the new guidance on Biodiversity Net Gain (BNG) that has recently been published, the Council will need to ensure its approach to BNG to ensure it fully reflects all the new legislation, national policy and guidance. The HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time and note the final version of DEFRA BNG Guidance was published on 12th Feb 2024 and the final version of the PPG published on Feb 14th 2024. The HBF understands that both may be further refined once mandatory BNG is working in practice, to reflect any early lessons learnt. The HBF notes that there is a lot of new information for the Council to work through and consider the implications of, in order to ensure that any policy on BNG policy so that it complies with the latest policy and guidance now this has been finalised. It is important that mandatory BNG does not frustrate or delay the delivery of much needed homes.
65. The PPG²⁵ is clear that there is no need for individual Local Plans to repeat national BNG guidance. It is HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act.
66. The HBF also notes that there are significant additional costs associated with biodiversity gain, which should be fully accounted for in the Council's viability assessment.

²⁴ <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response#government-response>

²⁵ PPG ID: 74-006-20240214

Policy 41: Green Belt

Policy 41 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

67. States that development proposals within the Green Belt, will be determined in accordance with the national planning policy. The HBF does not consider that this policy is necessary.

Policy 58: Implementation and Monitoring

Policy 58 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

68. This policy suggests that the plan will be monitored against performance indicators set out in the Monitoring Framework and should the AMR or other evidence suggest the policies are not on track the Council will initiate certain contingency measures, these include a review of the delivery of site-specific allocations, a review of financial mechanisms, a review of the DM processes and the preparation of SPDs and masterplans to provide clearer guidance, addressing cross-boundary issues, seeking financial support and engaging with partners across the public, private and voluntary sectors.
69. Appendix 3 sets out the Implementation and Monitoring Framework, this includes the monitoring indicators, triggers for action, potential actions and the data source.
70. The HBF supports the Council in including a policy highlighting the actions to be taken if housing is not delivered. However, it is considered that the Council may also want to consider alternate measures such as the granting of planning permission for unallocated sites in sustainable locations. The Council may also want to consider how this policy sits with the Housing Delivery Test and the presumption in favour of sustainable development as set out in the NPPF.

Policy 59: Delivering Infrastructure

Policy 59 is not considered to be sound as it is not positively prepared, not justified and not consistent with national policy for the following reasons:

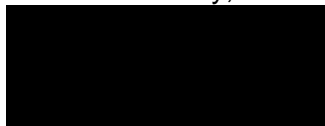
71. This policy states that development will be expected to provide or contribute towards the provision of measures to directly mitigate the impacts of the development and make it acceptable in planning terms and contribute towards the delivery of essential infrastructure.
72. The HBF notes the similarities between this policy and Policy SP25: Infrastructure, and queries if both are necessary.

Future Engagement

73. I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

74. The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.
75. The HBF would like to participate in the Hearing Sessions for the Local Plan Examination in order to address any points raised in relation to the home building industry.

Yours sincerely,



Joanne Harding
Planning Manager – Local Plan (North)

Email:

Phone



South Tyneside Publication Draft Local Plan

Ellie Glover [REDACTED]

Fri 3/1/2024 4:03 PM

To: Local Plan <Local.Plan@southtyneside.gov.uk>

 2 attachments (5 MB)

Land at Wellands Farm Site Promotion Brochure.pdf; 2024 South Tyneside Draft Local Plan Detailed Representations Banks Property.pdf;

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Dear Sir/Madam,

Please find attached representations regarding the South Tyneside Publication Draft Local Plan on behalf of Banks Property.

Please can you acknowledge receipt of the attached representations at your earliest convenience.

Kind regards,
Ellie

Ellie Glover
Development Planner

BANKSGroup
development with care

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THE SOUTH TYNESIDE LOCAL PLAN

**PUBLICATION DRAFT LOCAL PLAN 2023 – 2040
(REGULATION 19) – FEBRUARY 2024**

**REPRESENTATIONS ON BEHALF OF
BANKS PROPERTY**

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TABLE OF CONTENTS

1.	BACKGROUND.....	1
2.	CHAPTER 4: STRATEGY FOR SUSTAINABLE DEVELOPMENT	2
3.	CHAPTER 5: STRATEGIC ALLOCATIONS.....	4
4.	CHAPTER 8: DELIVERING A MIX OF HOMES.....	8
5.	CHAPTER 11: CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT	10
6.	CHAPTER 14: TRANSPORT AND INFRASTRUCTURE.....	11

1. BACKGROUND

- 1.1 The Banks Group is a family owned, County Durham based company which has successfully operated for the last 45 years across coal mining, renewable energy generation and property development. We have also recently branched into housebuilding in northern England. “*Development with Care*” is our guiding philosophy across all of our businesses, and we work incredibly hard to ensure that communities in the areas where we have projects enjoy a positive experience through community engagement, responsible operating and community support. This approach is embedded within our culture and has been a key component of our long term planning success rate of 100% since 2007.
- 1.2 Within the Group, Banks Property Ltd (BPL) has a long track record in property development with a current portfolio of approved or allocated sites capable of delivering 10,000 residential units. BPL will typically identify suitable sites, assemble land ownership interests, prepare coherent and sustainable proposals in consultation with the local community and negotiate a package of benefits with the local authority. Following the grant of planning permission the company will normally procure the construction of essential site infrastructure in the forms of roads and sustainable drainage in readiness for a house building company to finalise the layout and house types and then build out the site. Larger sites are usually sub-divided between house building outlets which is a good way of accelerating housing delivery.
- 1.3 Banks Property have been promoting land at Wellands Farm (also referred to as Lizard Lane) for a number of years through the SHLAA process and previous draft local plans to demonstrate how the site could be developed for housing development and also to confirm that the site is available, suitable and deliverable. We have also previously submitted viability responses to the Council to inform the Local Plan and Community Infrastructure Levy (CIL) evidence base on a plan wide basis and also site specific viability information regarding land at Wellands Farm.

2. CHAPTER 4: STRATEGY FOR SUSTAINABLE DEVELOPMENT

Policy SP2: Strategy for Sustainable Development to meet identified needs

- 2.1 Banks Property do not consider Policy SP2 to be sound as it is not positively prepared, justified or consistent with national planning policy. The policy states that the local plan will deliver 5,253 new dwellings, a reduction in the housing requirement from the previous consultation draft local plan which proposed 5,778 new dwellings. The housing requirement has reduced due to a change in the standard method figure, however South Tyneside have been consistently under delivering on their housing requirement, therefore the shortfall should be accounted for in the new local plan housing requirement, making the figure of 5,253 too low.
- 2.2 The NPPF states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The PPG sets out circumstances where it might be appropriate to plan for a higher housing need figure than the standard method including where there are growth strategies for the area, strategic infrastructure improvements and where previous levels of housing delivery or previous assessments of need are significantly greater than the outcome from the standard method.
- 2.3 Banks Property believe that the council should review the housing requirement to ensure it reflects local housing need and gives due consideration to an economic uplift to reflect the economic growth aspirations of the council and the North East Local Enterprise Partnership's Strategic Economic Plan.
- 2.4 The 2023 SHMA stated that an affordable uplift of 17 dwellings was added to the standard method figure for housing requirement. This uplift is extremely low and does not reflect the aspirations of South Tyneside in increasing affordable housing to meet demand. Paragraph 4.29 of the SHMA goes on to say there is '*an overall gross affordable need of 1,806 and after taking into account affordable lettings and newbuild the net shortfall is 361 each year*'. This provides evidence of an even greater need for affordable housing in future years to reduce the threat of issues of homelessness and the cost of living crisis getting worse, which is mentioned in paragraph 4.29 of the SHMA. Therefore, the overall housing requirement should be increased to account for the affordable housing need of 361 dwellings per annum and the appropriate sites in villages should be allocated to ensure that higher levels of affordable housing can be delivered.

Policy SP3: Spatial Strategy for sustainable development

- 2.5 Banks Property do not consider Policy SP3 to be positively prepared, justified or consistent with national planning policy. Whilst the criterion within the policy set out a spatial framework to meet identified needs within Policy SP2, the policy does not appear to set out a clear settlement hierarchy of where new housing growth should be focused. Supporting paragraphs 4.20 to 4.35 provide further support the spatial approach and paragraph 4.33 states that the Urban and Village Sustainable Growth Areas at Whitburn village, Cleadon and East Boldon are the most appropriate and suitable locations for future expansion of the borough's Main Urban Area. We therefore believe that a settlement hierarchy should be provided within Policy SP3 as follows;

Hierarchy	Settlement
Main Urban Area	South Shields, Hebburn and Jarrow
Sustainable Growth Areas	Whitburn village, Cleadon and East Boldon
New Sustainable Community	None / (if deemed suitable) Land south of Fellgate

- 2.6 Whilst we agree with the following statement in supporting Policy SP3 *‘Ensure the delivery of housing in sustainable locations through the allocation of sites in the Main Urban Area and by amending the Green Belt boundary to allocate Urban and Village sustainable growth areas.’*, there has been a loss of six Urban and Village Sustainable Growth Areas from the 2021 draft local plan. This is in direct conflict with the statement written into Policy SP3, as there has been a lack of allocations in the Urban and Village Sustainable Growth Areas. Paragraph 4.25 also suggests there is a need for more proposed development in Urban and Village Sustainable Growth Areas, stating *‘There is an acute shortage of available, suitable, and deliverable brownfield land in South Tyneside’* and paragraph 4.26 goes on to further back up the lack of land point by stating *‘Through the SHLAA, an extensive survey of all sites has been undertaken which assessed most of the land in the borough. Unfortunately, a lot of this land is not available or viable.’*, suggesting that more Green Belt releases are necessary to achieve the housing requirement in South Tyneside, which is explained in paragraphs 2.32 and 2.33.
- 2.7 We do not support the spatial distribution of new development set out within Policy SP3 due to the lack of development proposed in sustainable villages, such as Whitburn, where there has been a significant reduction in the number of allocated dwellings from the 2021 draft local plan. In the draft local plan 396 dwellings were proposed in Whitburn with just 71 dwellings proposed in the publication draft local plan. The number of dwellings proposed will not secure the sustainability and vitality of Whitburn over the full period of the local plan, contrary to criterion 2 of policy SP3. Due to being constrained by Green Belt policy there has been very little new development in the main villages in South Tyneside for a number of years. In Whitburn, the only site to be developed of any scale over the past ten years is the former rifle range. In 2014, planning permission was granted on the brownfield site for 42 dwellings and due to strong demand for new housing in the area, the site was built out and units sold over a very short time period. This shows there is a demand for housing in Whitburn and sites that were previously draft allocated can help to accommodate the demand and meet South Tyneside’s housing requirement.
- 2.8 The council appear to be prioritising a new sustainable community over sites that in early versions of the local plan were considered suitable sites within the Urban and Village Sustainable Growth Areas.
- 2.9 It should also be noted that no consideration has been given to safeguarding land to ensure that the council can meet longer term housing needs. Such an approach to include safeguarded land would ensure that Green Belt boundaries would not need to be altered at the end of the plan period.

3. CHAPTER 5: STRATEGIC ALLOCATIONS

- 3.1 Paragraph 5.3 states that '*To deliver the housing requirement and to maintain a rolling five-year supply of deliverable housing sites, the Plan allocates...*'. In June 2022, South Tyneside Council presented their five-year housing land supply to the committee as 2.2 years, meaning the current supply is extremely low, and with the proposed housing allocations this figure will remain extremely low. The borough has also failed the Housing Delivery Test in 2021 and 2022, achieving just 74% and 72% respectively, meaning South Tyneside is in presumption in favour of sustainable development. This demonstrates the importance of housing delivery in South Tyneside and that the correct sites need to be allocated to ensure that housing delivery is achieved.

Policy SP7: Urban and Village Sustainable Growth Areas

- 3.2 Banks Property support the release of land from the Green Belt to aid sustainable growth across villages in South Tyneside alongside growth in the main urban area. However, there needs to be further Green Belt releases to ensure that South Tyneside's housing requirement can be met during the plan period through the allocation of additional housing sites and safeguarded land.
- 3.3 Banks Property object to the removal of site GA10 – Land at Wellands Farm from the draft local plan. Since the 2021 draft local plan, GA10 – Land at Wellands Farm has been removed from Policy SP7 (Policy SP5 in 2021 draft) even though it can achieve all requirements of an Urban and Village Sustainable Growth Area. To ensure a sufficient housing land supply can be maintained at all times, Banks Property believe that the site should be included as a housing proposal within Policy SP7.
- 3.4 Policy SP7 makes reference to allocated housing sites being required to include compensatory improvements of remaining Green Belt land to offset the impact of the removal of the land from the Green Belt. However, no details of any such improvements appear to be defined within Policy SP7 or other policies within the local plan and it is unclear how the proposed allocated sites will meet such requirements. As part of the promotion of our site at Wellands Farm, extensive proposals have been previously shared with South Tyneside Council explaining how compensatory improvements to the environmental quality can be made and accessibility of remaining Green Belt land can be achieved.

Land at Wellands Farm

- 3.5 Banks Property have promoted land at Wellands Farm from the early stages of the preparation of the local plan. The site was considered suitable for development by the council in previous site assessments culminating in the site being allocated for housing in both the 2019 and 2021 draft local plans. It is surprising that the site has been omitted having previously been considered suitable for housing development in earlier iterations of the local plan.
- 3.6 The site is located adjacent to existing housing development to the east and south. In order to integrate the site with the surrounding area development should either front onto or be located close to these boundaries. Landscape buffers on the northern and western boundaries will provide the new Green Belt edge, whereas the eastern and southern boundaries should read as an extension to the built development of the settlement.

- 3.7 Banks Property have prepared a Site Promotion Brochure which has been submitted to demonstrate that the site is well suited to residential development. The site is located on the edge of the existing settlement and with the exception of the Green Belt designation (which covers all land in South Tyneside beyond the urban area) has no policy constraints that would preclude residential development. The site is a logical extension to the western edge of the village, with the ability to achieve a residential development that is sensitive to the character and needs of the surrounding area. An indicative masterplan has been prepared which demonstrates how the site could be developed sensitively for up to 250 dwellings.
- 3.8 In the 2021 draft local plan, the northern field within the site was included as part of an extension to an Area of High Landscape Value (AHLV), the Cleadon Hills. A landscape and visual impact assessment has been undertaken which demonstrates that the land referred to should not be included as part of the AHLV. It is well contained and would not impact on long distance views to the Cleadon Hills or have an adverse impact on the landscape character itself. The existing edge of Whitburn protrudes to the north and the northern field will be contained within this general extent and provide a clear defined edge to the village for the long term. Whilst this can still be argued, the 2023 draft local plan highlights in Policy 39 that '*Areas of High Landscape Value (as shown on the Policy Map)*' but there is no Policy Map for AHLVs within the Conserving and Enhancing the Natural Environment subsection of the Policy Map. Therefore, it is not clear where the AHLVs are across South Tyneside and if there have been any changes since the 2021 draft local plan. This information should be publicly available so that all designations can be properly assessed across the borough.

South Tyneside Waders Survey January 2023

- 3.9 The land at Wellands Farm site appears to have been removed as a housing site from the 2023 publication draft local plan due to its impact on biodiversity, namely wading birds using the site. The site was previously allocated in the 2019 and 2021 versions of the draft local plan, highlighting it as suitable for residential development despite the last wading birds survey stating they were present onsite in winter 2019/2020.
- 3.10 In the 2023 wader survey the site has been split into three fields; Fields 19, 20 and 21 running from the southern field to the northern field on the previous draft allocation. The survey recommended that housing should be kept to Fields 19 and 20 whilst Field 21 remains undeveloped to accommodate wading birds. This can be explored through further masterplanning of the site to keep Field 21 open and an appropriate habitat for wading birds.
- 3.11 The site was given an amber value for its impact on wading birds in the survey. However, other sites within South Tyneside, and even as locally as Whitburn, were given the same value but remained as housing allocations (GA6, Land to North of Shearwater). The 2023 wader survey concluded that it does not recommend that the whole of the land at Wellands Farm site is unsuitable for housing because of wading birds, therefore the site should not have been deallocated in the 2023 draft local plan on grounds of its impact on wading birds.
- 3.12 There has been no dialogue between the council and Banks Property regarding the impact of wading birds on the site. The survey undertaken by the council appears to not be aware that we control land to the north and north west of the site which has been identified for compensatory Green Belt improvements and biodiversity net gain if required. Such an area could include suitable habitats for wading birds as part of the

wider improvements proposed to offset any impacts that may arise for developing the site for housing.

- 3.13 The council and the author of the Wader Survey were contacted to request the survey data collected. Our request was declined and reference made to the report. It is vitally important that the survey data is made available to all parties to review, particularly as the report has been used to delete proposed housing sites, whilst continuing to allocate sites that received the same scoring. Without the availability of the survey data there are significant questions regarding the validity of the report and its recommendations.

South Tyneside Green Belt Study November 2023

- 3.14 The land at Wellands Farm site, WH6, has been categorised as within an area of moderate harm, which is the second lowest harm rating on the scale in this study. This level of harm relates to three Green Belt purposes assessed in the study; unrestricted sprawl of large built up areas, preventing coalescence of neighbouring towns, and assisting the countryside from encroachment. Strong, landscaped boundaries have been developed and are shown in the masterplan for land at Wellands Farm on the northern and western boundaries of the site to ensure that the site is well contained and has minimal impact to the remaining Green Belt. Land immediately adjacent to the north and north west of the site is controlled by Banks Property and can provide compensatory improvements to land remaining within the Green Belt.
- 3.15 Overall, development of the site would be deemed to have moderate harm on the Green Belt, which is the same rating as most of the Fellgate Sustainable Growth Area; only 1.8 hectares of this site is categorised as low harm to the Green Belt. There is therefore no justification contained within the South Tyneside Green Belt Study to support the deallocation of the Wellands Farm site and allocation of the Fellgate site which is less sustainable. Furthermore, five out of the six remaining Urban and Village Sustainable Growth Areas also score moderate harm in the Green Belt study but have retained their allocation, with one allocation even scoring high in the harm rating. Therefore, there are fundamental questions regarding the methodological approach and outcomes of the recent South Tyneside Green Belt Study and how it has informed the allocation and deallocation of proposed housing sites.

Policy SP8: Fellgate Sustainable Growth Area

- 3.16 It is widely acknowledged that new settlements have significant lead in times to deliver housing growth due to the significant infrastructure requirements, land assembly and the creation of an overarching framework to ensure such sites are properly considered. The creation of a new sustainable community at Fellgate is expected to deliver 1,200 dwellings in the South Tyneside borough, and the 2023 draft local plan suggests that all of these dwellings will be delivered during the plan period to 2040. However, there does not appear to be an up to date trajectory for this to be delivered, therefore there is little evidence that 1,200 dwellings can be delivered on this site by 2040. For example, paragraph 4.3 of the Fellgate SPD Scoping Report makes reference in table 1 to evidence base documents for highways. The work defines a scheme for Whitemare Pool Roundabout but does not define costs, cost sharing or a delivery strategy. There is therefore no certainty regarding the mitigation required to deliver the Fellgate site at this stage.
- 3.17 Further delays are expected to the deliverability of Fellgate due to the requirement of a planning application that adheres to the Fellgate Sustainable Growth Area Supplementary Planning Document (SPD), as mentioned in Policy SP8; the SPD has

not yet been written, with a Site Capacity and Opportunities Paper only being published in January 2024. This paper does not provide any indication of when development could begin at Fellgate, or any indication of housing delivery per annum.

- 3.18 The government commissioned the CMA to carry out a study on the housebuilding market. The final report states that in order to increase housing delivery, there needs to be an increase in sales outlets. This can be achieved by having a mix of sites varying in size to ensure that outlets can consistently be delivered, rather than allocating and attempting to gain planning approval on large developments, such as the 1,200 dwellings allocation at Fellgate. To ensure a consistent housing delivery throughout the plan period, housing allocations across South Tyneside should be increased and vary in size to ensure that houses are delivered, rather than relying on Fellgate Sustainable Growth Area, which does not have an up to date housing delivery trajectory and could threaten South Tyneside's housing delivery rates over the plan period.
- 3.19 Due to the reliance of a significant quantum of housing from the new settlement, a full housing trajectory for Fellgate Sustainable Growth Area should be provided and compared to the housing delivery and allocations for South Tyneside. In the event that it is not achievable to deliver all 1,200 dwellings at Fellgate by 2040, further sites should be allocated for residential development to make up for the shortfall from delayed delivery and to provide certainty that the housing needs of the borough will be met in full.

Safeguarded Land

- 3.20 There is no safeguarded land for housing in the 2023 draft plan; all safeguarded land refers to transport services or minerals. Therefore there appears to be no planned aspirations for housing growth in the borough post plan period. Having no safeguarded land for future housing development will result in further under delivery in South Tyneside. It is strongly recommended that potential housing delivery sites are reviewed to provide safeguarded land in the borough including sites previously allocated for housing in early drafts of the local plan.

4. CHAPTER 8: DELIVERING A MIX OF HOMES

Policy SP16: Housing Supply and Delivery

- 4.1 Banks Property do not consider Policy SP16 to be positively prepared, justified or consistent with national planning policy. Therefore, Banks Property does not support the overall housing requirement of 5,253 new homes. The figure is derived using the 'standard method' set out within National Planning Guidance which equates to 309 dwellings per annum, however this has been reduced from 5,778 dwellings in the 2021 draft local plan.
- 4.2 Due to the economic growth aspirations of the council set out within Chapter 9: Building a Strong and Competitive economy we believe that an economic uplift should be applied for the standard method figure. It is important that the delivery of new housing supports economic growth and an increase to the overall housing requirement should be provided for.
- 4.3 There is also a strong theme throughout the 2023 draft local plan stating that there is high demand for more affordable housing in South Tyneside; a reduced housing requirement will only result in fewer affordable homes. Increasing the housing requirement to the previous figure of 5,778 dwellings will help to alleviate the issue surrounding lack of affordable housing.

Neighbourhood Forum Areas

- 4.4 Banks Property does not support the housing requirements identified for the Neighbourhood Forum Areas. Paragraph 66 of the NPPF states that strategic policies within local plans should set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development. A housing requirement of 71 new homes within the designated Whitburn Neighbourhood Forum Area is very low and will not help to meet the housing demand in Whitburn. The 2021 draft local plan had a housing requirement of at least 396 new homes within the Whitburn Neighbourhood Forum Area, which is much more suitable and provides sustainable growth to the village which will be maintained throughout the plan period; a lack of allocations in Whitburn is in direct conflict with Policy SP3 which aspires to secure the sustainability and vitality of the village.

Table 2: Residual Housing Requirement

4.5 Table 2, shown opposite, explains how the residual housing requirement has been calculated for South Tyneside. Section D highlights that there is an expected 10% lapse rate for commitments on sites not started yet, which is an appropriate buffer to consider for the overall housing requirement. However, the residual housing requirement is only 55 dwellings lower than the total number of dwellings allocated in the draft local plan. This is only a buffer of 1.6%, which is extremely low and would only take one site to not come forward to drop housing delivery below the requirement in South Tyneside.

4.6 To ensure there is an appropriate buffer, such as that in Section D, for any of the housing allocations to not come forward, a 10% buffer should be added to the residual housing requirement, which should then be the number of dwellings allocated across South Tyneside. As a result, there should be 3,787 dwellings across the allocations – an additional 289 dwellings to what has been allocated in the draft local plan. As explained in the representations of Chapter 5, former allocation GA10 – Land at Wellands Farm is a very logical site for residential development and can accommodate 250 dwellings, taking up most of the suggested buffer.

A	Local Plan minimum housing requirement 2023 to 2040	5253
B	Commitments (at November 2023)	1475
C	Completions (net) (April 2023 – November 2023)*	122
D	10% lapse rate for commitments on sites not yet started	95
E	Projected demolitions / losses	165
F	Windfalls	444
G	Brownfield Register (small sites)	30
H	Residual housing requirement = A – B – C + D + E – F – G	3443

* Including sites with a resolution to grant

Policy 18: Affordable Housing

4.7 Banks Property agree with the requirement of affordable housing on developments of 10 or more dwellings. The sliding scale of affordable housing from 10% in South Shields and Jarrow up to 30% in Cleadon is also supported, showing improvements on the affordable housing range from the 2021 draft local plan to be more suited to each settlement.

4.8 As stated in representations under Policy SP16, there is high demand for affordable housing in South Tyneside and this is reflected in comments throughout the draft local plan. Paragraph 2.25 states *‘there is a significant need for more affordable housing’* as a finding of the 2023 SHMA. The areas with the highest affordable housing requirements, Whitburn, East Boldon and Cleadon, are the areas with the lowest number of housing allocations. Providing a range of sites in these villages will provide opportunities to increase the number of affordable houses across South Tyneside and help to meet the demand.

Policy 19: Housing Mix

4.9 Banks Property support Policy 19 which states that development should include an appropriate mix of dwelling types, sizes and tenures to meet identified needs and create and maintain mixed and balanced sustainable neighbourhoods. We also support point 2i and the need to increase the supply of detached homes in the borough; this can be easily achieved in the villages, such as Whitburn, if larger sites are allocated to accommodate a range of dwellings, including affordable housing and detached homes across one site.

5. CHAPTER 11: CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

Policy 39: Areas of High Landscape Value

- 5.1 Banks Property acknowledge the need to protect Areas of High Landscape Value (AHLV), however there is no Policy Map for AHLVs within the Conserving and Enhancing the Natural Environment subsection of the Policy Map. This information should be publicly available so all planning designations can be reviewed. In the 2021 draft local plan, the Cleadon Hills AHLV was proposed to be extended further south and east. This needs to be reviewed against the 2023 draft local plan to understand if the plans are still in place to extend the AHLV.

6. CHAPTER 14: TRANSPORT AND INFRASTRUCTURE

Policy SP25: Infrastructure

- 6.1 Banks Property support policy SP25 particularly to ensure that infrastructure required to support new development is delivered as an integral part of the development and at the appropriate stage and, where appropriate, improves any deficiencies in existing provision.
- 6.2 We have reviewed the Infrastructure Delivery Plan (IDP) which identifies the infrastructure required to deliver the site allocations and policies in the local plan as well as providing a guiding framework as to the timing of the delivery of infrastructure required. It is important to distinguish between existing infrastructure problems that are required to be addressed regardless of new development and those directly attributable to new development e.g. the A183 Coast Road realignment which is necessitated by coastal erosion and not highways capacity.

Policy SP26: Delivering sustainable transport

- 6.3 Banks Property support Policy SP26 and the need to prepare Transport Statements or Transport Assessments to assist the consideration of transport impacts of new developments. This will ensure that impacts attributed to specific developments will be identified and can be mitigated appropriately.
- 6.4 Section 4iii states that new development should be no further than 400 metres from a bus stop, which suggests a maximum distance. We believe this point needs to be more flexible with a recommended distance rather than a maximum distance.

Lizard Lane

WHITBURN, SOUTH TYNESIDE

Site Promotion Document
August 2022



Introduction

South Tyneside Council are currently preparing a new local plan to guide development throughout the authority area. This promotion brochure has been produced by Banks Property to promote land at Wellands Farm (Lizard Lane) through the South Tyneside Local Plan.

The purpose of this document is to support the proposed housing allocation at Wellands Farm, (site GA10) in the emerging local plan, demonstrating the sites suitability for housing development in a sustainable location.

The emerging South Tyneside Local Plan states that at least 5,778 new homes are needed in the South Tyneside area by 2039 – 396 which are required in Whitburn.

To help meet this requirement, Banks Property are proposing to develop the land to the east of Wellands Farm (also known as Lizard Lane) in Whitburn to provide up to 250 dwellings, meeting more than half of the housing requirement in Whitburn.

There has been very little development in the main villages of South Tyneside due to the constraint by the Green Belt. The Lizard Lane site is a logical extension to Whitburn with existing housing located beyond the eastern and southern boundaries of the site. The proposed site would not protrude beyond the edge of the existing village envelope to the north or west and the development would result in a ‘rounding off’ of the north west corner of the village.

Furthermore, there is high demand for housing in this area, so this site would deliver much needed housing in the local area. The site is available, suitable and deliverable. Banks Property therefore believe that this site should be allocated for housing in South Tyneside’s Local Plan.



Banks Property



Banks Property is part of the Banks Group, a family-owned business based in the North East and Yorkshire. Banks Group has over 45 years of experience across various business sectors, including mining, renewable energy generation, and property development.

The Banks Group follows an ethos of *development with care*. This ensures that communities that host our projects enjoy a positive experience through community engagement, responsible operating, and community support.

This approach has been a key component of our long-term planning success rate of 94% since 2007. Within the Group, Banks Property Ltd has promoted and developed many sites across the North East and Yorkshire, delivering 10,000 residential units, proving a strong record of high quality and sustainable development.

As a part of the Banks Group, Banks Property has promoted and delivered many successful projects across both the North East and Yorkshire including:

- Successful planning applications and built out residential sites in Newcastle, North Tyneside and County Durham.
- Delivery of sites and key infrastructure over multiple phases such as Mount Oswald, Durham which has offered new, local jobs, facilities and open space, including convenience stores and children’s play parks for the local area (pictured).

Key benefits

The Lizard Lane site will provide a range of local benefits to Whitburn, in line with the principles of sustainable development. Ultimately, this site is capable of providing a high quality development that is achievable in the short-term and which would be in keeping with the local landscape and settlement character.

Social benefits



Affordable housing in an area where there is significant demand for such housing.



Car club to be provided to further enhance existing transport links in the local area.



High quality sustainable housing that meets requirements of the locals, residents and council.



Close access to services and facilities. A significant benefit is having the secondary school in the village, meaning it is within walking distance for the residents of Whitburn; a feature that is rare to many villages.

Environmental benefits



Accessible green space created within the site.



SUDs on site which will manage surface water and create a habitat. SUDs also help to reduce pollution by holding back water to allow natural processes to break down pollutants.



Sustainable designs including energy efficient homes.



Well-connected footpaths to the wider environment, discouraging use of cars and promoting use of the Green Belt.

Economic benefits



Significant economic investment in the local area.



Additional council tax for South Tyneside Council to help fund local services.



Employment opportunities within the construction and supply period of the development.



Boosted local economy due to an additional 250 dwellings.

Site description

Whitburn is a highly sustainable settlement, located 4.5 miles south of South Shields and 4.5 miles north of Sunderland. The site is located on the mid to southern end of Lizard Lane in north west Whitburn and is 9.72 hectares in size.



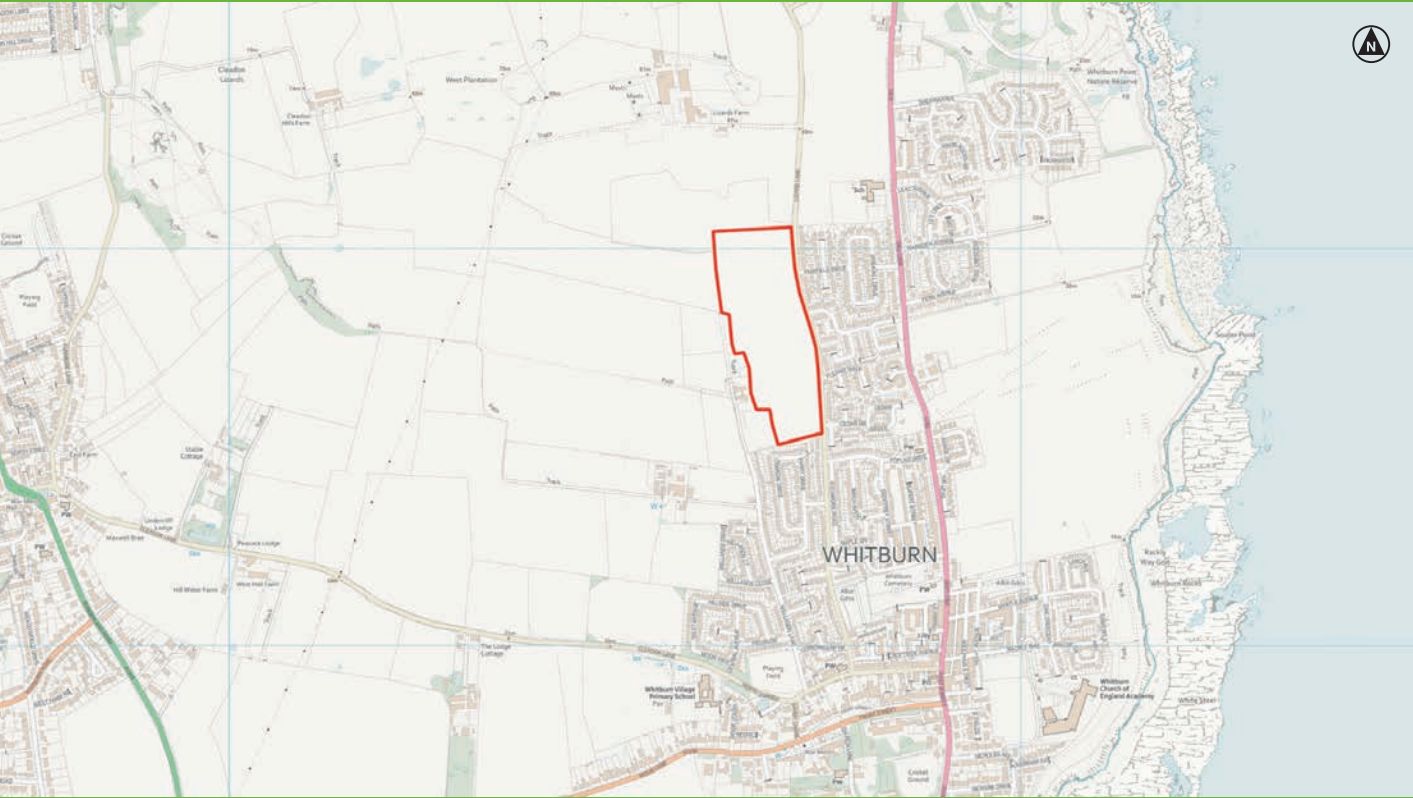
The site is within the Green Belt, but the southern and eastern boundaries of the site are located along other residential developments, meaning the site will fit to the current land use along these boundaries. Part of the western boundary connects to Wellands Farm and a caravan storage site, with the remaining part of the western and northern boundaries backing onto the Green Belt. This area of Green Belt covers the Cleadon Hills; however, the site is separated by hedgerows and trees.

The land is currently used for agricultural purposes, recently producing arable crops. The land is of grade 3b agricultural status, meaning it is not considered to be Prime Agricultural Land.

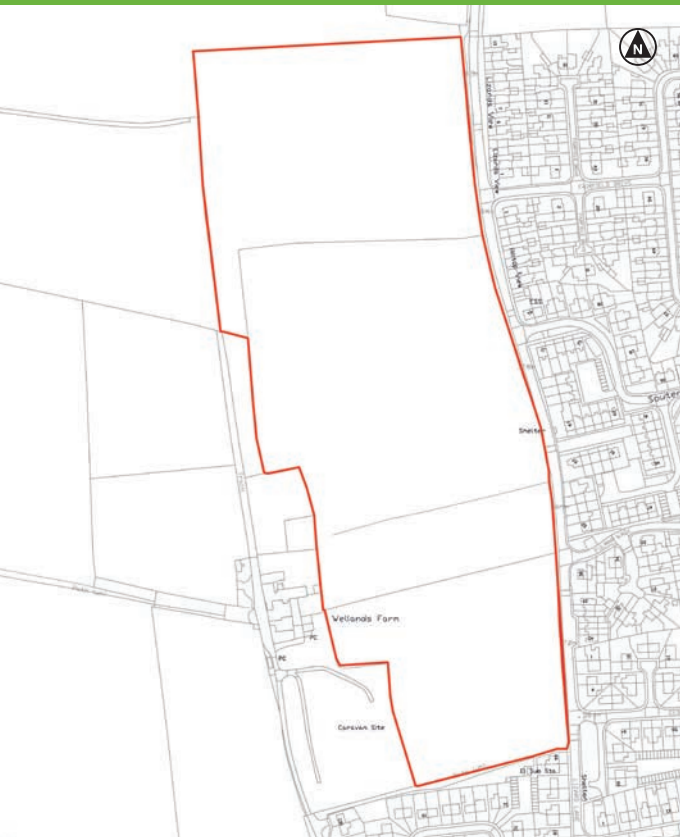
The site is well located on the existing transport network. Lizard Lane is the secondary road through Whitburn and is very close to the primary road, Mill Lane (A183). There are four bus stops, two in either direction, along the eastern boundary of the site on Lizard Lane, providing connections to South Shields and Sunderland.

There is a public footpath along the southern boundary of the site, allowing access to the Cleadon Hills. Whitburn benefits from high pedestrian permeability and existing footpaths provide strong pedestrian connections to key local facilities and transport links.

Site location



Site boundary



Site aerial



Settlement character



Whitburn is a coastal village located in South Tyneside. There is good access to services and facilities within the village itself, as well as further afield. The village is well related to the coastline and has access to a beach which has achieved excellent status in recent years due to its high standard bathing waters.

The village has a historic core, with a mixture of dwellings varying from Georgian and Victorian times through to new developments from the mid-2010s as the village has grown.



Due to the variety in developments, there is an array of house types within the village. This includes stone, red and brown brick, pebbledash and rendered dwellings, which are all terraced, detached, or semi-detached. There is also a mixture of dwelling sizes, varying from bungalows to three storey houses, with a small number of flats/apartments in the village as well. Dwellings are predominately two storey, and the majority of dwellings have front and rear gardens.

The village has historic value, with Front Street being lined with older houses and traditional sports facilities helping to keep the village character. There are several Grade 2 listed buildings within Whitburn, including many of the houses and structures on Front Street, the Whitburn Mill and the Parish Church. Housing within the vicinity of the site dates from the 1950s and 60s and is of a contemporary style predominantly constructed from brick and modern tiles.

Planning policy

NATIONAL POLICY: The National Planning Policy Framework (NPPF) 2021 sets out the Government’s planning policies for England. The aim of the NPPF is to help guide planning applications and encourage sustainable development. It is important to focus on all areas of sustainability in planning, which includes social, economic and environmental.

There are four key areas of the NPPF to consider whilst creating a development proposal for Lizard Lane. This includes chapters 5, 9, 11 and 13.

CHAPTER 5: Delivering a sufficient supply of homes

The revised NPPF reflects the Government’s aspirations for a successful UK economy and to boost the supply of new housing. It is acknowledged that housing is a key issue and that it is vitally important that local authorities meet their housing needs as required by national policy.

The development would require a mixture of housing to meet everyone’s needs, with a focus on family homes, first time buyers, affordable housing, and homes for the elderly. Affordable housing will be provided as per the policy requirement including a percentage of starter homes as defined by NPPF.

CHAPTER 9: Promoting sustainable transport

Whitburn already has an array of transport links, accessible by foot and/or public transport. The site is located on an existing bus route between South Shields and Sunderland and is close to other bus stops that offer links to the surrounding villages and towns. The site can help to promote walking by being on the cusp of the Cleadon Hills, it will provide access to the countryside through improved footpaths within the site. There is a need for improved access on the eastern boundary of the site because there is no footpath along this side of Lizard Lane, including where the bus stops are located. The remaining streets are well connected and there is a one-way system in the village centre to help reduce traffic congestion. The development will encourage use of electric vehicles by offering charging points within the site, reducing the use of petrol and diesel cars within the area.

CHAPTER 11: Making effective use of land

Although the site is currently in the Green Belt, Whitburn has very limited brownfield land available to develop that is considered suitable by the Strategic Land Review. The site will improve public access to the countryside, by using the development as an opportunity to connect into existing public rights of way and promoting permeability by delivering footpaths throughout the site. The creation of public open space onsite will provide new accessible, safe and green areas that could be enjoyed and used by existing and new residents. The new development would be of an appropriate density to reflect the existing settlement, whilst making efficient use of the land.

CHAPTER 13: Protecting Green Belt Land

To meet the council’s housing land requirements, the emerging South Tyneside Local Plan acknowledges that sites will need to be allocated within the Green Belt and has demonstrated exceptional circumstances to justify such an approach. In addition to the council wide housing requirement, the Whitburn Neighbourhood Plan area has a housing target of 396 new dwellings within the village. Green Belt releases will be required in Whitburn to meet the housing need identified in the emerging local plan.

The Wellands Farm (Lizard Lane) site is considered to be a suitable housing site in the Strategic Land Review and is included as a proposed housing allocation in the emerging South Tyneside Local Plan. Strong, defensible boundaries between the site and the Green Belt will be formed and improved upon along the northern and western boundaries, which will consist of hedgerows and trees. This will prevent unrestricted sprawl and further encroachment into the countryside (NPPF paragraphs 138 a & c).

LOCAL POLICY: The emerging South Tyneside Local Plan states that at least 5,778 new homes are needed across South Tyneside by 2039 and also sets a housing requirement of 396 dwellings for the Whitburn Neighbourhood Plan Area. The Local Plan requires 321 dwellings to be delivered per annum across South Tyneside, a figure which has not been met for the last 3 years.

The 2021 Housing Delivery Test states that South Tyneside only achieved 74% of its required housing delivery, meaning that there is a presumption in favour of sustainable development irrespective of whether South Tyneside can demonstrate a 5 year housing land supply. Bringing forward the Lizard Lane site will increase the housing delivery of the area and provide the much needed housing required in Whitburn.

The proposed development accords with Policy SP3 ‘to facilitate sustainable growth...in the Villages’. The sustainability of Whitburn in combination with the clear defensible boundaries around the perimeter of the site meets the general aims and vision of South Tyneside’s Local Plan – to promote sustainable development whilst retaining the Green Belt. Policy SP5 concerns the Urban and Village Sustainable Growth Areas. Supporting text to Policy SP5 states that ‘These sites are the most appropriate and suitable locations for the future expansion of the Borough’s Main Urban Area.’, providing evidence that Whitburn will be one of the best locations for development in South Tyneside.

Whitburn is designated as a Local Centre in the Local Plan, meaning it serves the needs of the local community with small scale shops and services. Whitburn is a well-served village which can accommodate new developments. The site at Lizard Lane is the most logical option for a sustainable residential development in Whitburn and should be brought forward in the Local Plan to contribute towards Whitburn’s and South Tyneside’s housing requirement.

Whitburn Neighbourhood Plan

The Whitburn Neighbourhood Plan has been drafted by the Whitburn Neighbourhood Forum with the aim of introducing new policies into Whitburn when planning for the future. This covers housing, design, ecology, green infrastructure, recreational and community facilities, drainage infrastructure, transport and air quality. There is a referendum on 4 August 2022 to decide if the Neighbourhood Plan will form part of South Tyneside’s Development Plan.

Strategic Land Review

The Strategic Land Review for South Tyneside states that the Lizard Lane site is considered potentially suitable for development. This site is the most logical to use from the Strategic Land Review because the other 5 sites that are suitable or potentially suitable in Whitburn are considerably smaller, therefore cannot deliver as much of the housing requirement. The Lizard Lane site will be crucial in helping Whitburn achieve its Local Plan housing requirement.

Site assessment

Access and Highways

Two vehicular access points are proposed from Lizard Lane with the locations identified of the indicative masterplan. Lizard Lane provides direct access to South Shields and leads to other roads that connect to Sunderland. A Transport Assessment and Travel Plan will be undertaken to promote sustainable transport opportunities. However, the village already has a good variety of public transport links. There are two bus stops on either side of the road on the eastern boundary of the site on Lizard Lane, with buses running between South Shields and Sunderland along this route. Other bus stops in the village provide access to surrounding towns and villages.

Whitburn has many footpaths throughout the village and the site would produce more footpaths to ensure great connectivity. Routes will be provided within the new development along with a new footpath along the eastern boundary of Lizard Lane to promote highway safety. The footpath at the southern boundary of the site will remain to ensure access is still available to the Cleadon Hills and further countryside.



Cultural heritage

The site is not located within or adjacent to a Conservation Area and there are no Listed Buildings or Scheduled Ancient Monuments on the site. There is a Bombing Decoy Site Control Shelter close to the site, to the west of Wellands Farm, however this is not within the site boundary. A cultural heritage and archaeological assessment will be undertaken prior to a planning application being finalised. Development of the site is not expected to affect any local or national heritage features.

Drainage and Flood Risk

The site is located within Flood Zone 1, meaning there is a low risk of flooding from river or coastal sources. Surface water drainage will be contained by a sustainable urban drainage system (SUDs) with attenuation features on site. The potential for a network of swales running along the eastern boundary of the site is also being considered to provide further betterment to water quality and volume reduction on the site. Options are also currently being investigated to see whether the site drainage proposals can provide any betterment to the existing flood issues in the wider area. The drainage proposals provide ecological and amenity benefits to the area, creating a new wetlands habitat.

Ecology

There are no tree preservation orders, national or European ecological designations on the site. Development of this site will allow for biodiversity net gain, enhancing the environmental sustainability of the area. A variety of ecological habitats would be created, incorporating the SUDs and existing vegetation, as well as further tree, hedgerow, grassland and wildflower planting.



The land is of grade 3b agricultural status, meaning the site's future development will not result in loss of high quality agricultural land.

Land contamination

There is no known ground contamination on the site. A ground investigation assessment will be carried out prior to the planning application to determine the geological characteristics and any potential contamination, or sources of contamination. The site is within a Mineral Safeguarding Area. Any sites with this status that are over one hectare need to demonstrate that the development will not result in sterilisation of any mineral resources, or the minerals are not economically viable if sterilisation takes place, and this assessment will be included within the ground investigation assessment.

Landscape

A Landscape and Visual Appraisal has been undertaken to support the site's promotion. The appraisal demonstrates that the site is well contained, does not protrude past the broad

development boundaries of Whitburn either to the north or west and would not adversely impact the landscape or Green Belt designations in the wider area. Views into and out of the site are limited to within approximately 1.2km and are localised in addition to the site being viewed within the context of existing housing from the majority of viewpoints. The effects upon the landscape character of the site and the study area would be relatively limited and highly localised.

A series of recommendations have been included within the masterplan to further reduce landscape impacts. The landscape led masterplanning approach minimises the visual effects of housing development at the site likely to be experienced by receptors within and travelling through the study area.

Only the residents immediately adjacent to the site and users of Lizard Lane and the permissive footpath to the south as they pass the site would experience substantial effects due to the close proximity of them to the development, however the sensitively designed masterplan will minimise substantial adverse effects.

Site assessment

Site viewpoints

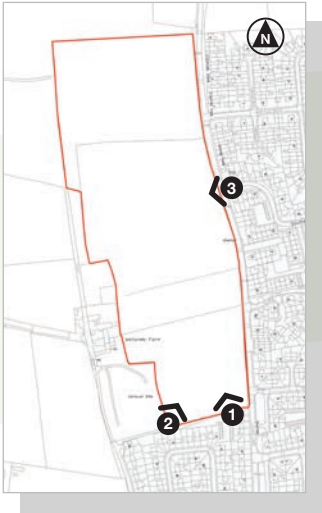
1) Southern footpath



2) South west corner of the site



3) Souter View/Lizard Lane junction looking west across the site



Sustainability and transport

Whitburn is a logical settlement for new dwellings because it has very good access to services, facilities and transport. The site is located within Whitburn’s existing village area, meaning access to all services and facilities are close by and the village centre is approximately 950 metres from the site.

SOCIAL – Transport, Facilities, Accessibility

The village has a number of convenience stores, a small number of miscellaneous shops, a doctor’s surgery, a dentist, a pharmacy, a post office, two primary schools, a secondary school, a social club, restaurants and a pub. There are also recreational services across the village, including a cricket ground, a golf club, tennis courts and bowls greens. There is a village football club, which is combined with the neighbouring village, Cleadon. The club is located in between the two villages.

All services and amenities are within walking distance of the site, however the site is also on the bus route, with two bus stops in either direction on the eastern boundary of the site on Lizard Lane. This offers public transport to those who may need it to get around the village and further afield without use of private transport.

Further access to public transport includes bus stops along the primary road in Whitburn, Mill Lane (A183). This route offers services to the neighbouring towns and villages, including Cleadon, Jarrow and Brockley Whins. Just outside of the village is the Metro line. The green line can be accessed from Seaburn or East Boldon Metro stations which are located 2.6 miles and 3.2 miles from Whitburn respectively, providing links to Sunderland, Gateshead, Newcastle upon Tyne and Newcastle International Airport directly. East Boldon Metro station also offers a park and ride scheme. Change of lines can take residents further afield, into North Tyneside or other areas of South Tyneside.

The site is also close to road links for private transport purposes. The A19 is a 15-minute drive away, allowing access across the North East and Yorkshire.

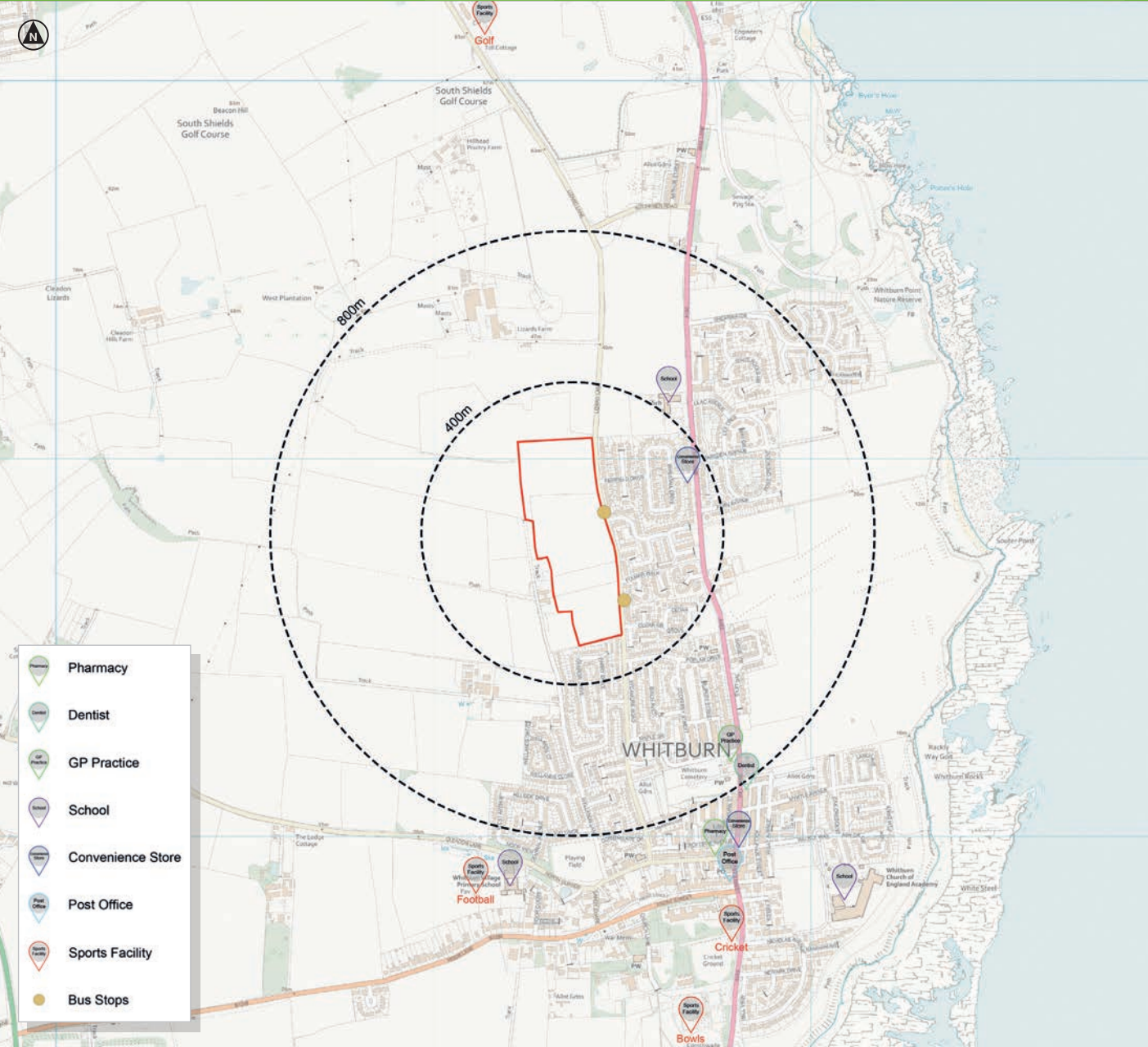


ENVIRONMENTAL – Low Carbon

The development is likely to follow the Future Homes Standard, meaning emissions of the houses will be reduced by 75-80% of the current levels. This is achieved by building houses without natural gas boilers, so they are not reliant on fossil fuels.

Alongside the removal of gas boilers, using the best building fabrics for reduced heat loss and more sustainable materials will produce homes that are of a higher environmental standard. All homes will have electric vehicle charging points, cycle parking and broadband to reduce the need to travel. Such measures will assist in helping South Tyneside to become carbon neutral by 2030, while meeting their housing needs.

Sustainability Map



Opportunities and constraints

The proposed development of the site presents several opportunities and constraints including:

Constraints

- Existing properties along Lizard Lane front onto the site from the east, with further residential units backing into the site along Farrow and Parry Drives to the south.
- Part of the western boundary is contiguous with Wellands Farm and a caravan storage site alongside to the south.
- Western and northern site boundaries will back onto the Green Belt.
- Existing stone boundaries running east west across the site denote historic field boundaries. Further elements of stone walling run north south alongside parts of Lizard Lane.
- An existing gas main and associated easement run east west through the site.
- Mid-range views from PROW to the west are available through to westerly site margins.
- Limited vegetation generally across the site.
- On-site ponding in evidence during periods of high rainfall.

Opportunities

- Development to attractively address and bring balance to current single-sided development along Lizard Lane.
- Development to form new and attractive gateway to Whitburn from the north.
- Development structure designed to frame an attractive cross-site view to Cleadon Tower.
- A new footpath along the eastern boundary of Lizard Lane will help promote highway safety.

- New woodland and tree planting particularly to the north and west shall provide clear, defensible, and robust long-term Green Belt boundaries.
- Development to site margins to generally face outwards offering consistent surveillance over proposed open space, existing or proposed streets or key pedestrian routes.
- Significant areas of open space throughout the development will help contribute to environmental and biodiversity net gain.
- Potential for key SUDs area and open space 'Tower Green' coincident with low point to centre of the site and cross-site view to Cleadon Tower.
- Potential for a softer, well landscaped easterly edge with houses set back from Lizard Lane and fronting onto the resulting area of open space, with swales forming part of the wider proposed drainage strategy.
- Existing stone walls to be retained or reinstated throughout the proposed layout wherever possible.
- Creation of attractive and highly permeable public rights of way both across the development and connecting to the existing built-up areas, bus stops (asterisks), safe routes to school and existing PROW.
- Proposed development to southern edge consistently overlooks existing permissive path.
- Opportunity for several points of safe vehicular access to Lizard Lane (roundels).
- Proposed development to comprise a mix of terraced, semi-detached, and detached properties arranged into a series of clearly defined and highly legible character areas.

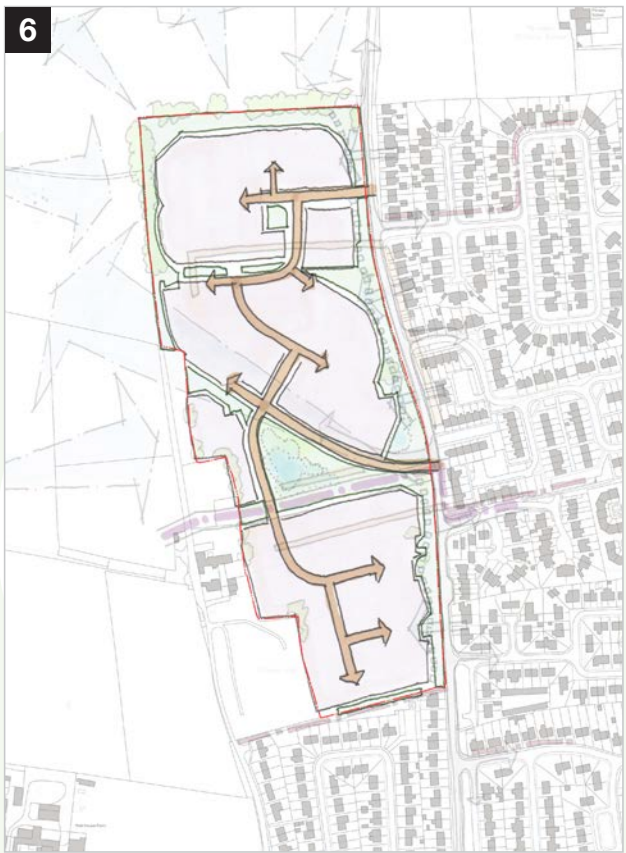
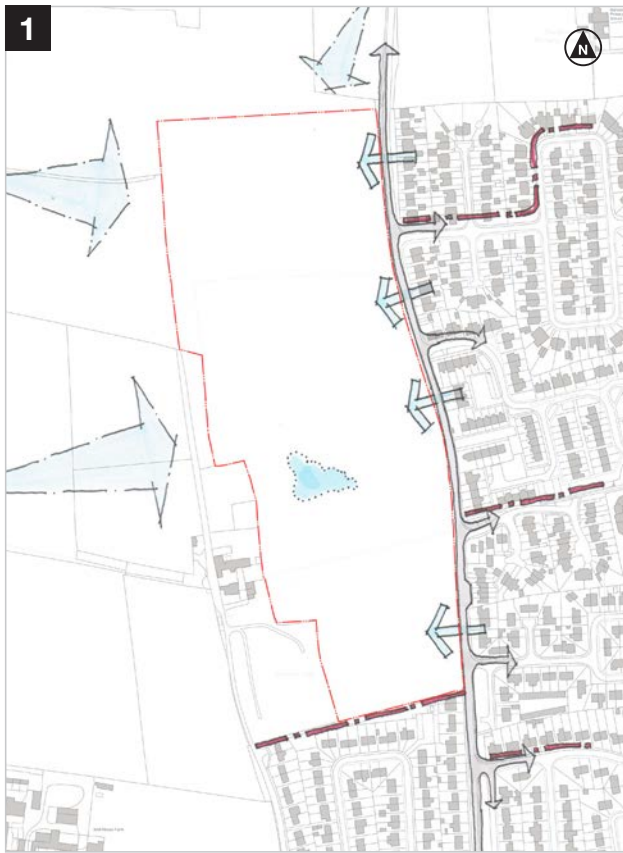
Opportunities and constraints plan



Design evolution

A series of initial sketches were prepared based around site visit findings, the local context and both known and developing constraints and opportunities. These started to explore how approaches to site masterplanning could be developed as follows:

1. Location of wider pedestrian networks, views of the site from Lizard Lane and PROW to the west, alongside the identification of site low points most suitable for sustainable urban drainage.
2. Key outward views from within the site to the surrounding landscape alongside key axial view to Cleadon Tower, the latter also acting as a driver for the placement of a central site access point. Retention of existing walls and boundaries within and alongside the site, alongside the need for strong landscaped edges and a robust Green Belt boundary to the northwest.
3. Gas main and associated easement within the site alongside opportunities for swales to Lizard Lane flowing gently towards the lowest parts of the site.
4. Constraints acting as important drivers for the placement of open space including a key central green and further landscape corridor running through the site (alongside a key vista to Cleadon Tower), and important Green Belt buffers and offsets from Lizard Lane.
5. Key roads and high-level movement frameworks.
6. Inclusion of development cells linking green infrastructure and key roads.



Development framework

Following the development of the several above mentioned design evolution sketches important principles have been established that are each included as key elements of the proposed development framework. The plan articulates how development parcels have been established, set within a logical pattern of green space, landscaping, view corridors and road infrastructure. Initial thoughts on the configuration of the development parcels are also highlighted, with frontages onto Lizard Lane, the Cleadon Tower view corridor, SUDs areas, important areas of marginal open space and new woodland planting each featured.

The framework plan demonstrates how 250 dwellings can be accommodated whilst incorporating substantial areas of open space and green infrastructure.

Key features

- Development will be defined by coherent and legible character areas with areas of greater density generally focussed around southern and central areas, then set alongside lower density areas towards the north and west of the site, this reflecting a newly established edge of settlement. All new built form shall aim to offer a new and attractive gateway to Whitburn.
- Dwellings shall comprise a well-balanced mix of housing types, tenures and sizes including affordable housing arranged into terraced, semi-detached, and detached properties that shall in turn reflect local materiality as far as possible. Most dwellings will be no higher than 2.0 stories with the potential for a small number of 2.5 or 3.0 storey units at key locations or nodes across the development.
- The masterplan has been designed to provide a high-quality public realm that is attractive and safe and encourages walking and cycling. Direct connections to public transport services have also been provided, as well as connections to existing PROW and the southerly permissive path which will be well overlooked by adjacent homes.
- Proposals also accommodate a new pedestrian footway running parallel to Lizard Lane along the entire site frontage, new routes also offering easy connectivity to Fairfield Drive (safe route to school).
- A landscape led approach has been taken to overall site design with the development framework and indicative masterplan designed in response to existing landscape features, the surrounding landscape and Green Belt context, and the gentle topography of the site.
- An important central area of open space, also accommodating a key SUDs feature will also align with a proposed view corridor running through the entirety of the site to Cleadon Tower. Proposed homes will consistently front on to these areas providing excellent levels of natural surveillance.
- Landscaping along north westerly boundaries shall mitigate visual effects and provide a clear defensible long term Green Belt boundary.

Development framework plan



Development proposals

The development proposal consists of 250 dwellings on the 9.72 hectare site at Lizard Lane. There will be a mixture of housing types, consisting of family, first time buyer and elderly housing. The development will be kept in scale and size with the current dwellings to maintain the character of the area. Affordable housing will be provided in accordance with policy requirements.

The site will have two new vehicular access points. The site will provide new footpath access along the eastern boundary, making Lizard Lane a safer place to walk when accessing the northbound bus stops. There will also be new footpaths throughout the development site, which could potentially provide more access routes to the Cleadon Hills via foot.

Green spaces will be incorporated throughout the development to soften the impacts on the Green Belt landscape that is along the northern and western boundaries and to promote the use of open space within the local area. Footpaths connecting Lizard Lane and the development will ensure the open space is accessible to everyone. Landscape buffers will be added to these boundaries to provide strong Green Belt boundaries, which will include woodland and tree planting. Ensuring a green border and open spaces throughout the development will help contribute to the environmental net gain of the site. The eastern and southern boundaries should read as an extension to the existing residential areas of the settlement, therefore will not require landscape buffers. The properties will all have rear gardens and the properties fronting onto Lizard Lane will have front gardens to provide a buffer zone between the eastern boundary along the road and the properties themselves.

The proposed development is sensitive to the character and needs of the surrounding area, ensuring it does not disturb the culture and history of the village centre, but remains within the village boundaries to avoid urban sprawl. The proposed masterplan shows there has been consideration of key views from Whitburn, such as Cleadon Tower. The development has been designed to frame the view along the main access road to ensure this view is still visible, by plotting the dwellings in a specific way. The site has two stone walls running through it, one of which will be incorporated within the proposals. Part of the eastern boundary also has a stone wall, which can be integrated as highway safety, by separating the new development from Lizard Lane.

To drain any surface water, SUDs will be incorporated into the site. This will be created through an attenuation pond within the centre of the development to reduce surface water flooding, improve water quality and provide a new habitat to enhance biodiversity in the area. This will benefit the landscape by promoting biodiversity and generate open areas, surrounded by green space. The SUDs will reduce levels of pollution being transported into the water environment, which will reduce the concerns of the locals with pollution and sewage entering the sea.

Indicative masterplan



Conclusion

The Lizard Lane site is sustainable, suitable, available and achievable for development. It meets the requirements of the emerging South Tyneside Local Plan and Whitburn itself boasts many services and facilities that would well accommodate the new residents. There are several social, economic and environmental benefits for both individuals and the village. The site is appropriate for the allocation of residential development within South Tyneside Council’s emerging Local Plan.

THE SITE IS:



Social benefits

- Affordable housing in an area where there is significant demand for such housing.
- Excellent transport links available to surrounding villages, towns and cities.
- High quality sustainable housing that meets requirements of the locals, residents and council.
- Close access to services and facilities. A significant benefit having primary and secondary schools in the village, meaning they are within walking distance for the residents of Whitburn; a feature that is rare to many villages.

Economic benefits

- Significant economic investment to the area, which has not been seen in Whitburn for a long time.

- Additional council tax for South Tyneside Council to help fund local services.
- Employment opportunities within the construction and supply period of the development.
- Boosted local economy due to an additional 250 dwellings.

Environmental benefits






- Accessible green space created within the site.
- SUDs on site which will manage surface water and create a habitat. SUDs also help to reduce pollution by holding back water to allow natural processes to break down pollutants.
- Sustainable designs including energy efficient homes.
- Well-connected footpaths to the wider environment, discouraging use of cars and promoting use of the Green Belt.





BANKSProperty
development with care

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Submitted to Fellgate Sustainable Growth Area Supplementary Planning Document: Scoping Report
Submitted on 2024-03-02 11:33:06

Have your say

1 Do you have any comments to make in relation to the Scoping Report?

Comments:

Not only would this plan damage the local ecosystem and have a severely negative impact on existing local residents, but it would also place an intolerable burden on an already overstretched road network.

The A194 is already severely congested at peak times, any increase in new homes built would increase levels of pollution which the council claim to be firmly against.

Additionally, there are a multitude of brownfield sites across the Borough which should be utilised prior to any consideration being given to the removal of protected green belt land. As far as I can see, the only restricting factor in utilising these brownfield sites is that it will be more costly to make them fit for homes. This makes it even more important that the Council takes a stand and ensures that developers use these sites prior to greenbelt in order to ensure that our green spaces are protected and previously industrial sites are cleaned up and made good.

I am firmly against any proposal made for development on the West Fellgate Farm site and feel it is the council's duty to their residents to block any developments on our behalf.

2 What is your name?

Name:
Alex Woodcock

3 What is your email address?

Email:

[REDACTED]

4 What is your organisation?

Resident of member of the general public

Organisation:

5 What is your postal address?

Address:

[REDACTED]

Response ID ANON-TJBH-TDSK-X

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-02-28 11:52:08

Chapter 1: Introduction

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

Yes

If you wish to support or object to the legal compliance or soundness of the Local Plan or with the Duty to Cooperate, please use this box to set out and explain your comments. Please be as precise as possible. As a guide, we would recommend no more than a 100 word summary of each point.:

Gateshead Council welcome the opportunity to comment on South Tyneside's draft Local Plan, and the opportunity to agree a Statement of Common Ground.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Chapter 3: Spatial Vision and Strategic Objectives

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

Yes

If you wish to support or object to the legal compliance or soundness of the Local Plan or with the Duty to Cooperate, please use this box to set out and explain your comments. Please be as precise as possible. As a guide, we would recommend no more than a 100 word summary of each point.:

Strategic Objective 1; Proposals to remove land from the Green Belt to facilitate economic/employment development in South Tyneside should be well evidenced and should not prejudice development of employment land within Gateshead.

We welcome Strategic Objective 14:

To ensure the development of a safe, sustainable transport network across the borough and beyond that prioritises public transport, cycling and walking, bridleways and the infrastructure for ultra-low emission vehicle charging, thereby improving local air quality and reducing local traffic congestion and the need to travel by private vehicle.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy SP1: Presumption in favour of Sustainable Development

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Support or Object - Sound:

Support or Object - Complies with the Duty to Cooperate:

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If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy SP3: Spatial Strategy for Sustainable Development

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

Yes

If you wish to support or object to the legal compliance or soundness of the Local Plan or with the Duty to Cooperate, please use this box to set out and explain your comments. Please be as precise as possible. As a guide, we would recommend no more than a 100 word summary of each point.:

The area to be removed from the green belt appears to include, either wholly or partially, two designated nature conservation sites (i.e. Lakeside Inn Local Wildlife Site and Calf Close Burn Local Wildlife Site), with potential impacts on Monkton Burn and Calf Close Burn and adjoining habitats.

Wildlife corridors are of cross boundary importance, connecting areas of habitat to allow species movement. Whilst indicative, the identified green infrastructure connections have the potential to result in increased recreational access and disturbance of existing ecological features including habitats and species. The route, design (including the use of appropriate boundary treatments), construction and maintenance of such connections will be crucial in mitigating impacts on biodiversity and ecological connectivity.

To ensure continued strategic cross boundary connectivity, adequate/appropriate mitigation and compensation that effectively address the direct and indirect impacts of the Fellgate Sustainable Growth Area on biodiversity and ecological connectivity should be required.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy SP8: Fellgate Sustainable Growth Area

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

Yes

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Wildlife corridors are of cross boundary importance, connecting areas of habitat to allow species movement. Whilst indicative, the identified green infrastructure connections have the potential to result in increased recreational access and disturbance of existing ecological features including habitats and species. The route, design (including the use of appropriate boundary treatments), construction and maintenance of such connections will be crucial in mitigating impacts on biodiversity and ecological connectivity.

To ensure continued strategic cross boundary connectivity, adequate/appropriate mitigation and compensation that effectively address the direct and indirect impacts of the Fellgate Sustainable Growth Area on biodiversity and ecological connectivity should be required.

Consideration should be given to the integrated water management of the River Don catchment, taking account of the River Don Vision and collaborative working within the River Don Catchment Partnership. There may be potential for further collaborative working to identify nature-based solutions to manage the cumulative impact of new development within the catchment in terms of: sustainable drainage systems, flood management, improving water quality, enhancing biodiversity and improving the watercourse environment.

Part 5iii should give greater emphasis in respect of hierarchy, with priority being given to pedestrians and cycle movements. Greater commitment should be given to enhancing access to existing local facilities and services, and incorporating convenient bus, pedestrian and cycle routes: suggest removing 'where appropriate' in both cases.

Part 5v should refer to Gateshead's network, with clarification given that significant impact on neighbouring authorities local network shall be cost effectively mitigated to an acceptable degree.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy SP14: Wardley Colliery

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

No

If you wish to support or object to the legal compliance or soundness of the Local Plan or with the Duty to Cooperate, please use this box to set out and explain your comments. Please be as precise as possible. As a guide, we would recommend no more than a 100 word summary of each point.:

Gateshead Council welcome the opportunity to comment on the policy.

We note the development proposals included within the plan - particularly the housing, including the Fellgate Sustainable Growth Area (separate comments have been provided on the relevant SPD), and employment proposals within the A185, A194, A184 and A19 corridors - particularly the policy for allocation at Wardley Colliery (SP14).

In particular relation to Wardley Colliery as a standalone proposal, officers have seen some figures relating to potential traffic generation. However, it is assumed, the figures have been based on a generic B2/B8 use extracted from TRICS, and experience with the likes of IAMP and Amazon at Follingsby would suggest the reality could be very different from this generic approach. There will be a need to fully understand network and development peaks, although appreciate this level of detail will only become available at planning application stage, which it is agreed will be subject to full, more detailed assessment.

Given this, the cumulative impact of the local plan (including Wardley Colliery) will be key to our considerations, together with the identification of mitigation at early stage.

We would wish to see the outputs of any assessments of the potential impact of development proposals on the local highway network has been undertaken - particularly on junctions at Heworth and Whitemare Pool and on routes into Gateshead.

We would also wish to see the outputs of assessment of the impacts of any proposed improvements at Whitemare Pool, which will undoubtedly result in increased traffic flows through the junction, with those flows arriving at the next downstream junction(s) (Leam Lane and Heworth), more quickly.

In addition, we would like to discuss what efforts are being made to encourage active and public transport to/from these locations, in order to minimize car-born trips to these locations reducing that impact on the highway network and widening access to the opportunities provided. we would want clarity on the short, medium and long term strategy for delivery with an understanding of commitment to deliver improvements (or part thereof) prior to developments coming on line.

Bringing these strands together, we would suggest that the provisions of Policy SP26 should extend into neighbouring authorities.

The Council would seek to be involved in discussions around the proposed new Metro stations at Mill Lane and Wardley Colliery - particularly related to access to the stations from adjacent residential areas and employment sites in Gateshead.

The Council will seek to act as a Partner to South Tyneside, as outlined in the text supporting Policy SP25, to deliver a holistic approach to improving travel in the area (ie maximising active and public transport as well as seeking increased capacity). A particular focus for Gateshead will be the Whitemare Pool Junction (A194M / A194 / A184).

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

The Council would like to reserve the right to appear at the Examination to discuss the points raised above - however, we are committed to working with South Tyneside Council to resolve this issue, and look forward to agreeing a Statement of Common Ground, which would remove the need to appear.

Policy 24: Safeguarding Land at CEMEX Jarrow Aggregates Wharf

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

Yes

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The safeguarding of Jarrow Aggregates Wharf is supported. The site is of strategic importance in supplying river sand and gravel to the wider area, which is recognised in the supporting text.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy 35: Delivering Biodiversity Net Gain

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

Yes

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The council is supportive of the inclusion of a specific policy on BNG, and welcome the opportunity to continue to work together with South Tyneside and Sunderland on ecological issues in preparing the South of Tyne and Wear LNRS.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy SP25: Infrastructure

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

No

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In particular relation to Wardley Colliery as a standalone proposal, officers have seen some figures relating to potential traffic generation. However, it is assumed, the figures have been based on a generic B2/B8 use extracted from TRICS, and experience with the likes of IAMP and Amazon at Follingsby would suggest the reality could be very different from this generic approach. There will be a need to fully understand network and development peaks, although appreciate this level of detail will only become available at planning application stage, which it is agreed will be subject to full, more detailed assessment.

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We would also wish to see the outputs of assessment of the impacts of any proposed improvements at Whitemare Pool, which will undoubtedly result in increased traffic flows through the junction, with those flows arriving at the next downstream junction(s) (Leam Lane and Heworth), more quickly.

In addition, we would like to discuss what efforts are being made to encourage active and public transport to/from these locations, in order to minimize car-born trips to these locations reducing that impact on the highway network and widening access to the opportunities provided. we would want clarity on the short, medium and long term strategy for delivery with an understanding of commitment to deliver improvements (or part thereof) prior to developments coming on line.

Bringing these strands together, we would suggest that the provisions of Policy SP26 should extend into neighbouring authorities.

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Policy SP26: Delivering Sustainable Transport

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

Yes

Support or Object - Complies with the Duty to Cooperate:

No

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In addition, we would like to discuss what efforts are being made to encourage active and public transport to/from these locations, in order to minimize car-born trips to these locations reducing that impact on the highway network and widening access to the opportunities provided. We would want clarity on the short, medium and long term strategy for delivery with an understanding of commitment to deliver improvements (or part thereof) prior to developments coming on line.

Bringing these strands together, we would suggest that the provisions of Policy SP26 should extend into neighbouring authorities.

The Council would seek to be involved in discussions around the proposed new Metro stations at Mill Lane and Wardley Colliery - particularly related to access to the stations from adjacent residential areas and employment sites in Gateshead.

The Council will seek to act as a Partner to South Tyneside, as outlined in the text supporting Policy SP25, to deliver a holistic approach to improving travel in the area (ie maximising active and public transport as well as seeking increased capacity). A particular focus for Gateshead will be the Whitemare Pool Junction (A194M / A194 / A184).

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

The Council would like to reserve the right to appear at the Examination to discuss the points raised above - however, we are committed to working with South Tyneside Council to resolve this issue, and look forward to agreeing a Statement of Common Ground, which would remove the need to appear.

Your personal details

What is your name?

Name:

Gateshead Council

What is your email address?

Email address:

[REDACTED]

Who are you responding as?

Other Organisation (please specify)

Organisation:

Gateshead Council

What is your postal address?

Address:

Civic Centre

Regent Street

Gateshead

NE8 1HH

Response ID ANON-TJBH-TD57-C

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-02 15:20:48

Policy SP2: Strategy for Sustainable Development to meet identified needs

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

If you wish to support or object to the legal compliance or soundness of the Local Plan or with the Duty to Cooperate, please use this box to set out and explain your comments. Please be as precise as possible. As a guide, we would recommend no more than a 100 word summary of each point.:

Object to 2.2 – the basis for the calculation of the number of new homes proposed is not sound or credible.

It uses out of date statistics to calculate the number of homes needed and this results in an overestimate. The number of homes proposed is based on the 2014 household projections, which have been shown to be an overestimate by the 2021 Census.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy SP3: Spatial Strategy for Sustainable Development

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

If you wish to support or object to the legal compliance or soundness of the Local Plan or with the Duty to Cooperate, please use this box to set out and explain your comments. Please be as precise as possible. As a guide, we would recommend no more than a 100 word summary of each point.:

Object to 3.2- the policy has not been positively prepared to deliver sustainable development in the East Boldon Neighbourhood Plan area.

There are currently 1,860 homes in the EBNP area and the addition of 474 new homes will bring an unsustainable level of growth which will have a detrimental impact on the local infrastructure of the area and on the distinctive character of the village.

Object to 3.4 – the policy is not justified, uses out of date evidence and exceptional circumstances case to amend the Green Belt boundary has not been made.

The issue was considered by the Independent Examiner for the East Boldon Neighbourhood Plan, who considered that it was appropriate to retain the Green Belt around the village in order to meet housing need in the plan area.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy SP7: Urban and Village Sustainable Growth Areas

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

If you wish to support or object to the legal compliance or soundness of the Local Plan or with the Duty to Cooperate, please use this box to set out and explain your comments. Please be as precise as possible. As a guide, we would recommend no more than a 100 word summary of each point.:

Object to GA2 – Land at North Farm This proposal is not justified and is not effective in delivering sustainable development. It is in conflict with the adopted East Boldon Neighbourhood Plan as it is outside the settlement boundary approved in the plan. The Green Belt Review Site Assessment for this site is not correct as it says development will only have a moderate impact. 263 new homes on the site will have a considerable impact as evidenced by the Traffic Assessment and Infrastructure development Plan.

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Policy SP16: Housing Supply and Delivery

Do you consider that the element of the Local Plan you are responding to meets the statutory tests of Legal Compliance, Soundness or Duty to Cooperate?

Support or Object - Legally Compliant:

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:

If you wish to support or object to the legal compliance or soundness of the Local Plan or with the Duty to Cooperate, please use this box to set out and explain your comments. Please be as precise as possible. As a guide, we would recommend no more than a 100 word summary of each point.:

Object to 16.2 – Provision of at least 263 homes in the EBNP area -the policy is not sound or justified. This figure does not include 202 homes given conditional approval at Cleadon Lane or 9 homes with permission at Mayflower Glass. It is not based on housing need but on an arbitrary allocation of land. The total number of new homes planned will result in 26% increase in the size of the village and as result the distinctiveness of the village will be lost. The infrastructure of the village is inappropriate for this increase in size.

GA2 Land at North Farm, Boker Lane, Boldon (263 houses)

This proposal is not justified and is not effective in delivering sustainable development. I object to this site being allocated for housing for the following reasons:

CONTRADICTION OF THE NEIGHBOURHOOD PLAN

LOSS OF VILLAGE IDENTITY

INCREASED RISK OF FLOODING

DAMAGE TO THE ENVIRONMENT

LOSS OF AGRICULTURAL LAND

OVERLOAD ON LOCAL INFRASTRUCTURE

EXTREME INCREASE IN TRAFFIC - ALREADY OVER CAPACITY

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test(s) you have identified where this relates to soundness. (Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.:

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

Your personal details

What is your name?

Name:

Miriam Hardie

What is your email address?

Email address:

[REDACTED]

Who are you responding as?

Resident or Member of the General Public

Organisation:

What is your postal address?

Address:

[REDACTED]

SOUTH TYNESIDE PUBLICATION DRAFT LOCAL PLAN 2023-2040

Nick Horsley [REDACTED]

Thu 2/22/2024 5:09 PM

To: Local Plan <Local.Plan@southtyneside.gov.uk>

📎 1 attachments (222 KB)

pnh0424 – ST.pdf;

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Dear Sir/Madam

Please find attached the MPA's comments on the current consultation.

Please do not hesitate to comeback to me if you have any questions.

We welcome further engagement on the plan process.

Yours faithfully

Nick Horsley

Director of Planning, Industrial Minerals and MPA Wales

Mineral Products Association
[REDACTED]

DDI Telephone: [REDACTED]

Mobile [REDACTED]

Office Telephone: [REDACTED]

Website: www.mineralproducts.org or www.samisa.org.uk/



Mineral Products Association



Quarries & Nature

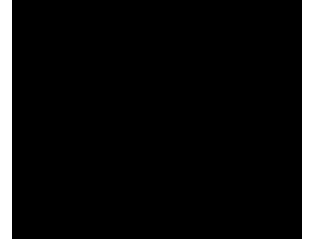
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22nd February 2024

Spatial Planning,
Development Services,
Regeneration and Environment,
South Tyneside Council,
Town Hall and Civic Offices,
Westoe Road,
South Shields,
Tyne & Wear,
NE33 2RL

Mineral Products Association



Email: local.plan@southtyneside.gov.uk

Dear Sir/Madam

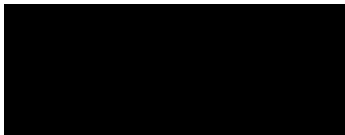
SOUTH TYNESIDE PUBLICATION DRAFT LOCAL PLAN 2023-2040

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the affiliation of British Precast, the British Association of Reinforcement (BAR), Eurobitume, MPA Northern Ireland, MPA Scotland and the British Calcium Carbonate Federation, it has a growing membership of over 530 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME quarrying companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of UK cement production, 90% of GB aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. In 2016, the industry supplied £18 billion worth of materials and services to the Economy. It is the largest supplier to the construction industry, which had annual output valued at £169 billion in 2018. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors. For more information visit: www.mineralproducts.org.

Thank you for consulting us on the above document. Mineral supply will be critical to delivering many of the objectives identified in the strategy and we feel the plan should make greater focus on the needs for mineral products to deliver the plan's aspiration, including a resource assessment and supply chain considerations.

We have provided further considerations in the table below and welcome further engagement on this matter to address the concerns.

Yours faithfully



Nick Horsley
Director of Planning

Email: 
Tel: 

Para/ Policy/ Number	Current wording	Comment	Amendment or additional information required.
2.73	The para states “ <i>The need for aggregates to facilitate development is addressed through the Local Aggregate Assessment which is prepared jointly with the 8 North East Mineral Planning Authorities (MPAs).</i> ”	Is this still the case? We believe the most recent LAA is for Tyne and Wear only covering 5 Mineral Planning Authorities, namely, Gateshead Council, Newcastle City Council, North Tyneside Council, South Tyneside Council, and Sunderland City Council. This needs to be confirmed and if correct amended. Further, our comments on the Local Aggregates Assessment highlighted our concerns that the LAA did not present a forecast of demand, but a projected supply from local sources based upon past sales.	Amend the paragraph “ <i>The need for aggregates to facilitate development is addressed through the Local Aggregate Assessment which is prepared jointly with the 8 5 North East Mineral Planning Authorities (MPAs).</i> ” In addition, the evidence base needs to properly assess the demand for resources to meet the plan’s aspirations and then consider how this demand will be met and from where.
3.1 & 3.2	The para (3.1) states “ <i>South Tyneside Vision 2023 - 2043</i> ”. Para 3.2 subsequently refers to the “ <i>South Tyneside Vision 2023 - 2040</i> ”.	It is not clear is the plan’s vision reflects the 20-year period up to 2043 or just up to 2040.	Clarify the length of the Spatial Vision and amend accordingly.
Pages 28 -30	There is one singular reference to Policy SP56	It is disappointing that the Council does not see the value of mineral provision in meeting the plan’s aspirations. The NPPF (para 215) recognises that “ <i>It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.</i> ” We note this is referred to in Para 4.14, but feel that wider vision and objectives cannot be delivered without strategic planning for minerals supply.	We suggest the council reconsiders the value of mineral supply to the delivery of housing, infrastructure, etc. and reflect the essentiality of a steady and adequate supply of raw materials to the plan’s delivery.
Policy 5	We note the requirements under subsection 3) “ <i>Major development, including proposals involving the redevelopment of existing floorspace, shall include a</i> ”	We have long supported the need for major developments to include a resource assessment and supply chain considerations, which examine the nature of the mineral products and their sources to be used in	Consider the wider need for raw materials to deliver on the plan’s aspirations by including a raw material supply assessment and supply chain audit in the plan’s evidence base.

Para/ Policy/ Number	Current wording	Comment	Amendment or additional information required.
	<p><i>Sustainability Statement outlining their approach to the following issues:</i></p> <ul style="list-style-type: none"> <i>i. adaptation to climate change</i> <i>ii. carbon reduction</i> <i>iii. water management</i> <i>iv. site waste management</i> <i>v. use of materials.</i> 	<p>major developments. We would go further and suggest that this should be addressed at the local plan stage to ensure the sustainable supply of raw materials to deliver on aspirations and not just assume supply.</p>	<p>For minerals, this does not simply rely on past sales as is the case in the current LAA, but needs to look at projected consumption and supply.</p> <p>Greater clarity is needed as to what this subsection requires.</p>
Policy SP17:	<p>Strategic Economic Development - Subsection 2 states “Supporting the Port of Tyne as a key economic asset for the borough and the region”</p>	<p>It is not clear if reference to the “Port of Tyne” includes the Jarrow Wharf where essential aggregates are landed to help serve the local demand. There is a specific policy for the Jarrow Wharf which is referenced below. There are, however, additional facilities for mineral’s infrastructure within the Port of Tyne which must also be appropriately safeguarded from development which may constraint and sterilise future activities.</p>	<p>Reassurance is sought that the “Agent of Change” principle will apply to the existing minerals infrastructure facilities in the Port of Tyne.</p>
Policy SP19:	<p>Provision of Land for Port and River-Related Development</p>	<p>As referenced above, the Jarrow Wharf and Port of Tyne, where essential aggregates are landed to help serve the local demand, must be appropriately safeguarded from development which may constraint and sterilise future activities.</p>	<p>Reassurance is sought that the “Agent of Change” principle will apply to the existing facilities and any development proposed will be compatible with existing land-uses, including the function and operation of the marine wharves.</p>
Policy 24	<p>Safeguarding land at CEMEX Jarrow Aggregates Wharf</p>	<p>The wording of the proposed policy is supported with the “Agent of change” principle applicable</p>	<p>We support the proposed policy</p>
Policy 25	<p>Leisure and Tourism</p>	<p>We seek reassurance that any proposed leisure and tourism development would not constrain or restrict existing activities on neighbouring sites. We feel</p>	<p>The policy should reference the “Agent of change” principle which would ensure neighbouring operational activities</p>

Para/ Policy/ Number	Current wording	Comment	Amendment or additional information required.
		the wording of the policy should reflect the “Agent of change” principle, with any mitigation measures required, contained within the site allocation and not the existing and adjacent land uses.	are not conflicted or constrained.
Policy 46	Heritage At Risk	We support the principle of the policy. However, it is unclear how local vernacular will be maintained as the plan is silent on the use of appropriate materials. The NPPF requires LPAs to <i>“consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites”</i>	We suggest the plan needs to clarify how it will meet the demand for the extraction of building stone needed for the repair of heritage assets.
Pages 150 - 159	Transport Infrastructure &	As referenced in Policy 5 above, proposals for major developments should include a resource assessment and supply chain considerations, which examine the nature of the mineral products and their sources to be used in major development. We would go further that this should be addressed at the local plan stage to ensure the sustainable supply of raw materials to deliver on aspirations and not just assume supply.	Consider the wider need for raw materials to deliver on the plan’s infrastructure by including a raw material resource assessment and supply chain audit in the plan’s evidence base. For minerals, this should not simply rely on past sales as in the current draft LAA, but needs to look at projected consumption and supply for the infrastructure proposals outlined.
Policy 56	Minerals Safeguarding The Council will continue to work with the wider North East authorities to ensure that there are appropriate land-banks for the supply of minerals in the region.	The title of the policy suggests this is a minerals safeguarding policy, however, the first paragraph refers to minerals provision, albeit this is fairly limited, falling short of the requirement to make provision for and maintain landbanks throughout the plan period. We suggest that either the title of the policy is changed	Create two separate policies. One policy should focus on minerals provision, clearly stating the need to maintain the respective landbanks of at least 7 years and at least 10 years of S&G and Crushed Rock, where this can be achieved. This should also reflect the

Para/ Policy/ Number	Current wording	Comment	Amendment or additional information required.
		<p>to Minerals Provision and Safeguarding, or a fresh approach is taken and the policy is split in to two separate policies. The first policy should make provision for a steady and adequate supply of minerals with a commitment to maintaining the landbank requirements stated in the NPPF.</p> <p>The second policy should focus on the safeguarding of mineral resources, minerals infrastructure and facilitate prior extraction.</p>	<p>provision of building stone for the repair of heritage assets (see above comments on this matter).</p> <p>The second policy should focus on the safeguarding of mineral resources, minerals infrastructure and facilitate the support and delivery of prior extraction.</p>
Policy 56 & Para 15.14	The second paragraph states “ <i>Mineral resources and related infrastructure, as defined on the Policies Map, will be managed and safeguarded from non-mineral related development.</i> ”	The policies map is very over crowded and it is difficult to highlight Minerals Safeguarding Areas.	Provide greater clarity on the Policies Map.

Submitted to Fellgate Sustainable Growth Area Supplementary Planning Document: Scoping Report
Submitted on 2024-02-28 11:32:58

Have your say

1 Do you have any comments to make in relation to the Scoping Report?

Comments:

I am highly against this expansion.
It is not necessary or needed and will cause destruction to our green spaces.
The local infrastructure will be unable to cope as traffic is bad enough as it is, without another 1200 homes.
The local farmer will be without his business as he is getting kicked off his land.
Pollution will increase massively which will affect local wildlife.

2 What is your name?

Name:
Chris Mills

3 What is your email address?

Email:

4 What is your organisation?

Resident or member of the general public

Organisation:

5 What is your postal address?

Address:

Regulation 19 Local Plan Consultation Representation

Valerie Harvey [REDACTED]

Sun 3/3/2024 10:09 AM

To: Local Plan <Local.Plan@southtyneside.gov.uk>

Cc: [REDACTED]

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Regulation 19 Local Plan Consultation Representation

Paragraph Local Plan

Policy SP8 Fellgate Sustainable Growth Area

I refer to the above which I believe to be neither compliant with duty to cooperate, sound or legally compliant.

New Homes Requirement

The paragraph numbered 4.35 (page 37) states "Land South of Fellgate offers a unique opportunity to deliver a new sustainable community. It will be well designed and provide an attractive and desirable place to live. Development of the area will respond to the site's spatial context and incorporate all the necessary components to achieve a healthy, liveable, and vibrant new community". The objectives set out in this are only an opportunity, which will take many years to come to fruition and where there are no guarantees that the "opportunity" can be achieved.

The basis of the design and calculations on the sustainable community with shops, a primary school and GP practice is NOT SOUND or actually credible. Many of the statistics used to calculate the number of homes required to be built in South Tyneside are out of date and this has resulted in numbers being over estimated, there is actually a declining population. The number of homes proposed appear to have been based on the 2014 household projections, these have been shown to be an overestimate according to the 2021 Census.

Requirement Connected to New Jobs

In evidence document LSH 2 Employment Area Assessment.xlsx it provides a picture where the 46 Employment sites within South Tyneside are categorised as: 13 good, 13 Average & 20 Poor. In addition the International Advanced Manufacturing Park (IAMP 1 & IAMP 2) are categorised as None: The IAMP buildings are within Sunderland Local Authority boundaries, though the Northern ends of Phase 1 will extend into South Tyneside. It could be argued that "Employment Areas" are at an all-time low, with buildings vacant or retained for employment. Due to the change of employment in the UK to a service based economy, many of the industrial estates operate with low numbers of personnel.

The basis for Fellgate development hinges on the development and completion of the International Advanced Manufacturing Park and the anticipated need for housing of the personnel who will work on the site. According to the IAMP web site & documentation only 3 buildings have been developed and are in use covering 623,000 sqft out of a potential 4 million sqft availability situated in the 245 Acres of land, this was green belt that has already been lost.

At this point there are many plots not allocated, nor are there signs of additional significant building works; as stated in document LSH 2 Employment Area Assessment. Phase 1 "Some infrastructure completed. Phase 2 "Requires Infrastructure", the overall number of totally new jobs created and therefore needing housing could be questioned and the new SNOF factory on the site only

created an additional 100 roles, and the people working in existing businesses presumably have homes! The first completed building which is recorded as "The Innovation Centre" completed in 2019 remains empty having been used for CV-19 purposes and as a result the planned tenant took a site across the road next to Nissan., again it is safe to say these workers are already have homes.

As South Tyneside Council are a partner in the IMAP venture one can only assume that the building of homes on the land south of Fellgate may attract business to the Fellgate area. This cannot be proven and there is no evidence of (IAMP) being achievable within the timescales of South Tyneside's Local Plan. As previously noted the IAMP is within Sunderland local authority area, no evidence can be found on any direct public transport links from Fellgate to the IAMP site. until this is assessed and documented, it has to be assumed that anyone living in the proposed new homes and who may work at IAMP would use their own transport, likely to be a car. This being the case then the assumption is not recorded in the evidence provided in the Local Plan Policy 51 Traffic Assessment.

Based on this analysis SP8 is NOT sound

Sustainable Development

On page 48 and 49, in column Policy SP8: Fellgate Sustainable Growth Area, item 5 it talks about the things that the Development of this new sustainable community shall deliver"

•

Under the objectives of Policy SP8, it states "To ensure that there are sufficient new dwellings to meet the needs of the borough's population"

As proposed the 1,200 new homes will be built on the land south of Fellgate. In addition there are 127 houses being built west of the A184 (adjacent to Luke's Lane) this will bring an unsustainable level of growth which will have a significant detrimental impact on the local infrastructure and road network (discussed below and addressed in Policy 51). How will sustainable transport services be provided to town centres, stimulating economic growth?

In document Green Belt: Exceptional Circumstances (2024) paragraph 3.2 it states "Before concluding exceptional circumstances to justify making changes to the Green Belt, the NPPF at paragraph 141 requires that all other reasonable options for meeting the identified needs for development have been examined fully. Any exceptional circumstances will be assessed through the examination of the Plan and consider whether it:

•

Makes as much use as possible of suitable brownfield sites and underutilised land.

From the documenting evidence, this section is NOT Sound, as there are many brownfield and underutilised land sites that have been excluded from the plan, for reasons that have not been fully justified.

In a Statement made on 19 December 2023 by Michael Gove Secretary of State for Levelling Up, Housing and Communities, and Minister for Intergovernmental Relations stated:

- "This Government is committed to protecting the Green Belt"
- "Planning policy already includes strong protections to safeguard Green Belt for future generations"
- "The Green Belt is vital for preventing urban sprawl and encroachment on valued countryside"
- "England's cities are already less dense than those of most of our European neighbours"
- "That is environmentally wasteful and economically inefficient"
- "We seek to support the gentle densification of urban areas in preference to the erosion of Green Belt land"
- **"That is why the Government is ensuring it is clear there is generally no requirement on local authorities to review or alter Green Belt boundaries if this would be the only way to meet housing need"**
- "Where a relevant local planning authority chooses to conduct a review, existing national policy will continue to expect that Green Belt boundaries are only altered where exceptional circumstances are fully evidenced and justified, and this should only be through the preparation or updating of plans"
- "The Government is making no changes to the rules that govern what can and cannot be built on land that is Green Belt"
- "We are clarifying in guidance where brownfield development in the Green Belt can occur provided the openness of Green Belt is not harmed"

These statements overall protect Green Belt Land. It can be determined that that the statement: "The Government is ensuring it is clear there is generally no requirement on local authorities to review or alter Green Belt boundaries if this would be the only way to

meet housing need" means that there is no targets or requirements on South Tyneside to review or alter Green Belt Boundaries.

Based on this analysis and the statement from the government SP8 is NOT Sound.

Transport Infrastructure

In section iv and v, it talks about "Deliver vehicular access roads" and that "there are no unacceptable impacts on highway safety". The evidence and links to the "Local Plan Policy 51 Traffic Assessment" Stated:

- "that the calculated number of extra trips would be 100" based on this number road improvements have been completed.
- However, further investigations of additional Traffic Assessment have suggested that this figure would be closer to 312 (am) 335(pm).

The Department for Transport statistics document NTS9902a Household car availability by region (North East) for 2022 states:

- No car or van 28%
- One car or van 39%
- Two cars or vans 33%

Therefore, can we conclude from these figures that the minimum estimated number of cars or vans for the 1,327 home in the local area would be 955? Consequently, the number of trips to and from the area is anticipated to exceed the initial 100 trips recorded in the first survey and to increase significantly in subsequent investigations. This in turn does not account for any non-resident trips, such as deliveries of mail order shopping and food, much of which has increased wholly as a result of the CV-19 pandemic. As a result, sections IV and V are deemed unsound and may not meet legal compliance.

Therefore, sections iv and v. are NOT SOUND and could NOT be Legally compliant.

Based on this analysis SP8 is NOT Sound.

Habitat & Biodiversity

In section Viii it talks about "Avoid and mitigate the impact of the development on biodiversity, wildlife corridors and ecological designations". Land south of Fellgate is a Green Belt land and in previous assessments such as the councils report "Planning the Future of South Tyneside South Tyneside Strategic Land Review Study Methodology and Results January 2018 (SLR) Ref FG16 with additional evidence in document SF072, it stated

•

The site is a Green Belt.

- It is a habitat creation zone;
- it is a wildlife Corridor and;
- a Local wildlife site.

The study recommends that the linear links between sites of habitat value should be created and promoted, the area is of open aspect and views should be retained. It is considered that developing the site would have a HIGH impact on the landscape & significant mitigation would be required to change this recommendation.

The impact analysis asks "would development on this site impact upon the 5 purposes of the Green belt: the document stated:

- Check unrestricted sprawl of the built-up- area? Result Impact
- Safeguard borough countryside from encroachment? Result Impact
- Prevent merging of south Tyneside with Sunderland, Washington, or Gateshead? Result Impact
- Preserve the special and separate characteristics of the Urban Fringe village? Result No Impact
- Assist in the regeneration of the urban area? Result No Impact

Overall Score: High Impact - Significant mitigation required. Note this assessment assumes that of there is a need to allocate green belt sites for development, then this would be undertaken through the local plan process in a manner that would NOT be contrary to the regeneration of the urban area.

Based on this assessment the current Proposal NOT Sound.

With regard to Biodiversity, the site is classed as category 2, this references:

- A wildlife site,
- Geodiversity site,
- near to a Great Crested Newt Pond,
- A wildlife corridor.
- Protected / DBAP species or inhabitants on the site?
- Lowland Fen Habitats

The site comprises the entire width of a wildlife corridor and includes part of the Calf Close Burn Local Wildlife Site. This is a linear site following the course of a small burn as it flows North across agricultural land and has the largest long-standing seedbed in the borough - See Local Wildlife and Geodiversity Appendices (2010)

Recent ecology studies for this broad area in support of the International Advanced Manufacturing Park have identified that there are Potential Great Crested Newt habitats within 500m of the site, and that there is a barn owl habitat on site. It is considered that developing the site would have high impact as it is of a large scale within a wildlife corridor, and the development would impact upon the connectivity of habitats.

Based on this assessment the current Proposal NOT Sound.

Flood Risk

On page 7 of the Policy SP8: Fellgate Sustainable Growth Area, ix refers to the urban drainage systems.

Historically Fellgate are has been prone to flooding, work was undertaken to install sustainable urban drainage systems (SuDS). This £21million project-built systems to alleviate future flooding, in part this has been successful, although parts of Durham Drive still have localised floods from heavy rain.

The proposals to incorporate new, appropriately designed SuDS state that "Any surface water should discharge into Monkton Burn and Calf Close Burn". Whilst the evidence provides a view that these systems will be successful, however there is little clarity that Monkton Burn and Calf Close Burn will cope with the water discharge from the proposed 1,200 homes. They have struggled to cope recently with the weather we have experienced ion February!

Whilst no figures can be found that would estimate the amount of water entering these burns,it can be assumed that there will be a significant is a risk of surface water flooding from these burns, if not in the immediate area, but further downstream where that land is near sea level. Following recent rains, the burns have overflowed near the culverts on Fellgate estate and covering footpaths near Primrose Nature Reserve.

No evidence can be found on the impact on the biodiversity, the wildlife, the Great Crested Newt Pond, and Wildlife corridor which traverse these burns. This in its self will have a negative effect towards the climate change objectives already stated by the council.

Based on this assessment the current Proposal NOT Sound and may be illegal.

Communication

I have attended community meetings on the subject of the local plan and as such find the council, via its planning department, have been seriously lacking in its communication with residents around the plan, to the point of being almost misleading.

Documents have not been made available on request at council offices despite claims to the contrary. Access to the "Have Your Say" platform has been intermittent to say the least, via local hubs for residents without computers. Also not everyone is competent or indeed confident using IT and paper copies have NOT been made available - this is hardly inclusive. Representatives at meetings have been ill informed and unable (or unwilling) to answer questions, even to the point of stating they were not aware of flooding problems historically on Fellgate!

Despite the issues of missing documents/forms & IT systems not working properly, being reported to and accepted by the council on several occasions, the council refused to extend the deadline for submissions on this matter. This i feel will lead to some residents not being able to respond to the "Have your Say" process - is this deliberate?

Overall my view is that the plan is NOT compliant with the Councils duty to cooperate, NOR is it sound or legally compliant

Valerie Harvey

[REDACTED]

Resident in the area.

[REDACTED]

Submitted to Habitat Regulations Assessment 2024
Submitted on 2024-03-02 19:18:02

Introduction

1 Do you have any comments relation to the HRA?

Comments:

Habitat

In 2016 South Tyneside Council deemed the Greenbelt land to the South of Fellgate as not suitable for development. What has changed? The not the land or activities that happen on it are exactly the same as in 2016

The council now seem happy with the loss of greenbelt and the damage to wildlife in the area, from personal experience these include farmland birds (barn owls, wood pigeons, collared doves, kestrel, yellow hammer and red kites). Other wildlife such as foxes, rabbits, voles, squirrels are present on the land.

Furthermore, while the development is taking place it will add to air and noise pollution and eventually light pollution once a development is completed.

I have detailed below specific reasons from the 2016 report that concluded the Greenbelt was marked RED and not identified for development.

Key Designations / allocation of the land

- Green Belt / Great North Forest / Habitat Creation Zone / Wildlife Corridor / Linked Open Space System / Local Wildlife Site / Mineral Safeguarding Area / Coal Authority Resource and Standing Advice

Adjacent Designations /Allocations:

- Green Belt / Great North Forest / Wildlife Corridor / Strategic Trunk Network / Listed Building / Important Archaeological Site / Predominantly Industrial Area / A19 Testos Junction improvements

Greenbelt (High Impact)

- It is considered that developing this site would have a high impact upon the green belt in an important and sensitive location between Gateshead and South Tyneside.
- Development would protrude past established green belt boundaries and significantly reduce separation. Significant mitigation required where appropriate.
- Residential/Economic development would reduce the current 1380m separation distance between Fellgate and the borough boundary with Gateshead by 910m (66%) and distance between Boldon Colliery and the boundary by 72%.
- Would development on this site impact upon the five purposes of the Green Belt?
 - o Yes - Check unrestricted sprawl of the built-up area?
 - o Yes - Safeguard Borough Countryside from Encroachment.
 - o Yes - Prevent merging of South Tyneside with Sunderland, Washington or Gateshead?

Landscape & Townscape (High Impact)

The Landscape Character Study (2012) identifies the site within the Boldon Fell landscape area which is considered predominantly open with long range views.

The study recommends that linear links between sites of habitat value should be created and promoted, and the areas open aspect and views should be retained.

The site is within a wide-open space corridor which provides wide ranging views of the surrounding landscape and countryside. It is considered that developing this site would have a high impact and significant mitigation would be required. The land is Grade 2 or 3A agricultural Land.

Biodiversity (high Impact)

The site comprises the entire width of a wildlife corridor and includes part of the Calf Close Burn Local Wildlife Site. This is a linear site following the course of a small burn as it flows north across agricultural land and has the largest long-standing reedbed in the borough - see Local Wildlife and Geodiversity Sites Technical Appendices (2010).

Recent ecology studies for this broad area in support of a potential international Advanced Manufacturing Park have identified that there are potential Great Crested

Newt habitats within 500m of this site, and there is barn owl habitat onsite. It is considered that developing the site would have a high impact as it is of large scale within a wildlife corridor. Significant mitigation would be required.

- Local Wildlife Site (LWS)
- Great Crested Newt Pond (+500m buffer)
- Wildlife Corridor

Infrastructure & Services (High Impact)

The site is isolated from local shopping services, has good access to open space green infrastructure but is lacking in playing pitch, allotments and children's play area provision.

It is also adjacent to bus stops on the strategic route and trunk network. Local education and community capacity is lacking. It is considered that the site would have a high impact in regard to capacity of and access to infrastructure and services.

It is isolated from services and is of a scale that would put significant pressure on local capacity such as green infrastructure and education and community facilities.

Significant infrastructure investment and mitigation would be required due to the scale of potential development.

Suitability and Conclusion

The 2016 report stated, "It is not considered that the site is suitable for development due to the site's overall likely high impacts on green belt, landscape, biodiversity and green Infrastructure, in addition to likely significant pressure on infrastructure capacity".

What then has changed since 2016?

Where will the funding for infrastructure changes come from?

Access via Mill Lane roundabout where the traffic is already above capacity at peak periods, despite road improvements due to increased housing in Hebburn. More of which is already at the building stage

Proposed access off Durham Drive will increase traffic to the A194 also on Fellgate Avenue, Hedworth Lane & the A19 which is again very heavy now at peak periods. You also need to consider additional delivery and service traffic, not just the 2 car residents' use.

Can Section 106 policy really mitigate the harm to the habitat and feeding grounds for wildlife especially farmland birds?

Wildlife has already been displaced to this green belt land from the IAMP site, where would they go next? This will no doubt lead to the loss of many farmland birds in our borough.

Net gain in Biodiversity legislation needs to be met, this is unfettered land. How are South Tyneside Council going to do that given the size and scale of Green Belt loss proposed? Where else in the borough can biodiversity be increased on this scale?

This is a working farm one of the few left in the borough which has been farmed by the same family for 5 generations. The council is stripping them of their career, livelihood and future, you cannot just move along and get another farm!

It is inconceivable that a School, GP Practice and shops going to be created, funded, staffed. When exactly would this happen? Are these to be developed first and left empty until sufficient houses are built?

Lastly the planners attending meetings incredibly were oblivious to any flooding issues (or so they claimed) they obviously don't live nearby, but maybe could have done some research. The proposal to dump rainwater from houses into two small burns and make it the flooding issue of Mill Dene and other areas further downstream including a wildlife reserve is ill thought, and very possibly irresponsible. Given the change in climate to wetter weather with higher downpours and the flash floods seen recently, the existing infrastructure cannot cope now, let alone after another 1200 houses.

Will the council be guaranteeing the flood avoidance proposals will work, so that residents have a claim when it doesn't?

2 What is your name?

Name:

Valerie Harvey

3 What is your email address?

Email:

[REDACTED]

4 What is your postal address?

Address:

[REDACTED]

5 What is your organisation?

Myself


LP1334 - Keep Boldon Green

South Tyneside Publication Draft Regulation 19 Local Plan - Community Action Group Keep Boldon Green's (KBG) response

Keep Boldon Green [REDACTED]

Sun 3/3/2024 9:56 PM

To: Local Plan <Local.Plan@southtyneside.gov.uk>

 2 attachments (115 KB)

Draft EBNF Local Plan response form V7.docx; Appendix 1 Infrastructure response v8.docx;

***** WARNING** - This message has originated from outside the Council. Do not provide any login or password details if requested. Do not click on any links or attachments unless you are sure that the content is safe. If you are unsure about this email or its content forward it to: email.quarantine@southtyneside.gov.uk, **clearly stating your concerns in the email** ***

Dear Sir or Madam,

In compliance with the deadline and in response to the above, Keep Boldon Green as a Community Action Group continue to make strong representations on behalf of the residents affected. By way of background as the planning department and local councillors are fully aware, Keep Boldon Green has played a significant and prominent role in this process since it started in 2016. It would be accurate to say that Keep Boldon Green has had a huge impact since the start of the campaign to prevent the unnecessary building of houses on the greenbelt and the support they have had from the community has been consistent, extremely high in numbers and overwhelming. We trust that all emails exchanged between ourselves and all documents we have disclosed to yourselves since 2016 will be put in front of the Examiner.

To start with, we completely agree with East Boldon Forum's representations and we annexe them to this email to highlight that we endorse their objections and put them forward and use them as part of our own. There is no need to repeat our objections when they have already been very well represented by East Boldon Forum. Please see the annexed documents in support to be read in conjunction with this email.

By way of background, we assert that the local plan and/or any proposals made by the local planning department have always been highly flawed, deficient in substance and accuracy and continue to be so. The research carried out over the last 8 years has lacked rigour and sufficient evidence in support and we expect the planning department representatives to be able to provide a more detailed and substantive response at the final examination. Repeated failings in the process can be seen in our analysis of the process foisted upon the community since 2016.

In July 2016 there was a Strategic Land Review. KBG presented 1133 signed copy documents endorsing and supporting a very detailed community response document presented to the local planning department. There was a huge response from the local community who had a voice by working together with KBG to put forward a robust and united approach to protect our very special locality and the richness of the nature, wildlife areas and buildings of historic interest that can never be replaced if crushed by a mass of concrete sprawl.

In February 2018 an updated SLR was released and as expected, there was still a threat of unnecessary housing but there were slightly different sites put forward. The only similarity in the Council's plan was that the process was still fundamentally flawed.

In October 2019, to show the strength of feeling of the community and their continuing ability to keep challenging the defective proposal the Council were attempting to foist upon us, again, a legal challenge was submitted after the community crowdfund to achieve £10,000 and we reached the target in a mere 4 days.

In March 2021 the Local Plan was withdrawn because the legal challenge had very clearly highlighted the inadequacies within the Council's processes to mean that their plan was still unworkable and unsound. The Councillors reported back that they would be going right back to the drawing board and starting completely from scratch and made assurances to the public that there was brownfield land located in and around South Shields centre that was suitable. Tilsheds flyover was also paused due to their defective planning.

To reinforce the strength of the will of the local people to protect the greenbelt, in October 2021 the Neighbourhood Forum was successful in a referendum with an astounding and impressive 95.1% of the vote.

In August 2022, a New draft local plan regulation 18 was released which inexplicably and audaciously ignored the neighbourhood forum which is legally binding and reinforced once again the erroneous practices within South Tyneside Council.

In January 2024, the Consultation on regulation 19 opens and a renamed site GA2 is put forward which is the reimagined Boker Lane site that has popped back up from the previously defunct plan. To the community, it is clear that the repeated failings continue.

In summary:

- There has been a repeated failure to deliver a sustainable development.
- There has been a significant and repeated failure to take local circumstances into consideration which is at odds with paragraphs 8 and 9 of planning policy.
- There has been a repeated failure to clarify the actual number of new homes within the Neighbourhood Plan area.
- There has been a repeated failure to positively prepare a sound assessment of the need for 474 homes and the necessary services and infrastructure. Due to the bespoke and historic nature of the proposed area, infrastructure is particularly difficult, arguably impossible to mitigate due to a very real 'bottle neck' effect of heavy traffic daily.
- A repeated failure to show evidence of a robust assessment of possible alternative Brownfield sites.
- A significant failure is also repeatedly ignoring or omitting to adhere to a duty to comply and co-operate under the Localism Act. More particularly, a failure to co-operate with neighbours such as Sunderland where there is prolific building taking place a stone's throw away coupled with empty buildings ripe for conversion to residential dwellings. Could they meet our housing needs? This has been regularly raised with the council and ignored. We have requested information on the assessment that has not been forthcoming and we expect this to be disclosed to the Examiner. As can be seen in the document 'Communities and Local Government – A plain English Guide to the Localism Act' we must remind ourselves of the following:

The overall effect of the Act

Taken together, the measures in the Act mean:

New freedoms and flexibilities for local government

The Act: gives local authorities everywhere the formal legal ability and greater confidence to get on with the job of responding to what local people want

cuts red tape to enable councillors everywhere to play a full and active part in local life without fear of legal challenge

encourages a new generation of powerful leaders with the potential to raise the profile of English cities, strengthen local democracy and boost economic growth

enables ministers to transfer functions to public authorities in cities in order to harness their potential to drive growth and prosperity

reforms the governance of London so that more power lies in the hands of elected representatives who are democratically accountable to London's citizens

New rights and powers for local communities

The Act: makes it easier for local people to take over the amenities they love and keep them part of local life

ensures that local social enterprises, volunteers and community groups with a bright idea for improving local services get a chance to change how things are done

enables local residents to call local authorities to account for the careful management of taxpayers' money

Reform to make the planning system clearer, more democratic and more effective

The Act: places significantly more influence in the hands of local people over issues that make a big difference to their lives

provides appropriate support and recognition to communities who welcome new development

reduces red tape, making it easier for authorities to get on with the job of working with local people to draw up a vision for their area's future

reinforces the democratic nature of the planning system – passing power from bodies not directly answerable to the public, to democratically accountable ministers

Reform to ensure that decisions about housing are taken locally

The Act: enables local authorities to make their own decisions to adapt housing provision to local needs, and make the system fairer and more effective

gives local authorities more control over the funding of social housing, helping them to plan for the long term

gives people who live in social housing new ways of holding their landlords to account, and make it easier for them to move

This is, in sum, an Act with the potential to effect a significant change in national life, passing power to a local level, creating space for local authorities to lead and innovate, and giving people the opportunity to take control of decisions that matter to them.

Together with other, wider Government reforms, putting the Act into practice will represent a major milestone towards the transfer of power and control set out in the coalition agreement.

You can find updates about various consultations and guidance about the use of the powers in the Localism Act and about the Department for Communities and Local Government's wider work, at the address below:

<http://www.communities.gov.uk/corporate/whatsnew>

At no point have the Council proven and/or established the need to go into the Greenbelt. The exceptional circumstances have not been met and there has not been a robust appraisal of alternative sites.

We would be grateful if you would take all comments on board and we request that two members of Keep Boldon Green be able to make representations to the Examiner. Should you need the full names of the two representatives, please confirm as soon as possible and they will be disclosed to you.

Kind regards,

Keep Boldon Green

East Boldon Neighbourhood Forum - Regulation 19 Local Plan Consultation Representation Form

Note: The response below is set out in the order of the Chapters as they appear in the Council's Regulation 19 draft Local Plan. However, our main objection concerns the 263 houses proposed to be built on the North Farm site (adjacent to Boker Lane). As well as being outside the settlement boundary, they are in addition to the 211 planned at Cleadon Lane and Mayflower Glass, placing an unsustainable strain on the services and infrastructure of East Boldon. Full details of our objection are set out below under Chapter 5 – Strategic Allocations.

Chapter/Policy/page number	Compliance with Statutory Tests	Details of Representation and proposed modifications
Chapter 3- Spatial Vision and Strategic Objectives		
<p>Strategic Objective 5, Delivering a mix of homes: (page 28),</p> <p>Also Chapter 4: Policy SP2 Strategy for Sustainable Development to Meet Identified Need, (page 31)</p>	Policy Not Sound	<p>Details of Representation:</p> <p>EBNF believe Objective 5 and policy SP2 have not been met with regard to the needs of older people for the: Urban and Village Sustainable Growth Area (and others), and the plan is therefore not sound and does not comply with NPPF and guidance.</p> <p>Planning Practice Guidance (Do plans need to allocate sites for specialist housing for older people) states that <i>'It is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. Adding, 'This may be appropriate where there is an identified unmet need for specialist housing'.</i></p> <p>The Strategic Housing Market Assessment in table 5.4 sets out an assessment of need for different types of older persons accommodation. In total it recognises a projected shortfall of 3,361 units across all classes of accommodation for the elderly by 2040. With regard to category C3, those with a lesser need for support, the table identifies a current shortfall of 470 units rising to 1803 units by 2040.</p> <p>While the local plan is positively written in trying to secure accessible standards in the housing that is proposed (Policy 20), this is not the same as providing the housing mix that</p>

		<p>will suit older people. Without a policy that will actively require developers to consider the provision of accommodation for the elderly from the outset, it is unlikely that the local plan will deliver the housing mix that is required and is identified in its evidence base. This is especially the case because as the plan recognises in 8.47 “.....<i>most of the development within the Plan period will be carried out by private developers</i>”, as is the case with the North Farm site.</p> <p>Planning Practice Guidance recognises: <i>‘The location of housing is a key consideration for older people who may be considering whether to move (including moving to more suitable forms of accommodation). Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.</i></p> <p>Proposed Modification:</p> <p>To remedy this, EBNF request that:</p> <p>1) Policies SP7 (and others where applicable), be expanded to include the identification of suitable sites where appropriate accommodation for the elderly is also to be provided, i.e. ‘as a key consideration’; and</p> <p>2) Amend Policy 19 to include the requirement: Accommodation for the elderly is to be provided as identified in policies listed under Strategic Allocations.</p> <p>The provision on site GA2 of adequate affordable housing & accommodation for older people, would also achieve conformity with the East Boldon Neighbourhood Plan, in particular Policies EB12, EB13 & EB14. The Neighbourhood Plan illustrates a need for 64 retirement type properties over its plan period. Should this site proceed, then an appropriate allocation for this type of accommodation should be required as part of the housing mix.</p> <p>This is based on the Housing Needs Assessment (HNA), which was prepared by Aecom in 2019 details of which are documented in the East Boldon Neighbourhood Plan. The HNA found that there is a great need & demand in East Boldon for affordable housing, & for housing for older people. These findings have been consistently highlighted & supported by the local community.</p>
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		<p>EBNF consider that adequate provision must be included on this development, for these 2 groups.</p> <p>Affordable housing will help to prevent young adults, couples & families from seeking accommodation elsewhere (often out of the area), thereby retaining vibrancy & vitality within the village, achieving a younger profile in the population mix.</p> <p>We are disappointed that the percentage of affordable housing to be built on new developments in East Boldon has been reduced from 30% in the Regulation 18 draft LP to 25% as this will reduce the opportunity to allow young people and young families to get on the housing ladder and stay within the local community. Affordable housing should be provided on the associated development site and be provided in line with policy EB14 in the East Boldon Neighbourhood Plan.</p> <p>There is a high demand in the village for bungalows & other 'retirement' accommodation, to suit the needs of older residents or allow down-sizing. If such provision was to come forward, larger existing properties elsewhere in the village would be made available for families, and the opportunity would be provided for a wider section of residents to stay within the community, a need identified in the Neighbourhood Plan.</p> <p>The inclusion on the site of a 3-storey retirement building would have the additional benefit of maintaining the housing density at the same time as creating the opportunity for greater greening and reducing the car numbers generated.</p>
Chapter 4 – Strategy for Sustainable Development		
Policy SP2 - Strategy for Sustainable development to meet identified needs, Page 31	Not Sound	<p>Details of Representation:</p> <p>Object to 2.2 - the basis for the calculation of the number of new homes proposed is not sound or credible. It uses out of date statistics to calculate the number of homes needed and this results in an overestimate. The number of homes proposed is based on the 2014 household projections, which have been shown to be an overestimate by the 2021 Census.</p>

		<p>The 2023 South Tyneside Strategic Housing Market Assessment provides the following estimates for the number of households in the Borough in 2023:</p> <ul style="list-style-type: none"> • 2014 based - 71,074 • 2018 based - 70,762 <p>The number of households at the 2021 Census was 68,300 and there are currently approximately 72,000 dwellings in the Borough.</p> <p>These household estimates which are out of line with the Census figure are then projected forward to 2033 to provide the housing requirement figure of 309 dwellings per year and a total of 5,253.</p> <p>If you take the population estimates and compare that to the 2021 Census, this also shows an overestimate:</p> <ul style="list-style-type: none"> • 2021 Census - 147,800 • 2021 (2018 based) -151,936 <p>The proposed allocation of a housing site within the Green Belt in the EBNP area arises solely because of the use of these household projections. In 2022 EBNF stated that it should be possible for the Council to put forward a case for "special circumstances to justify an alternative approach." EBNF wrote to the Secretary of State for Levelling Up about this on 30 June 2022 and received a reply on 20 July 2022. This reply states that "the standard method does not impose a target, it is still up to the local authority to determine its housing requirement, and this includes taking local circumstances and restraints such as Green Belt into account"</p> <p>Since then the Government has consulted on the status of the standard method for calculating the housing requirement. This has resulted in an updated National Planning Policy Framework (NPPF) published on 19 December 2023. In Paragraphs 60 and 61 of the new NPPF there is greater flexibility for local authorities in assessing housing needs.</p> <p>Under paragraph 61, the revised NPPF states that the standard method for calculating</p>
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		<p>housing need, to establish the number of homes required, is now considered as “an advisory starting point”. Under the previous NPPF, the standard method was not classified in this way and there was no similar explanatory text.</p> <p>As a result of these changes, local authorities have greater flexibility to plan for fewer or higher number of homes than the standard method indicates, and where there are specific local circumstances that justify an alternative approach to assessing housing need, that is now explicitly supported.</p> <p>Proposed Modification:</p> <p>Notwithstanding the transitional arrangements being applied that this Local Plan should be examined under the September 2023 NPPF, EBNF submits that there remains a clear case for a much lower housing requirement figure based on local circumstances and Green Belt constraint.</p>
Policy SP3 - Spatial Strategy for sustainable development – P33	Not Sound	<p>Details of Representation</p> <p><i>SP 3.2 “The Plan will....Secure the sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons by supporting growth which respects the distinctive character of each village”</i></p> <p>This policy has not been positively prepared to deliver sustainable development in the East Boldon Neighbourhood Plan area. The proposed development of 263 houses at GA2, Land at North Farm, along with 202 houses already approved at Cleadon Lane and 9 at the Former Mayflower Glass site will result in a 26% increase in the number of houses in East Boldon. The impact of this on the ‘distinctive character of the village’, local services and infrastructure as set out in our comments on Chapter 6, Policy SP16 below is unsustainable.</p> <p><i>SP 3.4 “Ensure the delivery of housing in sustainable locations through the allocation of sites in the Main Urban Area and by amending the Green Belt boundary to allocate Urban and Village sustainable growth areas”</i></p>

		<p>The policy is not justified, uses out of date evidence and the exceptional circumstances case to amend the Green Belt boundary has not been made. The issue was considered by the Independent Examiner for the East Boldon Neighbourhood Plan, who considered that it was appropriate to retain the Green belt around the village in order to meet housing need in the plan area.</p> <p>Proposed Modification:</p> <p>Remove from the Plan entirely or significantly reduce the number of houses proposed for GA2 Land at North Farm under policy SP7.</p>
Chapter 5 – Strategic Allocations		
Policy SP7, Urban & Village Sustainable Growth Areas, Page 46 – GA2, Land at North Farm	Policy not Sound	<p>Details of Representation:</p> <p>EBNF objects to this proposal as it is not justified and not effective in delivering sustainable development</p> <p>This proposal is in conflict with the adopted East Boldon Neighbourhood Plan as it is outside the settlement boundary approved in the plan. The site is within the Green Belt and its removal can only be agreed if the Council can prove exceptional circumstances and can demonstrate that all other reasonable options have been met.</p> <p>Furthermore, it does not believe that the number of houses proposed for the village of East Boldon that will result from the development of this site is sustainable, and it does not believe that the mitigation proposed for the site within the draft local plan is shown to be deliverable or adequate to address its loss.</p> <p>EBNF objected to the allocation of this site in 2019 and 2022 and continues this objection with the knowledge that the independent examiner to the EBNP rejected the site following submission by the landowner and their agents.</p> <p>EBNF disagrees with the assessment of this site in the Green Belt Study Final Report, which is that the release of the land would only cause moderate harm to Green Belt purposes. The development of the site will reduce the gap, in terms of distance, between Boldon and</p>

		<p>South Shields still further and would increase pressure on the remainder of the Green Belt in this area. The open space and separation along Boker Lane will be lost, effectively merging East and West Boldon.</p> <p>There is a risk of surface water flooding for this site and it is located within Flood Zones 2 and 3. The Sustainability Appraisal (SA) states therefore the site may have significant negative effects towards the climate change objective.</p> <p>The proposal for an 8 metre buffer between the watercourse and residential development was proposed in the Key Considerations at Appendix 3 of the 2022 Plan Document. This has been omitted from this Plan. EBNF considered the buffer should be 50 metres in line with the proposal at IAMP.</p> <p>The site is located within 50m of a SSSI and 250 m of a local wildlife site and 1km of a nature reserve. The SA states that a significant negative effect is expected in relation to the objective of conserving and enhancing biodiversity.</p> <p>The Wildlife Corridors Network Review identified the site as within the wildlife corridors network and within the buffer zone to Tilesheads Burn. The adjoining field to the east is identified as a secondary feature in the network and as a result has been rejected for housing due to impacts on biodiversity. The northern two thirds of the site are shown as part of the Wildlife Corridor on Map 29 and the interactive policies map.</p> <p>The site intersects with a Source Protection Zone for groundwater.</p> <p>The development of the site which is in agricultural use would result in the loss of Grade 3 agricultural land and the SA states that is therefore considered to have a significant negative effect in relation to the objective of protecting our soils and promoting efficient land use.</p> <p>There is a public right of way crossing the site and it adjoins another. The site forms part of the wider green infrastructure corridor and the SA considers that development of the site will have a minor negative impact.</p>
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		<p>EBNF considers that the impact of building 263 houses on this site will be considerable on the infrastructure of the village. The Traffic Capacity Assessment shows that the site would contribute significant additional capacity through the A184/ Boker Lane junction, which is already over capacity at the evening peak. When the impact of full barrier closure at the Tiledsheds level crossing is included the impact on this junction would be even greater. Similar impact is forecast for the Sunderland Road/ Station Road junction.</p> <p>The Infrastructure Delivery Plan indicates a lack of capacity in local primary schools and it is estimated that this site would generate 66 extra primary school places and 33 extra secondary school places. The plan concludes that this development along with that at the Cleadon Lane and Town End Farm sites would require an additional 105 additional primary places in the Boldons area. Similarly the site would contribute to the need for 150 additional secondary places across the villages.</p> <p>Proposed Modification:</p> <p>For the reasons set out above we contend that site GA2 should be removed from the list of sites proposed under policy SP7.</p> <p>However, should the inspector decide that it is acceptable for the Green Belt boundary to be redrawn to allow this site to be used for housing development, we request that the impact of development on the village and on the biodiversity and wildlife habitat be addressed by a reduction in the housing numbers proposed and by the on-site mitigation discussed below.</p> <p>The Draft Local Plan states at Para 5.17 that compensatory improvements to offset the loss of land from the Green Belt may include new or enhanced green infrastructure, woodland planting, landscape and visual enhancements, improvements to biodiversity, new or enhanced walking and cycling routes and improved access to new, enhanced or existing recreational and playing field provision.</p> <p>EBNF supports all of these measures and should this site be allocated as part of examination; it would be subject to the relevant policies of the East Boldon Neighbourhood Plan which encourage development to provide such improvements. (Policies EB1, EB3, EB5, EB6, EB7, EB12 and the East Boldon Design Code).</p>
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		<p>Potential mitigation and enhancement measures for the allocation of the site are outlined in the Green Belt Study (2023) and the South Tyneside Green and Blue Infrastructure (GBI) Strategy (2023).</p> <p>EBNF has scrutinised these potential measures and offers our own suggestions as well.</p> <p>The Green Belt Study suggests that in addition to potential mitigation measures around the edge of the site that a number of potential enhancements measures could occur as a result of development at North Farm (site GA2).</p> <p>These are: Increase riparian planting along the river Don; Enhance and join up the PROW network including the bridleway to the east of the site; Enhancements to West Farm Meadow SSSI and biodiversity enhancements to land to east of the site GA2 to establish and join up wildlife corridors.</p> <p>These potential enhancements are directly linked to the proposed Strategic Projects in the GBI Strategy, in particular the River Don Linear Park.</p> <p>The northern part of the site GA2, and the northern part of the field to the east was proposed for designation as Local Green Space in the Submission Draft of the EBNP. It received substantial support in our community consultation. Although the Examiner did not approve this designation, she regarded the area's safeguarding as Green Belt as adequate but noting that:</p> <p><i>"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."</i></p> <p>The Green Belt Study indicates that biodiversity enhancements to the field east of site GA2 would require working with landowners/managers. This could include expanding the berry –bearing native hedgerow network, incorporating buffer strips of wildflower for pollinators and "edge habitats" for mammals/birds/insects and expand/connect existing woodland blocks.</p>
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		<p>EBNF welcomes this idea but recognises the chance of it happening is extremely unlikely given that 'options' on the site are held by a developer. It considers, and would ask the examiner to take into account, little has been done by the Council to demonstrate that such compensation and mitigation as envisaged in Planning Practice Guidance paragraphs 002 and 003 (green belt) has been agreed, planned for or is likely to take place, critically in this area of the green belt where development will interrupt the wildlife corridor and connectivity of habitat.</p> <p>EBNF believe that the most realistic opportunity for mitigation linked to the development of the North Farm site would be a greater utilization of the low-lying topography toward the northern part of the site close to the Tiled Burn. This area is in Flood Zone 2 and 3, and the indicative layout already suggests a SUDS pond in the north east corner of this part of the North Farm site.</p> <p>EBNF believes that in accordance with Draft Policy 9 and Para 7.54 a wetland habitat can be created here. It would also support the Strategic Project 5.2: Wetland Creation in the GBI Strategy 2023.</p> <p>EBNF accept that to a lesser degree, mitigation around the edge of the site can play some part, but consider that a wider landscape buffer should be provided along the western boundary abutting Boker Lane. This would not only increase the opportunity for mitigation and connectivity through creative planting etc. but would will help to achieve a greater degree of physical separation between the urban communities of East Boldon and West Boldon. In addition, the proposed housing adjacent to the busy Boker Lane highway would benefit from reduced noise and air pollution from traffic, as well as enjoying an improved outlook.</p> <p>The northern two thirds of the North Farm site is shown as part of the Wildlife Corridor network defined under Draft Policy 34 and shown on Map 29 and on the Interactive Policies map. Draft Policy 34.8 states that development proposals that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable mitigation and/or compensation is provided to retain and where possible enhance the value and integrity of the corridor.</p>
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		<p>NB. The eastern field is identified as a secondary site with the Wildlife Corridors Network Review and the Site Selection Paper states that the loss of this field would be a significant impact on the Wildlife corridor network which could not be readily mitigated or compensated for. It concludes that the site has not been allocated due to impacts on biodiversity and the Wildlife Corridor.</p> <p>The presence of the Wildlife Corridor at North Farm provides an overriding reason for mitigation measures should the site be allocated. It is clear that development on the northern part of the site would cut off transit routes for water and land based wildlife between Colliery Wood and West Farm Meadows to the North West and the eastern field.</p> <p>The north eastern portion of the site GA2 is included in the Blue and Green Infrastructure Corridor and is subject to Strategic Policy SP22. Para 11.46 of the Draft Local Plan states that development can provide opportunities to create new Green and Blue Infrastructure assets and corridors; as well as strengthening the existing network.</p> <p>This builds upon Para 5.5 of the Draft Local Plan which says: <i>“it will be a requirement for development on land allocated for housing to protect, maintain and where possible enhance open spaces in order to encourage improved quality and accessibility and contribute towards the delivery of a high quality multi –functional green infrastructure network.”</i></p> <p>EBNF believes that the Blue and Green Infrastructure Corridor should be widened to include all the area of the site north of the Public Right of Way (PROW), stretching from Boker Lane to the Bridleway. The well-defined and established break marked by the PROW creates two distinct parcels of land, (the Northern most area is seen by the Council in its site appraisal as requiring its own site entrance from New Road). We strongly urge the examiner to exclude this particular area of the site for development and retain it as green belt, requiring the local plan to allocate its use for compensatory mitigation should the proposal proceed.</p> <p>The impact of this development site if built out to its maximum capacity as envisaged in the draft local plan & the loss of the Green Belt, will have a major and damaging impact on</p>
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		<p>the character and distinctiveness of the village, and the lives of its residents. Such consequences would be lessened by the omission of this area of the proposed site, and would offer several other advantages:</p> <ul style="list-style-type: none"> • An increased level of physical separation between the built-up areas of East Boldon and South Shields when compared to the proposal as set out in the draft local plan. • A reduction in the loss of green belt. • It would create a physical separation between the proposed housing and the vehicular traffic on the very busy New Road (B1298), thereby reducing the impact of noise, vibration and air pollution and at the same time increasing privacy and outlook. • It would allow a larger and improved design of the SUDS area, more akin to that envisaged in paragraphs 7.54 and 7.55 of the local plan(<i>‘Well-designed SuDs can deliver urban wildlife habitats and provide opportunities for plants and trees that encourage invertebrates, birds, bees and other pollinators. They can also deliver new green places for biodiversity by creating new habitats or link with existing habitats creating greater connectivity’</i>).Such a provision would address the need to protect the existing wildlife corridor etc., as explained above, and provide an opportunity to create open space that could be connected to the development site via the existing public footpath. • The creation of an improved SuDs area at the northern part of the site, which is low lying and adjacent to an existing water course (Tiled Burn/River Don tributary), would provide the opportunity to address the issue of flooding. This part of the site is at risk from surface water flooding and is identified as being in Flood Zones 2 and 3 by the Environment Agency. A more extensive SuDs area would give increased attenuation capacity in order to deal with surface water drainage which will in all probability be directed to the river Don from the development site. • Would give improved road & pedestrian safety: The removal of this area of the site and the proposed vehicular access from New Road (B1298), an extremely busy route linking South Shields and Cleadon to the Boldons, will eliminate a dangerous intersection.
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		<p>Older Person's accommodation</p> <p>The Councils Strategic Housing Market Assessment in table 5.4 sets out an assessment of need for different types of older persons' accommodation, and EBNP's Housing Needs Assessment identifies a requirement for a housing mix to reflect local need, including accommodation for the elderly. EBNF does not believe that the draft local plan is effective in directing effectively how these considerations should be addressed. This is set out in separate comments on Strategic Objective 5, Policy SP 2 and Policy 19, Housing Mix.</p> <p>Local Walking and Cycling Network</p> <p>Should this site come forward, the PROW which runs through the site, connecting Boker Lane and the bridleway, offers the potential to provide an upgraded cycling and walking route as identified in the draft local plan. EBNF believe that it is important, if the potential of this is to be maximised, for the scope of the route to be seen beyond the immediate site area, and the local plan should signal how it is to be considered connecting to the wider footpath and cycling network. Further details are set out below and also link to Policy SP 25 – Infrastructure (page 150), and Policy SP26 – Delivering Sustainable Travel (page 152) and the Council's Infrastructure Delivery Plan (Paragraphs 3.49 to 3.57)</p> <p>In March 2020, East Boldon Neighbourhood Forum submitted a comprehensive response to South Tyneside Council, as a result of their Local Walking and Cycling Infrastructure Plan (LCWIP) consultation exercise. This process is identified in the East Boldon Neighbourhood Plan and the supporting Transport and Movement Background Paper.</p> <p>One of the suggestions made by East Boldon Neighbourhood Forum, was the upgrading of the existing public footpath across the North Farm site, into a bridleway / cycleway. This would provide an important footpath / cycleway linkage to the River Don footpaths to the west (leading to Boldon Colliery, West Boldon and beyond), and to the east, leading to the existing north/south bridleway, giving access to Tiledshed crossing, Cleadon and the coast ; and also to South Shields to the north.</p> <p>East Boldon Neighbourhood Forum consider that the upgrading of the North Farm public footpath to a bridleway / cycleway must form an integral part of the North Farm development site, which will accord with South Tyneside Council's objectives and will help to promote sustainable transport and reduce reliance on private car journeys, and will</p>
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		<p>enhance wellbeing within the community. The upgrading of this public footpath must take place, irrespective of how much of the available site is considered as being acceptable for development.</p> <p>This proposal would also be in accordance with policies EB18 and EB23 of the East Boldon Neighbourhood Plan.</p> <p>EBNF request that the key considerations for site GA2 set out under policy SP7 in respect to the public right of way (Enhance the surrounding PROW network) be amended to include reference to work to the wider network area beyond the immediate site which should be funded from S106 contributions related to the site, should the scheme come forward.</p> <p>This work should include the following measures:</p> <p>1. Upgrading and increasing the width of the existing footpath/cycle route from the existing Boker Lane bridleway (north end), along Tiledshed Lane, to the level crossing. This route is very narrow and is kerbside to the very busy, but narrow, Tiledshed Lane, which leads east to Cleadon and the proposed Cleadon Lane Industrial Estate housing site. The very restricted width of this path also creates safety concerns, particularly where users need to pass each other.</p> <p>This route, with slight revisions, was fully documented in the response made by EBF to the Council's LCWIP consultation exercise in March 2020.</p> <p>2. Item 1 above, would improve the active travel linkage to the adjacent bridleway which runs from Tiledshed crossing, parallel to the railway, to Station Approach, immediately adjacent to East Boldon metro station. This bridleway is classed by the council as a traffic free path and cycle path and is well used.</p> <p>However, this path is narrow in parts and is in a very poor state of repair and is frequently subject to localised flooding of large potholes/ground depressions - improvements, repairs and some resurfacing of this active travel route are long overdue and should be funded as part of the site's development.</p> <p>Both of these routes provide excellent linkages to South Shields in the north, West Boldon/Boldon Colliery and beyond, to the west; & to Cleadon, Whitburn & the coast, to</p>
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		<p>the east. The suggested improvements would achieve significant benefits for both the local community and users of the wider footpath/cycle route network (including linkages to regional & national cycle network routes), & would also benefit people with buggies, wheelchair users & others with mobility issues.</p> <p>These routes also achieve off-road access to East Boldon Metro station, thereby helping to alleviate the additional on-street parking in the streets around the Metro station, which will result if the scheme proceeds.</p>
Chapter 6 – Delivering a Mix of Homes		
SP16: Housing Supply and Delivery page 84	<i>Policy Not Sound</i>	<p>Details of Representation:</p> <p>Housing numbers for the two Neighbourhood Forum areas are dealt with in section 8, page 84 of the proposed local plan. SP16: Housing Supply and Delivery identifies in point 2.</p> <p><i>‘ Making provision for the provision of at least 263 new homes within the designated East Boldon Neighbourhood Forum Area;’</i></p> <p>The Regulation 19 Local Plan does not acknowledge an additional 202 houses proposed for Cleadon Lane, a site that was included in the Regulation 18 document, and which in all probability, will still proceed (the Council was minded to approve this proposed development in 2023, but at the time of preparing the Regulation 19 document had not granted formal permission, it being subject to legal agreement). To our knowledge, as of February 2024, this is still the case.</p> <p>Along with a smaller development recently approved at the former Mayflower Glass site, and the Land at North Farm (GA2/163 dwellings included in the Reg 19 plan), some 470 houses could now come forward within the EBNF area. East Boldon, a village of around 1,800 dwelling constrained by its Victorian infrastructure and ‘at capacity’ services, will be subject to a growth of 26%.</p> <p>The effect on the village of East Boldon will be exacerbated by other sites included in the plan that are close to the EBNF area. Site GA4, Land at West Hall Farm, where 259</p>

		<p> dwellings are proposed, is immediately adjacent to the Forum’s boundary. Most of the traffic from this site heading North to the access the A19 will travel through East Boldon using Whitburn Road or Moor Lane, and the problem of nuisance parking associated with those travelling into East Boldon to use the Metro system will be made worse.</p> <p>A separate commentary on the impact of the Reg 19 Plan policies on local Infrastructure are set out in the attached APPENDIX 1</p> <p>EBNF believe that the true extent of development, the 470 dwellings referred to above, should have been made clear to the public and referred to within the local plan and at the local consultations. The absence of this information, key to understanding the impact of the local plan on a village such as East Boldon, is misleading and disingenuous.</p> <p>We believe that the inclusion of GA2, Land at North Farm, site will result in development that is not sustainable, and will destroy the character and distinctiveness of the village. We believe its inclusion does not adhere to the commitment embodied within strategic policy SP3 (2), “Secure the sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons by supporting growth <u>which respects the distinctive character of each village.</u>”</p> <p>Noncompliance with NPPF</p> <p>In relation to achieving sustainable development the NPPF sets out three overarching objectives in sub section 8, which are economic, social and environmental, and states that these are interdependent and need to be pursued in mutually supportive ways. It explains the purpose of each objective in turn:</p> <ul style="list-style-type: none"> • <i>an economic objective</i> – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available <u>in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure</u> • <i>a social objective</i> – to support strong, vibrant and healthy communities, by ensuring that a <u>sufficient number</u> and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and
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		<p>support communities' health, social and cultural well-being; and</p> <ul style="list-style-type: none"> • <i>an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste <u>and pollution</u>, and mitigating and adapting to climate change, including moving to a low carbon economy.</i> <p>Sub section 9 the NPPF goes on to state: <i>These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. <u>Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.</u></i></p> <p>EBNF believe that the local plan does not address the scale of actual development proposed, that local circumstances have not been sufficiently taken into account, and the inclusion of site GA2 (Land at North Farm/Boker Lane) will result in the character and distinctiveness being fundamentally compromised. We believe therefore, the Local Plan is not consistent with the National Planning Policy Framework (NPPF) Paragraphs 8 and 9.</p> <p>We also believe that the housing numbers and the associated car ownership that will result from site GA2 will cause further noise and air pollution in East Boldon, and will have a detrimental effect on the health of residents. Houses, shops and schools located alongside the busy A184 which passes through the village already experience these issues caused by the high levels of existing traffic. The aspiration of the Council to '<i>...reduce the desirability and necessity of private car ownership (SP15)</i>'. will strike many residents struggling to manage busy lives as wishful thinking. Traffic congestion, noise and air quality was one of the key concerns raised time and time again by residents at the local consultation event held on the 15th January in East Boldon.</p> <p>A separate commentary on the impact of the Reg 19 Plan policies on local Infrastructure are set out in the attached APPENDIX 1</p> <p>We believe the Plan has not been positively prepared to meet the objectively assessed</p>
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		<p>need for homes, services and infrastructure in East Boldon and is not effective in delivering sustainable development in the Forum Area.</p> <p>Proposed Modification</p> <p>Remove or significantly reduce the provision of 263 homes within the designated East Boldon Neighbourhood Forum area.</p>
Chapter 13 – Well Designed Places		
Policy 47– Design Principles (page 143)	Policy Not Sound	<p>Details of Representation:</p> <p>Policy 47 as currently drafted does not specifically provide for:</p> <ol style="list-style-type: none"> 1. The use of Neighbourhood Plan Design guides to inform local development proposals. 2. New development proposals to include a requirement for tree lined streets. 3. The use of nationally Described Space Standards in new development proposals. 4. Creation of places that are safe, inclusive and accessible and which promote health and well-being. <p>Proposed Modifications:</p> <p>The local plan sets out three policies in the chapter titled ‘Well Designed Places’ (page 143). These support the delivery of Strategic Objective 10.</p> <p>Policy 47, Design Principles, sets out the requirements for new development and the following comments relate to that policy.</p> <p>EBNF welcomes the commitment from the Local Authority that at a future point it will develop its own design code as required by the NPPF. It is also grateful that the Neighbourhood Plan is referred to more extensively in the plan. (Section 1.8 to 1.11 and 4.5).</p> <p>The NPPF states in para 129. <i>“Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be</i></p>

		<p><i>produced either as part of a plan or as supplementary planning documents”.</i></p> <p>Policy 47 states in its final sentence: <i>Development proposals will be expected to satisfy requirements of any adopted local design guide or design code where relevant to the proposal.</i></p> <p>The Neighbourhood Plan is not specified or directly addressed at this point, but is referred to in the supporting commentary which states in paragraph 13.12 (page 146):</p> <p><i>”Neighbourhood Plans provide an important resource in terms of assessing local character and distinctiveness and Design Codes describe and illustrate the principles guiding future development. Where development proposals fall within a neighbourhood plan area, regard should be had to design policies and any supporting Design Codes should be used to inform development proposals from the outset.”</i></p> <p><u>EBNF request that to be consistent with paragraph 129 of the NPPF, and in order for the design code within the Neighbourhood Plan to carry weight, this commentary (13.12), should be included within Policy 47 itself.</u></p> <p>The NPPF in paragraph 136 states <i>‘Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. <u>Planning policies and decisions should ensure that new streets are tree-lined....</u></i></p> <p>Policy 47 does not include such a requirement, yet this aspect can have a fundamental effect on the design of the site layout, affecting as it does distances between building plots, the manner in which car parking is dealt with and the composition of the street scene.</p> <p>Unless it is given consideration from the outset of the design process it will be extremely difficult for it to be incorporated satisfactorily at a later stage.</p> <p>As clearly stated in the NPPF, a planning policy is needed. As this is so fundamentally a part of the design process, EBNF believe that the most appropriate place for this is within Policy 47.</p>
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		<p><u>EBNF request its inclusion within Policy 47, and the supporting commentary be expanded to include reference to the guidance.</u></p> <p>NB. We note that the commentary (11.39) to policy 36 on Page 125, calls for tree lined streets but Policy 36 itself does not refer to the requirement.</p> <p>Policy 47 section 6 i) of the plan states: <i>Homes and Buildings i) Provide homes with good quality internal environments <u>with adequate space for users</u> and good access to private, shared or public spaces.</i></p> <p>Sadly, it is EBNF experience that some developers are minimising the floor area of habitable rooms. The NPPF does provide a mechanism to at ensure that the size of room do not fall below a minimum standard.</p> <p>The National Model Design Code part 2 (guidance) 183. States: <i>Design codes can support the delivery of housing quality by including Nationally Described Space Standards. <u>These need to be included in local plans or design codes that are adopted in local plans.</u></i></p> <p>With regard to Paragraph: 020 Planning practice guidance, how should local planning authorities establish a need for internal space standards? EBNF and the Local Planning Authority have compelling evidence of how developers are putting forward proposal where room sizes are well below what is regarded as acceptable. The Cleadon Lane planning application for 202 houses recently considered in the Forum Area was beset by this issue. The inclusion of the National Described Space Standards, which was included in the Neighbourhood Plan, was used by the Authority to achieve an increase in room sizes across the majority of house types.</p> <p>Adequate room sizes are important in terms of ensuring that there is sufficient space for people with mobility issues, often those associated with the elderly, to navigate furniture and move with ease around a dwelling. The issue of an aging population and the need for dwellings to support independent living into old age is highlighted and addressed in the draft local plan. Technical Design Standards for New Homes Policy 20 requires all residential dwellings to be designed to be built to meet Building Regulations Requirement M4(2). EBNF support this ambitious policy but believe that without a requirement for minimum room sizes the policy will not be successful in meeting the needs of those people</p>
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		<p>who would most benefit. The RTPI Practice Advice, November 2022 Housing for Older People, endorsed by the Chartered Institute of Housing (CIH) and other campaigning groups, recognises this very issue (Page 41: <i>The nationally described space standard is important in terms of accessibility as internal space is an important aspect of how accessible a home is, and how adaptable it is to changing household needs. People with impaired mobility usually require larger floor areas to accommodate mobility aids and specialist equipment</i>).</p> <p><u>As this version of the plan does not yet adopt a design guide, we request the inclusion of the Nationally Described Space Standards within Policy 47 or within Policy 20 Technical Standards.</u></p> <p>EBNF believes that insufficient weight is given <u>Inclusive design</u> within Policy 47 or its supporting Commentary. The SHMA report highlights the issue of an aging population and the effect of chronic health conditions etc on its residents. The scale of this issue is indicated in Table 5.4, section 5.12 SHMA report, yet little emphasis is placed on the need to address this aspect within the section, Well Designed Places.</p> <p>EBNF believe that it is even more important to highlight the need for inclusive design given the Councils requirements in respect to accessibility standards set out in Policy 20. Unless the design of the site layout is developed with the requirements of Policy 20 in mind, it will not be practical, in many instances, to achieve satisfactory outcome in terms of accessibility. Relegating these considerations to a future design code seems unsatisfactory given its importance.</p> <p>Planning Practice Guidance, Homes for Older and Disabled People states:</p> <p><i>‘Inclusive Design acknowledges diversity and difference and is more likely to be achieved when it is considered at every stage of the development process, from inception to completion. However, it is often mistakenly seen as a Building Regulations issue, to be addressed once planning permission has been granted, not at the planning application stage. The most effective way to overcome conflicting policies and to maximise accessibility for everyone is for all parties to consider inclusive design from the outset of the process.</i></p> <p>EBNF would welcome improvements to this policy that would promote and signal this</p>
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		<p>guidance and reflect paragraph 127 of the NPPF: <i>Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.</i></p> <p><u>EBNF requests that Section 3 of Policy 47 is expanded to reflect paragraph 130 of the NPPF and include the requirement: ‘Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’</u></p>
Chapter 14 – Transport and Infrastructure		
Policy 50, Social and Community Infrastructure (page 150)	Not Sound	<p>Details of Representation</p> <p>Policy 50 does not contain sufficient detail about how appropriate social, environmental, and physical infrastructure will be provided to cater for the impact of new development on local communities.</p> <p>There is a thematic approach cutting across all the Plan policies which highlights “policies seeking to improve health and wellbeing for residents.” (Page 12 Chapter 6: Promoting Healthy Communities).</p> <p>Policy 50, Social and Community Infrastructure (page 150), addresses these issues in a non-committal way but the East Boldon Neighbourhood Plan would need to be used to deliver the detail on this to address the impact of this 26% increase in households on the Health and Wellbeing of the residents of East Boldon, both current and proposed. Schools, medical facilities and road networks are already under pressure and the draft plan is therefore only sound in conjunction with the Neighbourhood Plan in order to deliver sustainable development in regards to its aspiration to improve health and wellbeing of the residents.</p>

		<p>Proposed Modification:</p> <p>Policy 50 should be amended to provide more detail about how the delivery of appropriate social, environmental and physical infrastructure will be achieved to mitigate the impact of new development on local communities. This could include the acknowledgement of the policies within a Neighbourhood Plan within a neighbourhood Forum area.</p>
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APPENDIX 1 – Impact of Regulation 19 Local Plan policies on infrastructure in East Boldon

1. Schools

Developments in East Boldon Forum Area LP 2024 = 202 Cleadon Lane Industrial Estate, Mayflower Glass (9), (263) GA2 -North Farm = **474**

Developments within a mile of EBNF area at Town End Farm and at Moor Lane = **730**

Total number of homes potentially depending on East Boldon Forum infrastructure = **1204 homes**

Using methodology in Infrastructure Delivery Plan (IDP) Page 50, 8:22, this could mean **301 new primary school places needed.**

We are concerned that the educational needs of the community cannot be met by the existing school infrastructure, given the scale of new housing proposed in the Local Plan.

2. Health

The LP acknowledges in the Infrastructure Delivery Plan (IDP) page 37 that “The health of residents in South Tyneside is generally worse than the regional and national averages with many residents facing health inequalities across the borough”

IDP (P40) ‘GP surgeries experience difficulties in recruiting medical staff including all healthcare workers and pharmacists. There are insufficient clinical rooms across the borough’ and Colliery Court practice has closed its doors to new patients for 6 months.

The ST District Hospital is only mentioned twice in the plan, (2.14 and 6.26) and neither references any need to increase the capacity of the hospital within the borough despite the proposed increase in residents. It is clear we need more GP’s, more appointments and more hospital beds.

IDP Page 40, 7.14 admits that the scope to create a new GP practice is limited in terms of available sites and may not be viable. Creating small branch surgeries is no longer financially viable for most practices and **no longer aligns with the NHS’s desire to provide primary care services at scale within the community.**

We are worried that with not enough GPs and healthcare workers, insufficient clinical rooms and appointments, insufficient hospital capacity, an increase of 1204 homes requiring these services and no plans to increase capacity, residents living in East Boldon Forum area may experience increasing difficulty in obtaining timely and necessary healthcare appointments and treatment.

3. Concerns About Unequal Treatment of Infrastructure provision between East Boldon Forum Area and the Fellgate Sustainable Growth Area

The scale of development proposed in the SPD for Fellgate Sustainable Growth Area is for around 1200 homes but it has a suite of attractive policies attached to the development including;

Page 6 of the Fellgate Sustainable Growth Area Supplementary Planning Document, SP8:5ii Make provision for a well located and connected local centre providing social and community infrastructure of a scale proportionate to the nature of the development and to address local needs. The local centre shall include:

- a) Primary school provision
- b) Opportunities for healthcare provision
- c) Local retail facilities

Is the LA Relying on Section 106 Agreements to Address Insufficient Infrastructure in EBNF Area?

The IDP acknowledges (page 54) Boldons area only one school has spare capacity in every year group and overall there is **insufficient spare capacity** to meet the increased demand for places from planned developments. **Policy 50, Page 151, 14.10 states that because of multiple developments within an area a request for section 106 contributions will be made. 14.11 states that if demand for school places cannot be met through expansion of schools or academies a section 106 may be sought to include land needed to develop a new school including capital costs needed to establish the school.** So unlike at Fellgate, there are no actual policies to improve school or health infrastructure to deal with a similar scale of development in and near East Boldon.

Queries relating to Section 106 in EBNF Area

EBNF is concerned about the deliverability of the LP: Have section 106 requests been made of developers and are new school sites being planned? If so, where? Are there plans to keep our highly praised and much valued village schools in operation? Are new sites being earmarked for development of new schools? How will the issue of oversubscribed schools be addressed?

Re: Section 106 Payments: How are these calculated (from the Developer's point of view). Where is the tipping point that means a development becomes uneconomic (to the Developer) because of the size of the required S106 payment? Or, does it just change the type of development e.g., to higher price houses which means even less chance of meeting affordable housing targets. If schools are asked to expand e.g., East Boldon Juniors, access is a problem for parents travelling in cars (e.g., from Moor Lane/ Town End Farm). What plans are in place to address access issues?

4. Traffic and Roads

COMMENTARY - Focusing on the A184 corridor and junctions 21 and 22

Summary

The ambition in the Local Plan - to move towards being green, healthy and carbon neutral cannot be fully realised in the East Boldon Forum area if the proposed 1204 new houses in the village and other developments in surrounding areas materialise. This is due to the increased traffic and resultant air and noise pollution, caused by overcapacity, queuing and the incapacity of the highway infrastructure (A184 and feeder roads/junctions 21 and 22) to cope, despite the proposed actions, mitigation measures and incremental roll out of these.

EBNF Comment

The Local Plan 2024 has 3 scheduled essential junction improvements inside the EBF area under policy 51 and 10 scheduled junction improvements (labelled either essential or desirable) just outside the EBF area which will be needed to cope with development inside and immediately adjacent to EBF area (pages 63 and 64 ,2024 IDP). All 13 projects have an indicative phasing date of 2030. In addition, a Sunderland- South Shields metro extension is scheduled (2045) using East Boldon Curve. Given the 6-year timescale for the road network projects, the work needed seems highly intensive on our already capacity roads in the EBF area and will be taking place at the same time as housing sites are being developed. ***(Not sustainable -this will make road travel in the Forum area very difficult for the next 5 years at least. Air pollution and congestion will both increase)***

South Tyneside Council's ambition to ensure that the transport infrastructure required to support new development and to improve any deficiencies in existing provision cannot be met in the EBNF area.

The aims of Points 1 and 2 in Policy SP25: Infrastructure cannot be fulfilled in terms of the transport infrastructure required and the mitigation needed,

The package of proposed mitigation measures will not sufficiently reduce the predicted increased volume of traffic and congestion along the A184 corridor and feeder Junctions 19-22. The restrictive nature of the largely Victorian village infrastructure where residential housing and businesses line the roads, minimises the impact of sustainable transport infrastructure, disallows physical alteration of junctions or expansion of the road system.

Traffic Capacity Assessment 2023

The Local Plan, Local Road Network Traffic Capacity Assessment (TCA) 20.12.23. Report analyses how planned growth will impact on the local road network in South Tyneside and identifies indicative mitigation measures.

The previous assessment of the network with regulation 18 developments had a higher forecast traffic for the end of plan, +18% and +21% relative to the 2022 base for morning and evening periods The current assessment suggests a 15% increase, resulting in a reduction in anticipated queues and capacity during morning and evening peaks at all junctions along the A184.

Despite encouraging the use of buses, car ownership is increasing, and bus patronage is falling. Infrastructure Delivery Plan (2024) Para 3.25.

As shown in the 2023 TCA Report, queues along the A184 corridor particularly at Junctions 20, 21, 22 are set to increase and be 'exacerbated' by predicted traffic increase at both morning and evening peaks due to proposed Local Plan developments (**Annex 1**).

Junction 20 is over capacity at both morning and evening peaks (3.20.1). With the addition of Local Plan traffic queuing will be exacerbated at the junction with worst case queuing on the A184 East in the morning peak and the A184 West in the evening peak (3.20.2). Junctions 21, 22 are 'exacerbated with the junctions continuing to approach theoretical capacity'.

The suggested mitigation and physical interventions largely remain the same as those in the 2022 report. Travel Plans (3.2.10 TCA) such as incorporation of offices in new homes, encouraging sustainable travel through design and restricting parking will be required.

Despite the proposed pack of mitigation measures the report acknowledges that queuing will still occur across all junctions (e.g. 3.21.12 TCA) and anticipates that substantial queuing could occur, if it does "it is assumed that drivers will naturally alter their route choice and divert to an alternative route or change their travel patterns." (3.21.13 TCA).

Since this statement is unsubstantiated, placing reliance on drivers to change their travel patterns is 'happenstance'. Only direct intervention, well in advance of the village proximity, may affect real change and divert new and extraneous traffic from using the A184 corridor to access Testo's roundabout. New housing in and around the village will continue to overload the road infrastructure and generate queues that exceed capacity.

New Trips at junctions

The predicted composition of new traffic trips passing through junctions 19-22 by the end of the Local Plan period appears to be modest when considering that the Department for Transport, National Travel Survey 2021 states that "...in 2021 there were 12 cars for every 10 households in England."

<https://www.gov.uk/government/statistics/national-travel-survey-2021/national-travel-survey-2021-household-car-availability-and-trends-in-car-trips>

Published 31 August 2022

In all cases the majority of new trips passing through junctions are predicted to be generated by Land at South Fellgate and West Hall Farm. No specific reference is made to trips generated by new developments at Cleadon Lane and Mayflower Glass (211 houses). Are these covered in the committed development section?

Wider sustainable transport projects

The 2022 TCA stated that greater reduction in traffic could only come about as the result of future large strategic infrastructure projects (3.20.6). A new Park and Ride scheme at East Boldon metro station remains in 2024 as the example of a wider sustainable transport project (3.21.9 TCA), no site is identified.

This proposal is not feasible given that the location of the metro station is next to the very busy B1229. The small car park is often over capacity resulting in spillage onto the surrounding residential streets. The addition of a future park and ride scheme, to promote sustainable travel and accommodate increased demand (estimated 24,000 extra passengers per day across ST) will add yet more traffic to the road system, potentially encroach into the greenbelt and aggravate the already serious parking situation in surrounding residential streets.

In the shorter term no reliance can be placed on uncertain future projects to further reduce over traffic capacity and congestion.

Comments on Policy 51: Improving capacity on the road network:

Full Barriers

Para 14.23 The Council will continue to investigate the implications of full barrier operation at Tiledshed and Boldon level crossings in respect of road safety and traffic flows.

The Local Plan Traffic Capacity Assessment has failed to include any investigation data into the implications of full barrier operations at the above locations and yet these will have a significant impact on traffic flow. No assessment of the nearby East Boldon fully signalised level crossing barriers (B1229) has been undertaken which would also have provided valuable data.

New Local Plan traffic exiting and turning right out of Cleadon Lane onto the B1229 and exiting turning left onto Tiledsheds Lane will encounter and add to delays caused by full barrier level crossings.

Due to the volume of commercial, domestic through trains and Metros utilising the rail track, current traffic queues are often substantial. (From the station to Junction 22 residents experience pollution at both ends of the road.) Improvements to the Metro system are predicted to increase frequency of trains to 1 every 10 minutes and add future new routes (3.20.13 TCA) – to promote ‘sustainable travel’, however no calculation of these improvements has been undertaken. Vehicles accessing the station and traffic from new housing will continue to exacerbate queue lengths at all full barriers in operation.

5 Failure of Regulation 19 Local Plan to comply with NPPF

NPPF 2 - Achieving Sustainable Development Paras 7 and 8: states that the purpose of the planning system is to contribute to sustainable development includingsupporting infrastructure.. .to address social progress.

SCHOOLS:

EBNF cannot see how the required number of school places for families living in the EBNF area will be deliverable without a clear understanding of LA future plans for new school places to serve residents of EBNF area. With 1204 new homes scheduled to be built in and close to the Forum Area. If solutions are available, they have not been shared with EBNF, so we cannot understand how the current plan will work in terms of sustainability.

- Because of this, the Reg 19 LP fails to comply with NPPF 2 Para 7 and 8 Social and economic objectives.

HEALTH:

The same comment/ objection applies to the failure of the LP to set out how NPPF 2 para 7 and 8 is to be addressed when it comes to providing medical infrastructure; doctors, pharmacies, dentists, hospital places.

- The Reg 19 LP Fails to comply with NPPF 2 Para 7 and 8 Social and economic objectives.

TRANSPORT:

In terms of road and rail infrastructure, plans are set out to improve both but it is acknowledged in the LP that the rail network improvements envisaged in the LP including the Metro will be much longer-term projects than the housing developments. In the past, unprofitable bus routes have been cancelled, so the Bus Service Improvement Plan is welcome. However, it is likely that the improvements to road and rail infrastructure will be delivered after housing sites have been developed.

Traffic is a very difficult issue for EBNF because we already have one of the highest car ownerships in the country and our roads are already at capacity. Our Forum engages with the ST Highways department on a regular basis because of existing problems with our over-crowded streets and congested roads. 1204 new homes with owners all needing to use the road infrastructure will put our roads under even greater strain and will generate even more road congestion, parking problems and atmospheric pollution, further reducing air quality.

- [The Reg 19 LP fails to comply with NPPF 2 Para 7 and 8 environmental objective.](#)

Appendix 2 in the Infrastructure Delivery Plan (Pages 61 - 81) tabulates the planned changes to existing roads and public transport including new cycling and walking pathways. Many of these projects have an indicative phasing date of 2030 at the earliest, after much of the new development has been built, which renders the SP25 Infrastructure objective 1 (page 150 in the LP) of ensuring that 'infrastructure is delivered as an integral part of development' somewhat meaningless.

NPPF Plan Making, Para 16(b) States the LP should be prepared positively, in a way that is aspirational but deliverable

It is difficult to see how the Plan can be deliverable when the infrastructure required to make new housing liveable is absent. Is deliverability linked to section 106 in EBNF area? How much can our LA rely on section 106 for infrastructure when it is gifted by developers?

There seems to be an aspiration to achieve sustainability written into the fabric of the LP but no concrete methodology as to how that will be achieved.

ANNEX 1 to Appendix 1

INFORMATION EXTRACTED FROM TRAFFIC CAPACITY ASSESSMENT REPORT COMMENTARY_(traffic light colours denote - **red over capacity**, **amber approaching capacity**, **green working within capacity**).

3.19 Junction 19 – A184 / Downhill Lane Priority Junction

2023 Base + Committed Development + Other Development

3.19.1 The junction can be seen to be working **within its theoretical capacity during the morning peak period and evening peak period**.

3.19.2 With the addition of Local Plan traffic, the junction continues to work **within its theoretical capacity during the morning peak period and evening peak period**.

3.20 Junction 20 – A184 / Hylton Lane Signalised Junction

2023 Base + Committed Development + Other Development

3.20.1 The junction can be seen to be **over capacity in both morning and evening peaks.**

3.20.2 With the addition of **Local Plan traffic at this junction, queuing is exacerbated at the junction with worst case queuing on the A184 East in the morning peak and the A184 West in the evening peak.**

3.21 Junction 21 – A184 / Boker Lane Signalised Junction

2023 Base + Committed Development + Other Development

3.21.1 The junction can be seen to be operating **approaching capacity in the evening peak** with worst queuing on the A184 Western Terrace.

3.21.2 With the addition **of Local Plan traffic, queuing at the junction is exacerbated with the junction continuing to approach theoretical capacity.**

3.22 Junction 22 – A184 / Whitburn Road / Whitburn Terrace Signalised Junction

2023 Base + Committed Development + Other Development

3.22.1 The junction can be seen to be **approaching capacity in the evening peak.**

3.22.2 With the addition of Local Plan traffic at this junction, **the morning and evening peak operates approaching capacity with exacerbated queuing across the junction.**



House of Commons

London, SW1A 0AA

Cllr Tracey Dixon, Leader of South Tyneside Council

(Correspondence sent via email)

9th February 2024

Dear Tracey,

I am writing to raise my concerns about the South Tyneside Draft Local Plan and the Fellgate Sustainable Growth Area SPD.

I have been contacted by a large number of residents who have expressed concerns about the latest proposals. This is understandably an extremely emotive issue which means so much to the people of Fellgate and the wider community.

I have encouraged residents to submit their own comments into the consultation however as the MP for the Jarrow constituency, it is my role to represent the views of constituents, therefore I would like for this letter to be included as a submission to the consultation too.

Proposed development of West Fellgate Farm

Throughout my time as MP, I have been in contact with and also visited West Fellgate Farm. The farm has previously won the National Farmers Union (NFU) Community Champion award as a Community Farming Hero for the work they have done not just in farming but in the community.

It is therefore of great disappointment that South Tyneside Council's plans now propose to develop West Fellgate Farm steading and the land, leaving the tenants without a business and removing one of the only three remaining farms within my constituency.

This will be truly devastating, not just for the local community, but also for the tenant's family who have occupied the farm since the 1800s, his son being the fifth generation, leaving them without a business and with minimum compensation due to being a tenant.

West Fellgate Farm also has over 50 livery horses belonging to local residents on permanent pasture. If the plans were to go ahead, the horses will need rehoming, something which will be difficult due to the shortage of good livery spaces in South Tyneside.

The contribution of the farm to the community isn't just through its livery services. The farm also supplies other local livery services and farmers in the district with hay and straw as well as selling kiln-dried logs to the local community. Crops are grown whenever possible by direct drilling using organic fertiliser where possible, which locks carbon in the soil increasing the organic matter, to improve the carbon footprint. There has also been a significant increase in wildlife on the farm in recent years with bats living in the buildings, as well as other wildlife such as newts being found. It is of great concern that if this development goes ahead, it will create a huge disturbance to the wildlife and the surrounding environment.

In the latest Draft South Tyneside Local Plan, there are proposals to leave the house at West Fellgate Farm, which would mean the farm will not be able to continue with the current business in any form from what remains of the premises. Other land removed from the 2022 consultation appears to be individual fields throughout the borough, with no steading attached, i.e not a homestead such as West Fellgate.

West Fellgate Farm also plays an important role in the local community. The livery yard acts as a social hub for the equestrian community, similar to football pitches, tennis clubs, and bowling clubs. For example, a Christmas show was organised to raise money to put into their own fund, that is used to purchase whatever they need for the yard.

I understand that these proposals were shelved two years ago due to a large number of objections from residents, but the latest draft South Tyneside Local Plan has actually increased the proposed area to remove the Green Belt at Fellgate, which includes the development of West Fellgate Farm.

As you can see from above, it would be of great disappointment to lose this farm and its contribution to the community and I urge you to consider including the redevelopment of the farm in the Plan.

General concerns about the proposed allocation of land for a housing development south of Fellgate

The proposed allocation of land for a housing development south of Fellgate and the impact it will have on the local community is something that is of great concern to residents. Below are some of the issues residents have raised with me:

- I have been told that at a recent Local Plan Consultation meeting, residents were advised by Council planners that they had consulted with neighbouring boroughs about offsetting housing requirements with them. However, the Local Plan has gone ahead to propose potentially large-scale development for housing, which would devastate the Green Belt, allocate land for 1,200 new homes, as well as place increased pressures on traffic and air pollution. Could you confirm with me that a consultation with neighbouring boroughs took place and what the response from the neighbouring boroughs was?
- I understand from the consultation meetings that planners told residents that they have removed a 15% housing buffer since the original consultation held in 2022 and they say they have reduced the housing requirement from 4,471 to 3,443 homes and reduced the land required to be removed from the greenbelt from 7% to 5%. Over the 17 years that the plan covers, planners told the consultation meeting that they now only need 309 houses per year instead of 321. Could you confirm with me that this is the case?
- I am aware that South Tyneside Council have already invested in flood defences in the fields running parallel to Durham Drive which is the main circular road on the estate. The defences are meant to be ok for 100 years, however I have been told that houses adjacent to the farm have been flooded quite badly in the past and the fact that the open ground will be replaced with potentially a large housing development will not help. There are also houses being built across the dual carriageway to West Fellgate Farm, an estate which will be known as Monkton Gardens. Since the builders have been developing the site, I have been made aware that Monkton Burn, which is on the farm, is flooding very regularly. Residents are concerned about the increased risk of flooding if a new housing development is given the approval by the Council. Could you confirm with me that a full flood risk assessment has

Address:

Phone

/ Email:

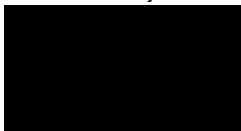
been completed around these plans?

- I am informed that the Council said that they have examined the effect of the development on the Green Belt and say that the Fellgate Green Belt is medium risk and other areas explored are medium to high risk. Could you confirm what surveys were completed to examine this risk?
- I understand that the proposals include provision for a 'well located and connected local centre' which includes primary school provision. Residents fear that this will place even more pressure on traffic and the local community as a whole. In terms of traffic, the speed limit on Durham Drive has been reduced to 20mph to make it safer for children, however, with the potential building of 1,200 homes, concerns have been raised that the increase in cars on the estate will dramatically increase the chances of congestion, accidents and pollution in the area. Concerns have also been raised about the impact of traffic in the wider area such as around Whitemare Pool roundabout which already has serious pressure at peak times. What assessments have been done around the impact of this?

I would be grateful if you could look into the points raised in this submission and that every effort possible can be made to protect this valuable Green Belt land.

I look forward to your comments.

Yours sincerely,



Kate Osborne MP

Member of Parliament for the Jarrow Constituency

Address: Kate Osborne MP, [REDACTED]
[REDACTED] [REDACTED]

developing the site, I have been made aware that Monkton Burn, which is on the farm, is flooding very regularly. Residents are concerned about the increased risk of flooding if a new housing development is given the approval by the Council. Could you confirm with me that a full flood risk assessment has been completed around these plans?

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I would be grateful if you could look into the points raised in this submission and that every effort possible can be made to protect this valuable Green Belt land.

I look forward to your comments.

2 What is your name?

Name:
Kate Osborne MP

3 What is your email address?

Email:
[Redacted]

4 What is your organisation?

Other organisation (please specify)

Organisation:
Parliamentary Labour Party

5 What is your postal address?

Address:
[Redacted]

LP1409- Jean Eckert

Response to South Tyneside Local Plan Review Submission Local Plan consultation (regulation 19)

Jean Eckert [REDACTED]

Sun 3/3/2024 11:10 PM

To: Local Plan <Local.Plan@southtyneside.gov.uk>

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Response to South Tyneside Local Plan Review Submission Local Plan consultation (Regulation 19)

Please accept the information below as evidence that the draft Regulation 19 Local Plan is not legally compliant and is not sound.

Policy 25: Infrastructure and Policy 51: Improving capacity on the road network

I do not object to the IAMP development that is currently proposed although this Section 19 Plan should have included the loss of green belt from this site before expecting more green belt to be released for housing. The overall loss of biodiversity and detrimental impact on the River Don from the IAMP site and road network improvements should also have been considered in a cumulative assessment.

I also understand the need to improve the capacity on the road network in anticipation of the IAMP site being fully utilised in the future, but I do, and have, objected most strongly to the South Tyneside Local Highway Network projects which are intended to support this, as these have already been awarded funding from the Transforming Cities Fund and the ITS implemented without any prior public knowledge or consultation and also without any assessment of their effectiveness. These are:

(Policy 25) 4iv Traffic Signal Upgrades throughout the network using intelligent solutions (ITS) at key junctions

4v Localised junction improvements expected to be impacted by development growth

4vii Working with Network Rail to assess the implications of full barrier operation at Tiledshed and Boldon level crossings.

This submission is not vexatious. The information below is an honest expression of facts which, along with the conclusion reached, have all previously been conveyed to the Council's most senior officers, the Leader of the Council and also officers of the LPA. That the council has chosen not to be accountable for these past actions and have now produced a Section 19 Local Plan which depends on the errant proposals 4iv, 4v and 4vii, shows that these proposals for infrastructure to underpin housing development is not compliant with legislation and has not been positively prepared, as the Council has always intended to impose these without having a public mandate to so.

- Travel in South Tyneside is restricted by the area of green belt bordering Gateshead and Sunderland to the west and south, and behind this the main housing developments is constrained by the River Tyne to the north and coast to the east. This means that majority of journeys out of the borough must travel west in order to access strategic road network to travel north, south or west. The main roads that access these are A184 with junction at Testos and White Mare Pool, and also A194 with junction with A184/A194M at White Mare Pool.

ITS on local junctions are intended to prioritise the strategic road network for the transport of freight and manage traffic on local junctions to prevent congestion on these routes, but these have also been implemented at local junctions in order to mitigate the increase of congestion and air pollution which will be caused by the traffic generated from the housing proposals in the Local Plan. Information given by the Council in the region's 2019 Transforming Cities Fund Strategic Outline Business Case, showed that the emerging Local Plan and the proposed Infrastructure Delivery Plan was reviewed, and a summary of this showed that the IDP was ***"to establish a link between TCF interventions and Local Plan policies when developing a development dependency analysis as this is a tangible link between what the authority is planning for in respect of a future employment and housing market and the necessary infrastructure that is required to support the plans"***.

It was also stated that, ***"The emergent updated draft South Tyneside Local Plan and IDP has been supported by a RAG assessment of the impact of development on the highways network. We have ensured these assumptions around the need for interventions have travelled through in the assumptions we have made in this regional review. The IDP includes the need to deliver enhancements to Metro including Twin Tracking and station upgrades, a package of bus priority measures and walking and cycling schemes and the Tiledshed crossing."***

Fundamentally South Tyneside is a net exporter of labour and its wider connectivity to the region is of interest to the authority as well as supporting future inward investment opportunities on sites such as IAMP and Holborn Riverside."

- This information shows that the funding has always been planned to include a development dependency but none of this information was given in the 2019 Section 18 draft Local Plan and representations made since September 2020 have resulted in being treated as complaints which the Council has refused to act upon. Certain Councillors have also denied that there is a link between the TCF proposals and housing development and instead of being open and transparent about these, and by refusing to acknowledge the content of my complaints, have treated the public as a risk, and chosen to continue with these instead. In so doing this also put the entire regional programme at risk of not being delivered. However, by making the decision to not be accountable to the people of South Tyneside, the ITS proposals have now been implemented, resulting in planning decisions made on speculative applications' for sites assessed as requiring this infrastructure (IDP 2019), have been granted planning without requirements for this. This has caused the air pollution that these developments will generate, to be wrongly ignored.
- If the ITS solutions are allowed to remain as if they are effective infrastructure which will mitigate congestion caused by housing development, then this will apply to all development proposals in the Local Plan, and because the 'corridors' can be extended at any time, this will also apply to all proposals for development up to 2040.

4vii Working with Network Rail to assess the implications of full barrier operation at Tiledshed and Boldon level crossings.

The above information shows that the Council has now wrongly received funding and implemented the ITS part of the TCF 'ST08a South Shields to Newcastle Bus Corridor Improvement Scheme' but the 'road bridge' element of this has not yet received the funding due to the final year awards of the TCF programme now being withheld subject to future funding arrangements.

North East Transforming Cities Programme ST08a 'South Shields to Newcastle City Centre Bus Corridor Improvement Scheme':

***UTMC/Traffic Signal Upgrade
Whiteleas Way Bus Lane
Stanhope Road/Boldon Lane junction
Boldon/Tiledshed Level Crossings (Major Assessment)
New Road/Boker Lane junction
Boldon ASDA/New Road junction***

In the 2016 UTMC Review (as above) the then proposed scheme at the Boldon and Tiledshed crossings was described as: 'Tiledsheds crossing **Provide a reconfigured junction/flyover** at Benton Road/Tiledsheds that will allow for the removal of the two level crossings in this location.'. It is this

proposal which continues to be committed to being delivered as part of the region's Transforming Cities programme.

It is therefore not appropriate for the Council to have included item 4 vii as if it is an ongoing dilemma which has to be solved, but this must have been done to continue the misinformation which has been given to the public about this scheme since 2019.

This should now be removed from this Plan and the Council be made to fully account for all of the TCF proposals. These proposals are not sustainable and cause all development proposals that will be dependent on them to also be unsustainable. This policy has also not been positively prepared and is not justified.

Policy 52: Safeguarding Land for Metro and Rail development

The plans for the infrastructure contained in this policy are well advanced and are included in as part of the region's bid for the funding of the Leamside Line and also the Washington Metro Loop.

My information shows that it is these proposals which will create the need for the closing of the level crossings, and so the flyover, as it is intended to increase the rail traffic on the Durham Coast Line.

This Policy should be removed from this Plan and the Council made to account for these proposals and provide fair consultations on these.

Policy SP2: Strategy for Sustainable Development

This policy is not justified by the evidence because it proposes an unsustainable level of growth of housing development; and is not consistent with the NPPF or with other statements of government policy.

This policy must be revised to decrease the number of homes being planned for so that it meets the area's actual objectively assessed needs and is consistent with achieving sustainable development.

The Local Plan is based on inaccurate population projections. Census data show a consistently falling population in South Tyneside, from 157,200 in 199, to 147,800 in 2021 but the Section 19 Local Plan assumes a population of 151,936 for 2021. This is an overestimate of 4,136, which will continue to increase over the next 20 years.

Using the Office for National Statistics (ONS) 2014 housing projections produces a housing requirement of 309 per year, a total of 5,253 houses by 2040. The Local Plan would require a total of 77,716 dwellings in South Tyneside by 2040 whereas the 2018 ONS projection is for 75,664. Therefore the Local Plan is for 2,052 more houses than are needed.

The ONS household projection is likely to be revised down given the population trends thus increasing the excess housing provision during the period of the Local Plan.

The local housing needs assessment employed the 2014-based household projections to conclude that 309 dwellings are required every year of the over the Plan period and this gives an overall minimum housing requirement of 5,253 new homes. There is no requirement to establish a housing need in the amended NPPF, December 2023 but the Council has stated that because the Section 19 was so advanced, that there is provision for the 2014-based household projections to be employed and has then proposed that there must be development on the Green Belt to allow these to be delivered.

Information given in a Research Briefing states that, *"The standard method is intended to be the starting point in determining how many homes an LPA can and should deliver, but is not a target. LPAs must also take account (for example) of land constraints, such as the Green Belt."* (<https://commonslibrary.parliament.uk/research-briefings/cbp-9268/>). This means that the Council is able to determine its housing requirement and can take into account the restraint of the Green Belt.

The Council chose to continue using the 2014 figures, and maintain the requirement of 5,253 houses, when they were also entitled to use the 2018 figures under the December 2023 amendment of the NPPF and reduce this figure. Reducing the amount of houses would have been a positive step to take in order to achieve sustainable development but in not doing this, it must also negate the argument that the higher figures are reason to give exceptional circumstances for building on the Green Belt as these could be legitimately

prevented. In continuing to employ the 2014 figures the Council have chosen to build houses that are not needed in the Green Belt, but do not have exceptional circumstances for doing so.

- Reference is made in the Plan to the **Economic Recovery Plan**. This is not a plan that has ever been published for consultation and the proposals it contains have never been presented to the public.

The original purpose of the 2020 Economic Recovery Plan was for members of the Combined Authorities to assure the Government, through the Local Enterprise Partnership, that they were still committed to their claims for the funding of infrastructure, and that this would enable the support all of the development proposed in the 2019 Section 18 draft Local Plan. It was also found that there was, **“Potential to attract more residents into the Borough” and achieve their “ambitious vision”** for South Tyneside. The ERP therefore gives the reason why the Section 19 Plan maintains the use of the 2014 population figures, despite it being shown that there is not a requirement from local population figures to require the ‘unlocked’ development.

- Neighbouring boroughs also have Local Plans agreed which gave more houses than their objectively assessed needs and recently there has been a spate of advertisements from developers offering houses for sale on large sites in Sunderland and the wider area. Many of these have offers and incentives to sign up quickly to buy. The same advertisements have been repeated for some time and the number of these is increasing. As a member of NECA and one that has deferred their Local Plan for some time, it is possible that this is not the time for our council to be advancing a Local Plan that is based on anything other than the needs of the current population, with full commitment to the stretched funds that are available being used to support those most in need, and not on an unsustainable pipe dream which will destroy the beautiful Green Belt countryside and biodiversity it supports in South Tyneside.

- Immediately after the Regulation 18 consultation in 2022, planning permission was given for 446 houses on the former Hawthorn Leslie shipyard that had lain redundant for several years. This was not included in the Regulation 18 Draft Plan. Since then planning permission has also been given for 127 houses on land at Lukes Lane, Hebburn, which was previously included in the 2019 Section 18 Draft Plan as land for employment use. More recently planning permission has been given for 9 houses on the Mayflower Glass site, which is in Cleadon but is considered to be in East Boldon for planning purposes because this was included in the East Boldon Forum’s neighbourhood area.

Permission was also given for 202 houses on the Cleadon Lane Industrial Estate in February 2023. This was initially included in the 2019 Section 18 draft Plan as a regeneration site and then as a housing development site in the Section 18 draft in 2022. This site is also in Cleadon but is included in the East Boldon Forum’s neighbourhood area.

In December 2023 permission was given for 260 houses on the former South Tyneside College South Shields campus, although only 160 houses were included for this site in the 2022 Regulation 18 draft Plan consultation, and as a result 143 trees which the ‘key considerations’ showed should be retained, will now be felled to ensure the viability of the site.

Planning certificates have not yet been issued for Cleadon Lane and South Tyneside College as these are subject to completion of Section 106 Agreements.

This is over 1,000 houses being given planning permission for development outside of the Local Plan. Have these been included as committed sites in the calculations of the number of houses that are required in this Section 19 Plan?

As the Cleadon Lane Industrial Estate site also includes an area of Green Belt, should this have been included in this Section 19 Plan and not granted planning outside of the Local Plan process?

Air Quality Strategy (2023)

The Council has produced an air quality strategy which also acts to sanction the use of the ITS, in the absence of any consultation on the efficacy of these, in the form of ‘IT Corridors’ being included as **“Action Plan 11 – Reduce emissions related to traffic flow, through the upgrade of key junctions with ITS”**. My report sent to Councillors in June 2020, showed that these systems would not prevent congestion but would actually cause this, and a corresponding increase of air pollution, and that this would be exacerbated by the traffic from the development the ITS were said to mitigate. It was also shown that the use of UTMC to encourage traffic to take alternate routes will also cause ‘rat runs’ through residential areas. In the case of the South Shields to Newcastle Bus Corridor scheme, this will cause an increase of traffic and air pollution in Whiteleas, which is an area with the worst health outcomes in the Borough and also the lowest life expectancy, and Cleadon, which

has better health outcomes and life expectancy but has the highest number of older people. This is contrary to the requirements of Section 12 of the Health and Social Care Act 2012, which is for Councils to improve the health of people who live in their areas.

The funding objectives for the ITS were that these should reduce congestion, reduce air pollution and so improve public health. These are all statutory requirements, but the ITS will not do this in South Tyneside and my requests that these should not be implemented through the Air Quality Strategy and the faux 'Traffic Light Improvement Scheme', have been ignored, and all attempts to have this matter dealt with suppressed by continuing to hold all of this information in the Complaints system. This has allowed the Air Quality Strategy to be wrongly included in this Section 19 Plan when it is actually only "actively supporting future development" by promoting the use of ITS. **It is not an effective strategy which will prevent an increase of air pollution from development and does not support healthy communities.**

SP7: Urban and Village Sustainable Growth Areas

This policy is not sustainable and is not justified.

It is stated that the housing need cannot be fully met unless land is released from the Green Belt. All of the proposed sites to be deleted from the Green Belt are contained within **Policy SP7**, apart from the Sustainable Growth Area at Fellgate and an employment site at Wardley Colliery.

This policy states:

"The following sites will be removed from the Green Belt and are allocated for housing development, as shown on the Policies Map. Development of Urban and Village Growth Areas will include compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of the removal of the land from the Green Belt."

There is no compensation for loss of Green Belt land and the scale of proposed releases in the borough, including those at Fellgate and Wardley will cause a huge loss of biodiversity which can never be recovered. It may also put nearby biodiversity at risk because there will be such great competition for food and shelter. There is no cumulative assessment of the total loss of green Belt planned. This should be rectified and a cumulative environmental impact assessment made so that other areas at risk will also be identified. This should also consider that the majority of the Green Belt sites are also productive farmland and this loss and its consequences also assessed.

West Boldon has also lost 63 Hectares of agricultural Green Belt land for the International Advanced Manufacturing Park (IAMP). This may also have been recently increased but this release has not been considered as a reason to prevent more Green Belt loss.

Releasing land for development in the villages of Cleadon, Whitburn and West Boldon will also not *"Secure the sustainability and vitality of the Villages of Cleadon, Whitburn and the Boldons by supporting growth which respects the distinctive character of each Village"* as set out in **Policy SP2**. This shows no 'respect' for *"the distinctive character of each Village"*, it also does not protect the purpose of the Green Belt as being to prevent urban sprawl. This is a particular concern for **Policy GA 4 Land at West Hall Farm** as the Council has said they will support the economical investment of a proposed solar farm on land opposite this site, to the south of Moor Lane. If this development were to go ahead this would merge Cleadon, and therefore South Tyneside, with Sunderland and the distinctiveness of the village of Cleadon would be lost. **This is in direct conflict with the National Planning Policy Framework (NPPF)**

Policy SP23: Sports provision and Playing Pitches

This policy is incomplete.

Objection to policy SP23:

The policy aims to deliver high quality sports facilities that meet the current and future sporting needs of the Borough. This need is based on there being an increase of population, and includes that builders of new residential development provide developer contributions to, 'enhance the existing provision of playing pitches based on additional demand generated by the new residential development and the sufficiency of existing provisions to meet current and projected need'.

My response to Policy SP2 shows that in determining the number of houses required, the council has over-estimated the actual housing need for the Borough because they did not use the most recent Census figures. As the projection for the future need of playing pitches was also based on the over-estimated figures the methodology used to calculate the off set of pitches from new development is flawed and the amount of playing pitch mitigation will not be required.

I have also stated that the sustainability of proposed development has not been proven in the Section 19 Plan because the road infrastructure mitigation which is funded through the Transforming Cities Fund is not sustainable. It follows that development which relies on this infrastructure will also not be sustainable. The development sites which require the playing pitch offset (as all development in the Local Plan within range of a bus corridor or IT corridor), are all dependent on the junction improvements with ITS (as above) and cannot be presumed to be sustainable, as the infrastructure proposed will not prevent congestion or air pollution and will not improve public health. These sites should therefore not be built on and the playing fields these contain should remain open to provide the current demand for pitches.

In the 2022 Section 18 draft Local Plan consultation, the Playing Pitch Strategy (2019) identified land to the south of South Shields School to be used as a hub to offset the loss of sites to development.

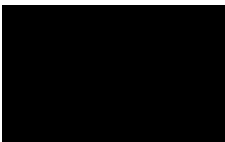
Policy 23 now requires, "Providing new playing field provision and supporting quality improvements to playing pitches and onsite infrastructure at the following outdoor pitch sites" – which includes, ii Epinay School, South Shields.

The South Tyneside Playing Pitch Strategy (2019) and Playing Pitch Strategy Assessment Report (2019) are both "currently being updated", so it is not known what conclusions these will reach. But: as the recent granting of planning for the South Tyneside College, South Shields campus, requires a Section 106 contribution to be made to provide additional changing facilities and a pavilion at Epinay School, (where the playing fields are also on a green belt site), it does seem possible that any further need for pitches to be 'off set' could also be asked to utilise these facilities and the playing pitch area extended. This could also mean that the loss of green Belt farmland which was greatly objected too in the Section 18 Plan, is allowed to go ahead without any further public engagement at all. This would not be a sustainable solution and should not be allowed to happen. It is also questioned whether the extended facilities and addition of a pavilion meet the requirements of appropriate development on Green Belt?

This policy requires a further consultation following the completion of the Playing Pitch Strategy and Playing Pitch Assessment Report being updated, before it can be included in the Section 19 Local Plan. There should also not be any building undertaken until after this has taken place.

This policy has not been positively prepared and currently is not justified.

Jean Eckert



Please note: I wish to participate at the oral part of the examination.

South Tyneside Local Plan Publication Draft - Comments on behalf of Bellway Homes Limited (North East)

Chris Martin [REDACTED]

Thu 2/29/2024 4:53 PM

To: Local Plan <Local.Plan@southtyneside.gov.uk>

📎 1 attachments (2 MB)

R002v2PL South Tyneside Reg 19 Reps (BNE) FINAL.pdf;

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Dear Sirs,

On behalf of our client, Bellway Homes Limited (North East), please find attached representations made to the South Tyneside Local Plan Publication Draft (Regulation 19).

Please confirm receipt of these at your earliest convenience. If you have any queries, please do not hesitate to contact me.

Regards,

Chris

Chris Martin

Associate Planner

E [REDACTED]
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Representations to South Tyneside Local Plan (Publication Draft – Regulation 19)

On behalf of Bellway Homes Limited.

Date: March 2024 | Pegasus Ref: P19-1962

Author: Chris Martin BSc(Econ) MSc MA MRTPI



Document Management.

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Contents.

1. Introduction.....	1
Previous Consultations.....	1
This Consultation	1
Bellway Homes and its Land Interests	2
2. Comments on the Local Plan.....	3
Overview	3
Comments on the Strategic Objectives.....	3
Policy SP1: Presumption in favour of Sustainable Development.....	3
Policy SP2 : Strategy for Sustainable Development to meet identified needs.....	4
Policy SP3: Spatial Strategy for Sustainable Development	5
Policy SP7: Urban and Village Sustainable Growth Areas	7
Policy 1: Promoting Healthy Communities.....	15
Policy SP15: Climate Change.....	15
Policy 5: Reducing energy consumption and carbon emissions.....	16
Policy 6: Renewables and Low Carbon Energy Generation.....	16
Policy 7: Flood Risk and Water Management	17
Policy SP16: Housing Supply and Delivery	17
Policy 13: Windfall and Backland sites	18
Policy 14: Density.....	18
Policy 18: Affordable Housing.....	19
Policy 19: Housing Mix.....	19
Policy 20: Technical Design Standards for New Homes	20
Policy 34: Internationally, Nationally and Locally Important Sites.....	20
Policy 35: Delivering Biodiversity Net Gain.....	20
Policy 36: Protecting Trees, Woodland and Hedgerows.....	20
Policy 41: Green Belt.....	20
Policy SP25: Infrastructure.....	21
Policy 58: Implementation and Monitoring.....	21
Policy 59: Delivering Infrastructure	21
3. Summary and Conclusions	22

Appendices contents.

Appendix 1 – Extent of Land Interest.....	23
Appendix 2 – Representations to Viability Workshop (2023).....	24
Appendix 3 – Site Specific Ecological Information.....	25
Appendix 4 – Concept Masterplan for the Site.....	26

1. Introduction

- 1.1. These representations have been prepared by Pegasus Group on behalf of our Client, Bellway Homes Limited, in relation to the Regulation 19 draft of South Tyneside's Local Plan. Once adopted, it is intended that the Local Plan will replace the current suite of Local Development Framework documents and become the development plan for the Borough. It will therefore act as the starting point for making decisions for future planning applications in South Tyneside.
- 1.2. In addition to providing general comments on the draft of the Local Plan, we also consider our Client's land interest in the Borough.

Previous Consultations

- 1.3. Our Client has been involved in the plan making process in South Tyneside over a number of years. This includes responding to the previous Regulation 18 draft of the Local Plan (in August 2022) as well as other consultations in relation to viability, exploration of specific site issues and submissions to updates to the Strategic Housing Land Availability Assessment (SHLAA).
- 1.4. More locally, our Client has also engaged in the neighbourhood planning process by preparing and submitting representations to the now 'made' East Boldon Neighbourhood Plan (EBNP).
- 1.5. Our Client is therefore well aware of the specific issues and background which will help shape future growth in the Borough and the pressing need to positively plan to meet South Tyneside's future needs.

This Consultation

- 1.6. This consultation seeks comments from the general public, landowners and key stakeholders. As a major housebuilder in the Borough, our Client is keen to ensure that the Local Plan is prepared in a robust, comprehensive and sound way which complies with the policies of the National Planning Policy Framework (NPPF, 2023) and has cognisance of the content of the accompanying Planning Practice Guidance (PPG).
- 1.7. The NPPF in paragraph 35 highlights that local planning authorities should submit a plan for examination which it considers is "sound"; namely that it is:
 - Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;
 - Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

- 1.8. Our comments on the Local Plan have been framed with references to these tests.

Bellway Homes and its Land Interests

- 1.9. Bellway Homes is a North-East based housebuilder which operates across the whole of the United Kingdom. As a company, it is committed to providing high quality and sustainable housing developments which seek to assist in the Government's aim to significantly boost the supply of housing which the country needs. In this regard, Bellway Homes is recognised as providing high quality new homes through a 5 Star Housebuilder award by the Home Builder's Federation (HBF).
- 1.10. Our Client is the part of Bellway Homes which is responsible for identifying strategic sites to come forward, primarily through the plan-making process, to assist in the positive growth of areas and to provide the homes that are needed for places to successfully grow.
- 1.11. Our Client has a land interest at Land at North Farm (East) (SHLAA site: SBC004).
- 1.12. A plan identifying the extent of our Client's land interest is found in **Appendix 1** of these representations.
- 1.13. Its land at North Farm (East) was proposed to be removed from the Green Belt and allocated for new homes alongside the adjacent parcel (North Farm (West)) in a previous draft of the Local Plan (published in 2019). It is noted that in this current draft the land is no longer proposed to be allocated (remaining in the Green Belt), although the adjacent parcel is still proposed to be allocated. This matter is explored in more detail later in these representations.
- 1.14. It is our view that our Client's land interest should be allocated for residential use and in doing so, it will assist in the ongoing sustainable growth of the Borough and will provide a deliverable housing site that will assist the Council in meeting its housing requirements over the plan period. This is particularly important in the case of South Tyneside given its recent record on housing delivery (through the Housing Delivery Test) and its five-year housing land supply figure; both of which point to the need for the Council to proactively encourage growth both through the development management and plan-making processes.
- 1.15. It is against this background that we comment on the strategies and policies of the emerging Local Plan in the next section of this document.

2. Comments on the Local Plan

Overview

- 2.1. In general terms our Client supports the preparation of the Local Plan for South Tyneside as it believes that if prepared in a sound and robust manner, an up-to-date development plan for the Borough will provide certainty for development going forward and will help promote sustainable growth.
- 2.2. Nevertheless, as it is currently prepared, our Client does not consider that the Local Plan is a robust and sound document and that key changes are required to the overall strategy and the plan's policies to rectify this. We detail these below.

Comments on the Strategic Objectives

- 2.3. We support the identification of increasing the supply and choice of housing to cover existing and new residents in South Tyneside (Strategic Objective 5). This reflects our comments made to the Regulation 18 draft of the Local Plan.
- 2.4. However, we have also previously raised that the link between economic and jobs growth (Strategic Objective 6) and housing growth needs to be explicitly made in order to ensure sustainable patterns of development are maintained. It is also noted that the plan makes reference to an ageing demographic in South Tyneside and a consequence of this is often a decline in the working age population.
- 2.5. All these factors are interrelated, for instance a strong desire to see economic growth and to address an ageing population need to be supported by sufficient housing growth. This needs to be acknowledged in the Strategic Objectives so that they are then properly addressed within the Local Plan's policies. Currently this does not seem to be the case and on this basis it is difficult to establish whether the approach to housing in the plan is ultimately sound as it may be the case that it is unsound by being inconsistent with national policy if sustainable patterns of development cannot be achieved.

Policy SP1: Presumption in favour of Sustainable Development

- 2.6. As outlined in our comments on the Regulation 18 draft of the Local Plan, this policy simply repeats the contents of the *Presumption in Favour of Sustainable Development* within the NPPF plus key approaches to working pro-actively with applicants found in paragraph 38 of the Framework.
- 2.7. The NPPF itself advises local planning authorities to avoid unnecessary duplication of its policies (paragraph 16f). We therefore object to Policy SP1 and consider it unsound for being inconsistent with national policy.

Policy SP2 : Strategy for Sustainable Development to meet identified needs

- 2.8. This policy states that the Local Plan will deliver a minimum of 5,253 net additional homes (equivalent to 309 dwellings per annum) and a minimum of 49.41 ha of land for economic development.
- 2.9. It is noted that this figure largely reflects the Local Housing Need (LHN) for the Borough as defined by the Standard Method and represents a fall from the Regulation 18 draft which proposed a minimum of 5,778 net additional dwellings (equivalent to 321 dwellings per annum).
- 2.10. The NPPF outlines that the Standard Method is an advisory starting point when investigating the amount of new homes that might be needed in an area (paragraph 61). However, the NPPF also states that Local Plans should be aspirational and positively prepared (paragraph 16) and it remains the Government's objective to significantly boost the supply of new homes (paragraph 60).
- 2.11. In addition to this, the NPPF recognises that the requirement could be higher than the Standard Method, with paragraph 67 stating:

"The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment."

- 2.12. The PPG elaborates on this further by outlining an uplift from the Standard Method may be appropriate where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method (*Reference ID: 2a-O10-20201216*).
- 2.13. Our Client considers that such an exercise has not been robustly undertaken to establish if an uplift is appropriate. As such we object to this policy and consider it unsound for not being positively prepared, being unjustified and being inconsistent with national policy.

- 2.14. The Council's latest Strategic Housing Market Assessment (SHMA) was published in November 2023 and is the primary piece of evidence which examines whether any changes to the Standard Method should be undertaken. Within the SHMA, reference is made to the economic aspirations for the North East through the North East Local Enterprise Partnership (NELEP) Strategic Economic Plan and the South Tyneside Economic Recovery Plan (2020) (paragraph 4.22 - .427). These both contain ambitious plans for economic growth and job creation including 25,000 new jobs for South Tyneside. However, when assessing this, the SHMA simply states:

"While the council is clearly committed to achieving economic growth (and inclusive growth that reduces inequalities), it considers that the minimum local housing need target of 309 homes per year fully reflects this aspiration. South Tyneside is part of a wider functional economic area extending across Tyne and Wear as evidenced in commuting and travel to work patterns. It is therefore reasonably assumed that new jobs created within South Tyneside could be done by people from within the wider functional economic area (as well

as by local people currently not in work given the emphasis within the Strategic Economic Plan upon upskilling and reskilling local residents)."

- 2.15. That is to say, that there clearly is a need for additional new homes to accommodate these growth ambitions but the jobs created can be done by people living outside of South Tyneside. We do not regard such a statement as acceptable given that this would clearly result in an imbalance between jobs and new homes, leading to unsustainable patterns of development. This strategy would also directly contradict Strategic Objective 6 of the Local Plan which seeks to support economic growth that secures benefits for local people and paragraph 16 of the NPPF in ensuring the Local Plan is positive and ambitious.
- 2.16. Indeed, this approach would seem to indicate that the Council would effectively be 'exporting' its housing needs which occur above the Standard Method and rely on housing growth elsewhere in the region. There is currently no agreement in place to share housing growth between authorities and this further emphasises the need for the Council to balance jobs and housing growth.
- 2.17. Furthermore, the SHMA makes no reference to the fact that from May 2024, the NELEP itself will no longer exist and will have been subsumed into the wider North East Mayoral Combined Authority (NEMCA). This will unlock additional investment in the region (up to £4.2bn) of which over a quarter is to fund economic growth. This additional growth needs to be taken into account and would again indicate an uplift to the Standard Method figure would be appropriate so that this growth can be undertaken in a sustainable manner.
- 2.18. Without taking into account the above, we consider the policy remains unsound.

Policy SP3: Spatial Strategy for Sustainable Development

- 2.19. Our Client notes that this policy sets out the broad distribution of development proposed within South Tyneside. It supports the identification of the need to secure the sustainability of the Boldons as part of the Local Plan's spatial approach and that changes to the Green Belt boundary are required (and that exceptional circumstances exist for this).
- 2.20. However, the spatial strategy will only work if those areas which are to accommodate growth are capable of being delivered. Historically the urban areas of South Tyneside have been the parts of the Borough which have had the lowest residential values and thus have been the areas where viability issues are most acute.
- 2.21. As part of its evidence base, the Council has commissioned a Local Plan Viability Update document (October 2023) to support the preparation of the Local Plan. Our Client took part in the stakeholder consultation and feedback in relation to the preparation of this document (and its previous iterations) and raised a number of concerns regarding the assumptions which have fed into this document.
- 2.22. The feedback our Client has provided has been consistent throughout this process and that is the approach to viability from the Council:
 - Overestimates sales values – Whilst it is noted that sales data has been used to inform this, this is only a small sample size and is indicative of the fact that only small amounts of new-build housing have been developed in these areas over recent years. This has led to pent-up demand which has artificially driven up values in these places. The

values used are therefore an overestimation of the actual values which are likely to be achieved and indeed do not take into account elements such as incentives and other discounts that are needed to attract buyers.

- Underestimates the cost of biodiversity net gain – Firstly, providing net gain on-site inevitably waters down net-gross areas of a site (as net gain land competes with other open space uses and developed land). In some instances, net developable areas have been squeezed to 50% of the total site size as a result of this. This needs to be reflected in the viability work. Second, for off-site contributions/credits, the national figure is (at its lowest) £42,000 per biodiversity unit (not per hectare). Within the net gain system, credits (as a last resort) are able to be set at double the cost of a biodiversity unit. It is our experience that sites will often need to purchase multiple biodiversity units to achieve a 10% gain which would largely exceed the £30,000/ha cost which is assumed in the viability work, given that even a relatively small site would typically need dozens of biodiversity units. This needs to be corrected in the viability work to show the full effect of net gain requirements.
- Underestimates the cost of Future Homes Standard – We have outlined our view that Future Homes Standard would add in the region of £12,300 cost per dwelling. This includes updates to latest Part L (£5,000), updates to Future Homes Standards (£6,500) and electric car charging points (£800). This needs to be fully reflected in the viability work.
- Underestimates build costs – We consider a median BCIS figure should be used (instead of a lower quartile figure) to better reflect recent build-cost inflation which has affected all sizes of housebuilder.
- Utilises an unrealistic assumption for Benchmark Land Values – We consider the uplift applied to the Existing Use Value (EUV) is unrealistic and will not incentivise landowners to release land.

2.23. For completeness, the latest copy of our representations to this process is contained in **Appendix 2** of this document.

2.24. When such factors are taken into account, this will inevitably affect those sites in the urban area much more, and these may then be unviable.

2.25. When this is considered (and combined with our comments to Policy SP3 above), the Council should be seeking an uplift in the number of homes to be built over the plan period and look to add sites where deliverability is much more likely, such as our Client's land interest at Boldon.

2.26. Furthermore, the spatial strategy also places a strong reliance on the strategic site at Fellgate (Policy SP8) to deliver a significant proportion of the Borough's housing growth (1,200 dwellings which is over 20% of the total homes proposed in the Local Plan). Previous experience in nearby authorities such as North Tyneside and Durham has shown such large sites are extremely difficult to deliver. Such strong reliance on the Fellgate site puts the Council's delivery strategy at significant risk if the land is delayed in coming forward or ends up not being delivered at all in the plan period. This is especially the case in this instance, given that the area around the Fellgate site is not a strong housing market area and residential values are likely to be relatively low.

- 2.27. As such, whilst there is overall support for the distribution of development and Green Belt release, our Client nevertheless retains an objection to the policy and believes it to be unsound on the basis of it being unjustified. This is because it considers that the deliverability of the strategy has not been robustly tested given that the approach to viability is flawed.
- 2.28. The Local Plan Viability Update document therefore needs to be re-run taking into account the above points to establish the effect on the deliverability of sites proposed in the Local Plan and seek to allocate additional sites in areas where deliverability is more certain (thus assisting the Council in maintaining housing delivery and housing land supply over the plan period).

Policy SP7: Urban and Village Sustainable Growth Areas

- 2.29. As outlined elsewhere in these representations, our Client supports the release of Green Belt land in order to assist in growth in key (and deliverable) areas of South Tyneside. However, it objects to this policy on the basis that its land interests, which are clearly deliverable and sustainable have been excluded from these allocations.
- 2.30. Our comments elsewhere in these representations highlight our view that the total amount of new homes to be provided over the plan period needs to be upwardly adjusted to take into account:
- Economic growth aspirations.
 - The need for flexibility in supply because of concerns regarding viability.
 - Additional growth to ensure that the Council is able to maintain housing delivery and five years' worth of deliverable housing land.
- 2.31. We therefore consider that additional housing sites need to be identified and that our Client's land interest should be included in these additional sites. We provide more detailed commentary on our Client's site below.

Land at North Farm (East) (SHLAA site: SBC004)

- 2.32. This land is located directly to the east of allocation GA2 (Land at North Farm) with the two sites joined together and proposed to be removed from the Green Belt and allocated for housing in a previous iteration of the Local Plan as allocation H3.59 (Pre-Publication Draft, 2019) (see location plan in **Appendix 1** of this document).
- 2.33. Our Client has consistently promoted its land interest through the plan making process over a number of years and has stated that it is happy to work alongside the Church Commissioners (who are promoting allocation GA2).
- 2.34. It is noted that in this current draft of the Local Plan our Client's land interest is not to be removed from the Green Belt and allocated for housing; leaving only the land to the west as a proposed allocation.
- 2.35. We provided representations to the previous Regulation 18 draft of the Local Plan outlining our view that choosing not to allocate our site was done without justification with the reasoning provided not suitably supported by evidence. The Council's Regulation 18 Consultation Statement does not respond to our Regulation 18 representations on these

matters, which itself is unsound as it is inconsistent with national policy and unjustified. It also raises serious procedural issues.

- 2.36. Whilst we challenged the Council's conclusions during the Regulation 18 consultation, the updated Strategic Housing Land Availability Assessment (SHLAA, 2023) simply states the same reasoning for discounting the site as it has done previously. This is essentially that the habitats and likely species present on the site mean the adverse impacts on biodiversity from its development would be 'substantial'. It also adds that part of the site is in Flood Risk Zone 3. The conclusions in the updated Site Selection Topic Paper (2024) remain unchanged and that is:

"The site is an area of open grassland with areas of bramble scrub and hawthorn scrub in the Green Belt. The site has existing residential development to the south and east and the metro line to the north. The site is identified as a secondary site within the 'Wildlife Corridors Network Review, Final December 2020'. The loss of this site to development would be a significant impact on the Wildlife Corridor network which could not be readily mitigated or compensated for. Given the habitats and likely species present on the site, its size, status as a secondary site and location within the wildlife corridor network, the adverse impacts on biodiversity from its development would be substantial. It is considered likely to be costly and challenging to identify and secure adequate compensation for unavoidable direct impacts and to achieve BNG. The site is not considered to be achievable in the SHLAA; the costs of meeting the mitigation and compensation requirements for all of these ecology related impacts will be high and may impact the economic viability of bringing forward this site for development. The SA identifies very negative impacts against climate change, biodiversity, natural resources and efficient land use. The site has not been allocated due to impacts on biodiversity and uncertainty over the viability of the site."

- 2.37. We fundamentally disagree with this conclusion and strongly object to the discounting of the site. The Council itself has provided absolutely no evidence to substantiate that the biodiversity impact would be 'substantial' and that it would be 'challenging' to identify and secure adequate compensation and BNG. Indeed, to the contrary our Client has commissioned an Ecological Appraisal (EA) and a Biodiversity Net Gain (BNG) Baseline Assessment (both undertaken by OS Ecology) in relation to the site and has shared these previously with the Council to demonstrate that biodiversity matters can be addressed. These appear to have been totally ignored by the Council without justification. This information is found in **Appendix 3** of this report. The conclusions drawn are:

- Whilst the land has potential to accommodate some protected species, this will need to be subject to further surveys. However, the conclusions that can be drawn is that this is not unusual for such a greenfield site and is capable of being mitigated and that there has been nothing found on the land in terms of ecology which would prevent development coming forward on the site. Indeed, the habitat value is seen as 'local' in terms of its importance.
- The BNG Baseline Assessment outlines the anticipated biodiversity credits on the land and what would need to be provided to achieve the required BNG. This suggests ways in which BNG could be achieved if development came forward and certainly does not show that BNG would not be possible so as to be discounted as an allocation.

- It is worth highlighting that if it is the case that the Council considers the ecological impact on this site to be 'high' (which it is clearly not as demonstrated by the EA) and this would make the site challenging in terms of viability, given that this is in one of the areas within the Borough with higher residential values, by logic this would discount a large amount of draft allocations given the viability issues we have highlighted in response to Policy SP3 above and the lower residential values assumed for other areas of South Tyneside (given that this site does not have any remarkable biodiversity features). The Council's conclusions in relation to our Client's site would therefore have much wider implications for the deliverability of the Council's Local Plan.
- The site has similar characteristics to the neighbouring allocation (GA2), yet radically different conclusions have been drawn in relation to this site. No explanation has been provided in relation to this.

2.38. The lack of evidence provided by the Council to prove the conclusions drawn in its assessment of the site means that no planning weight can be given to its conclusions within the SHLAA and Site Selection Topic Paper. Consequently, on this basis we strongly object to the discounting of our Client's land interest and consider it unsound on the basis of being unjustified, not positively prepared and inconsistent with national policy.

2.39. Once this information is rectified, the site's score in the Sustainability Appraisal (2024) would be different and clearly more favourable compared to other proposed allocations.

2.40. To illustrate this, we provide the commentary from the relevant areas of the Sustainability Appraisal site assessment below and our assessment based on the evidence that is available in relation to the site:

Criteria	Council's Conclusions	Pegasus Group's Conclusions
Adapt to and mitigate the impacts of climate change in South Tyneside.	There is a risk of surface water flooding for this site and it is located within Flood Zones 2 and 3. Therefore, although the site has been scored as green in the carbon audit it is considered that the site may have a significant negative effect on this objective.	<p>The areas of Flood Zones 2 and 3 only cover a small area of site around the watercourse, with the vast majority of the land falling within Flood Zone 1. The layout can therefore easily planned around the areas of higher flood risk (which anyway would be unlikely to be developed on given the location of the watercourse).</p> <p>This is similar when examining surface water flooding (which is also centred around the watercourse), thus flooding from all sources is not a constraint which would prevent development taking place on the site and certainly cannot be classed as a 'significant negative effect'.</p>

Conserve and enhance biodiversity.	This site is located within 50m of a SSSI and 250m of a local wildlife site and nature reserve. However, this site is over 2km from a European Site. Therefore, a significant negative effect is expected in relation to this objective.	<p>The presence of such areas does not in itself create a 'significant negative effect'. The ecological information submitted with these representations does not identify any constraints which would prevent development coming forward on the site.</p> <p>A similar observation can be made for other proposed allocations in the Local Plan (eg. GA2).</p>
Safeguarding our environmental assets and natural resources	The site does not contain contaminated land and is not within 500m of an Area of High Landscape Value. The site does intersect with a Source Protection Zone. It is also noted that the site is more than 1km to existing mineral workings and an AQMA.	These do not create any significant adverse effects.
Protect our soils and promote efficient land use.	The development of this greenfield site would result in the loss of Grade 3 agricultural land and is therefore considered to have a significant negative effect in relation to this objective.	<p>It is noted that many of the Greenfield sites proposed to be allocated through the Local Plan are also classed as Grade 3 agricultural land. Grade 3 itself can be either moderate or low quality agricultural land.</p> <p>The Sustainability Appraisal does not provide this assessment and so to conclude this is a 'significant adverse effect' is simply incorrect.</p>
Enhancing our green infrastructure.	The site is adjacent to a Public Right of Way and also forms part of a wider green infrastructure corridor. It is considered that development of this site could lead to a minor negative effect against this objective.	We do not consider that the green/wildlife corridor should extend to the whole of the site as there is no justification for this.
Protect, enhance and promote South Tyneside's heritage and cultural assets.	The site is situated 90m from the East Boldon Conservation Area. The Heritage Impact Assessment identified that there would be no harm to heritage from development at this site; therefore no effect is expected.	We agree with this analysis.

Promote sustainable transport and accessibility.	The site is in close proximity to numerous public transport links and scores positively.	We agree with this analysis.
Ensure the vitality of our town centres and villages.	This site is in close proximity to a local shopping centre. It is considered that development of this site could help to support these existing shops and services and therefore scores very positively against this objective.	We agree with this analysis.
Provide better housing, neighbourhoods and good design.	Development of this site for housing could provide 325 houses and could contribute to providing better housing and neighbourhoods in this area and have a significant positive effect on the objective due to the scale of development.	We agree with this analysis.
Promote healthier people and communities	The site is within close proximity to existing health care facilities and is also adjacent to area of recreational open space which could promote physical activity and wellbeing. New residential development may also contribute to improving living standards and reducing health inequalities in the borough. Overall, it is considered that this site would have a significant positive impact on this objective.	We agree with this analysis.

2.41. Reference is also made to Wildlife Corridors Network Review, Final Report (December 2020). Whilst previously the Wildlife Corridor which related to the site runs along the watercourse in the north of the site (see Figure 3.2 of the Wildlife Corridors Network Review), as a result of this work the Council has now opted to make the entire site part of a Wildlife Corridor. Again, we strongly object to this and do not believe that the information contained in the aforementioned report provides robust evidence to justify this extension.

2.42. The land is identified as part of a 'Secondary Feature' in terms of a Wildlife Corridor. The Wildlife Corridors Network Review outlines in paragraph 5.3.2 that the following typologies are used to identify these areas:

- Semi-natural greenspace/Accessible Natural Greenspace;
- Allotments/Community Gardens;
- Cemeteries and church grounds;

- Parks and formal gardens; and
- Golf Courses.

2.43. The site is privately owned land with no right of access and clearly does not fall into any of these uses or designations. We therefore strongly object to the inclusion of the whole site within the Wildlife Corridor and consider this unsound for being unjustified, not positively prepared, ineffective and inconsistent with national policy.

2.44. In addition to this, it should be highlighted that given the site is surrounded by development and infrastructure on three sides and the proposed allocation of G2 to the west, means that notwithstanding the above, its use and function as a wildlife corridor is likely to be extremely limited given the lack of connections to surrounding land. This further underlines the site's inclusion as a wildlife corridor is unjustified.

2.45. In examining land to be allocated through Policies SP4-8, the Council has undertaken a Green Belt Study (2023) to determine which parcels may be suitable to be removed from the Green Belt and allocated for development. For our Client's land interest, this has been included in the same parcel of land as the neighbouring proposed allocation to the west (GA2).

2.46. We outline the site's score in the table below with our commentary:

Green Belt Purpose	Score from the Council's Green Belt Study (2023)	Pegasus Group Commentary and Assessment
Purpose 1: to check the unrestricted sprawl of large built-up areas	Low/No	We agree with this score, the land is very well contained with infrastructure/built development on three sides.
Purpose 2: to prevent neighbouring towns from merging	Low/No	We agree with this assessment as the land would have very limited impact on the settlement gap between The Boldons and other settlements in South Tyneside and Sunderland.
Purpose 3: Assisting in safeguarding the countryside from encroachment	Moderate	Development of the site alongside the land to the west (GA2) would be a logical 'infill' between existing built development to the east, west and south. As such, and given that the site is very well contained, its development would not represent encroachment in the countryside. We therefore deem that the impact against this criteria should also be Low/No.

Purpose 4: to preserve the setting and special character of historic towns	Low/No	We agree with this score as the Green Belt in this location does not contribute to the distinctive historic character or setting of historic towns.
Purpose 5: to assist in urban regeneration by encouraging the recycling of derelict land	Equal	Development of the land would assist in the underpinning the viability and vibrancy of The Boldons (as required by Policy SP3).
Overall Score	-	We consider the impact of releasing the site from the Green Belt and allocating it for residential development would be minimal. As a site which is in a more deliverable area of the Borough, it would assist in the delivery of housing in South Tyneside.

2.47. We therefore consider the above score underlines the potential for the site to be released from the Green Belt and allocated for development.

2.48. In fact, we consider that the assessment, if anything, overestimates the land's performance against the purposes of the Green Belt (see Purpose 3 in the table above). This further emphasises that our Client's land interest should be allocated for residential use, and in doing so, it would have less impact on the purposes of the Green Belt than some other allocations. Again, this calls into question the rationale and validity behind the Council's selection of proposed allocations in the Local Plan when it is clear our Client's land interest would be a better choice.

2.49. The PPG advises on the considerations which should be taken into account when assessing potential site allocations for residential development (*Reference ID: 3-001-20190722*). These are:

- Suitability;
- Availability; and
- Achievability.

2.50. We consider these further below.

Suitability

2.51. As outlined above, the site is clearly suitable to be released from the Green Belt and allocated for residential development. The site's release from the Green Belt would be logical in terms of filling-in a currently vacant piece of land within the envelope of the existing built form in the area.

2.52. There are no known technical constraints which would prevent the site coming forward for development and the provision of housing on the site would represent a deliverable and sustainable development which would contribute towards the Council meeting its housing requirements over the plan period and will provide tangible economic benefits for the Borough.

Availability

2.53. Our Client's land interest has consistently been promoted for residential development through the plan making process. If allocated, our Client would be able to bring forward development and would be happy to work with the adjacent landowner regarding their proposed allocation.

Achievability

2.54. Our Client is a major national housebuilder with the resources to bring forward the development. It has experience of bringing forward development within South Tyneside including the existing residential development to the south of the site.

2.55. To further demonstrate achievability, it has already undertaken an initial masterplanning exercise based on the current known opportunities and constraints of the site. These are found in **Appendix 4** of these representations and show development on our Client's land interests as well as how this could integrate with the allocation proposed to the west (GA2).

2.56. The masterplanning exercise is the first stage in formulating the design framework for the site which can be further progressed, it shows how the site is capable of being delivered and clearly demonstrates the achievability of the site.

Overall Site Conclusion

2.57. It is clear from the above that:

- The Council has discounted the site as an allocation on the basis of a fundamentally flawed conclusion in relation to biodiversity impact, BNG and viability. This is based on no evidence, rather the information that is available from our Client shows that none of these matters are insurmountable and would prevent development coming forward on the land.
- The expansion of the wildlife corridor to include the whole site is irrational given its status and the criteria used in the Council's assessment.
- The site would represent a logical release from the Green Belt which would have less impact than other sites which have been selected as potential allocations.
- Assessed against the relevant tests within the PPG, the site is clearly suitable, available and achievable and so is evidently developable and deliverable upon release from the Green Belt.

- 2.58. As such we continue to object to the omission of our Client's site and the way in which it has been discounted for unsound reasons. These reasons are unjustified, not positively prepared and inconsistent with national policy.
- 2.59. The discounting of our site seriously undermines the robustness of the Local Plan and how it has assessed such sites. To remedy this, our Client's land should be removed from the Green Belt and allocated for residential development (as was shown in a previous draft of the Local Plan).

Policy 1: Promoting Healthy Communities

- 2.60. This policy sets out that a Health Impact Assessment (HIA) is required as part of planning applications for schemes of 100 dwellings or more.
- 2.61. Whilst our Client supports the need to improve health and wellbeing in the Borough and seeks to incorporate these matters into the design of their developments, it considers that as drafted, the policy is unsound for being unjustified and inconsistent with national policy.
- 2.62. Matters relating to HIAs are covered within the PPG and whilst this highlights that such documents can be useful tools in instances where there could be significant impacts, it also outlines that local plans should be considering the impact of its policies on the health and wellbeing of residents anyway (*Reference ID: 53-005-20190722*).
- 2.63. It therefore stands to reason that where a development is in line with policies in the Local Plan, a HIA should not be required (as this has already been assessed through the plan making process). It should therefore only be required where a proposal departs from the Local Plan and even then, a HIA should only be required where it is clear the likely impacts of a development could be significant. We consider there is a lack of evidence in setting a general threshold of 100 dwellings or more, rather each site should be assessed on its own merits at the planning application stage. This would better reflect the NPPF which is clear that information requirements for planning applications should be kept to a minimum (paragraph 44).
- 2.64. If the Council were to continue forward with this policy, the cost associated with this policy should be factored into the Local Plan Viability Update document (which currently does not cover this).

Policy SP15: Climate Change

- 2.65. Our Client is keen to play its role in tackling climate change and seeks to develop homes which are more energy efficient; reducing their environmental footprint.
- 2.66. Although the Council is correct to identify climate change as a key challenge for the Borough over the plan period, it is unclear as to what Policy SP15 is seeking to achieve. Part 2 of the policy requires development to reduce carbon emissions by embedding sustainable principles into the design, construction, and operation of developments but provides little further detail. As such we consider the policy to be unsound for being ineffective and inconsistent with national policy.
- 2.67. The Council will be aware of the Written Ministerial Statement from December 2023 which is clear that any planning policies that propose local energy efficiency standards for buildings

that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale. It is unclear whether this policy is aligned with this and so we object to it on that basis.

- 2.68. As an industry, house building is actively working towards Future Homes Standards which ties in more widely to the Government's Net Zero Strategy. As such, the policy (or its supporting text) should be clear that this is the goal for the Council.
- 2.69. The Future Homes Standard should then be fully reflected in the Local Plan Viability Update document (see our comments in relation to Policy SP3).

Policy 5: Reducing energy consumption and carbon emissions

- 2.70. Our Client supports the principle of seeking to reduce energy consumption and carbon emissions for new development. However, the approach to the policy needs to be sufficiently flexible, practical and consistent with national policy.
- 2.71. Currently, we do not consider the policy does this and so we object on the basis of it being unsound as it is unjustified and inconsistent with national policy.
- 2.72. Firstly, these policy requirements do not seem to have been fully factored into the Local Plan Viability Update document and second, the policy itself presents a number of issues which we highlight below.
- 2.73. Part 1 of the policy appears to require the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates as well as the use of sustainable materials, e.g. those with low embodied carbon or renewable materials and waste minimisation and reuse of material derived from excavation and demolition.
- 2.74. Whilst these are all laudable requirements, on a practical level it may be the case that such materials may not be available or be able to be sourced for a development. It may also be the case that the reuse of material on a site may not be feasible. The policy therefore needs to be reworded so that developers are 'encouraged' to do this rather than 'required'.
- 2.75. Likewise, this part of the policy requires the highest national standards in water efficiency to be achieved. Again, whilst this is a laudable approach, the Council has not justified this in policy terms with evidence. The highest standard for water usage is 110 litres per person per day. This is an 'optional standard' (as opposed to the 125 litres per person per day mandatory standard). The PPG is clear that where optional standards are pursued, that this needs to be evidenced and reflected in viability considerations (*Reference ID: 56-O14-20150327*). None of this appears to have been done and as such, this part of the policy should be deleted.
- 2.76. Part 3 of the policy requires all major development to be accompanied by a Sustainability Statement. This needs to be proportionate to the scale of the development and not unnecessarily duplicate details which are already included within the planning application. This would then better reflect paragraph 44 of the NPPF.

Policy 6: Renewables and Low Carbon Energy Generation

- 2.77. This policy requires that major developments will be required, via a Sustainability Statement, to assess the feasibility of connecting to an existing decentralised energy network, or where

this is not possible, assess the feasibility of a new network. Part 6 states that developments within 400m of an existing network or an emerging network shall be designed ready to connect.

- 2.78. The policy seems to unduly place an emphasis on connecting to heating networks when this may not always be the most appropriate way in which to sustainably heat a development; not least as many heating networks are not powered by renewable energy. From a consumer point of view it can also be undesirable as it reduces choice and options if costs rise.
- 2.79. As such, putting such a strong emphasis on having to explore connecting to a heating network is not appropriate and we object to this on the basis of it being unsound in being unjustified. We would suggest that the focus from the Council should be more outcome based in seeking that developments explore multiple methods to seek to reduce their carbon emissions rather than favouring one method over others.

Policy 7: Flood Risk and Water Management

- 2.80. Our Client objects to Part 6 of this policy and considers it unsound for being unjustified, not positively prepared and inconsistent with national policy. As drafted, the policy does not allow any culverting or building over watercourses. This is an inflexible and rigid approach which does not appear to have any justification.
- 2.81. Whilst our Client appreciates that culverting or bridging over a watercourse needs to be undertaken with care, it is possible that this can be done without increasing flood risk in an area, providing the necessary information and evidence is presented to show how this would be achieved. It is not unusual for development sites to have to cross watercourses and so our Client does not accept that preventing this from taking place is a justified or a positive position for the Council to take. As such, this part of the policy needs to be deleted or amended to reflect these comments.

Policy SP16: Housing Supply and Delivery

- 2.82. This policy maps out the residual housing requirement for the Borough over the plan period. Whilst the method for undertaking this is clear, there are a number of issues which our Client has with some of the assumptions which have come from this. We therefore object to this policy and consider it unsound for being not positively prepared, unjustified and inconsistent with national policy.
- 2.83. The overall thrust of the policy is to demonstrate how the Council will maintain a rolling five year supply of deliverable housing sites. Table 2 which accompanies the policy details that this will be done through existing commitments, completions (since the beginning of the plan period), windfall sites and allocations.
- 2.84. Whilst local planning authorities can make an allowance for windfall in their forecasted supply, the NPPF (paragraph 72) is clear that this needs to be evidenced clearly that this would be a reliable source of supply. The 444 dwellings referenced in Table 2 would represent around 8.5% of the total housing requirement, so if delivery of this was not as envisaged, this could have a material effect on housing land supply in the Borough.
- 2.85. We do not currently believe that the evidence (mostly contained within the Strategic Housing Land Availability Assessment (SHLAA, 2023)) would support this amount of windfall,

especially when it is considered that the likelihood is that windfall (as a source of supply) will diminish once a new Local Plan is adopted (as supply is likely to move over to allocations). It is this future trend which has not been factored into the Council's forecasts.

- 2.86. If there is going to be such a reliance on windfalls, it is important that the Council does not have overly restrictive policies when it comes to windfall sites. Currently we consider that the approach to windfall is restrictive (see comments on Policy 13 below), which further emphasises the need for the Council to be cautious when including it in its supply.
- 2.87. More widely, it is noted that the headroom within the plan between the residual requirement (3,443 dwellings) and the allocations (3,498 dwellings) is small. This would mean that if assumptions regarding windfall are incorrect, or allocations are delayed or fail to come forward, then this leaves little opportunity for the Council to deliver on its need (which in any event is a minimum) and will likely lead to issues relating to housing land supply and housing delivery.
- 2.88. To some degree, this is acknowledged within Part 9 of the policy and paragraph 8.16 which incorporates a number of remedies including *inter alia* a partial or early review of the plan (including potentially further Green Belt release). It is considered that if the Council is aware of this risk, it should be proactively taking measures now to seek to mitigate this. This should include having a more flexible approach to windfall development, examining further Green Belt release now in deliverable areas of the Borough (such as our Client's land interest at Boldon) or looking at safeguarded land. This would reflect the NPPF in paragraph 148 and would be more conducive to longer term planning.

Policy 13: Windfall and Backland sites

- 2.89. Our comments in relation to this policy overlap with those we have made in relation to Policy SP16. Overall, we consider that if the Council is seeking to make assumptions for windfall development in its forecasted supply, it needs to be firmly evidenced and supported by a sufficiently flexible policy which allows such windfall sites to readily come forward.
- 2.90. It is considered in this case that this windfall policy does not achieve this and as such, we object to it and consider it is unsound on the basis that it is not positively prepared and inconsistent with national policy. Indeed, the current approach to windfall seeks to restrict such sites to those which are brownfield or small infill sites within the Borough's main urban areas. This creates a very narrow set of circumstances in which windfall development can emerge. The policy seems to instil a 'brownfield first/only policy' which contradicts the NPPF (which encourages rather than mandates the use of brownfield land). Consequently, the policy does not allow for positive growth of settlements where there may be sustainable sites which are on the edge but well related to the built-up area of a settlement. As such, we consider much more flexibility is needed in this policy.

Policy 14: Density

- 2.91. Section 11 of the NPPF requires that land should be developed efficiently and this approach is supported by our Client, nevertheless we object to the way in which has been translated into Policy 14 and consider it unsound for being unjustified, not positively prepared and inconsistent with national policy.

- 2.92. Whilst the policy wording does not provide specific densities, the supporting text does (paragraph 8.24). Although our Client agrees that there are some areas of the Borough where densities can be maximised (as outlined in the Council's Density Study (2024)), this cannot be done in such a rigid way as set out in the plan. Instead, the ability to maximise densities needs to be determined on a site by site basis and depends on site specific opportunities and constraints. Whilst the Council's Density Study is useful, it does not seem to fully account for the fact that net to gross ratios on development sites are being consistently squeezed in order to accommodate planning requirements such as biodiversity net gain, amenity space requirements, enhance accessibility requirements, space standards, road widths and cycleways etc. In this regard the Density Study paints an overly optimistic portrait of achievable densities. All this means that on many sites, the rigid densities found within the Local Plan will not be able to be achieved whilst also addressing necessary planning requirements and promoting good design. References to specific densities therefore need to be removed.

Policy 18: Affordable Housing

- 2.93. Our Client notes the approach to affordable housing contained in Policy 18 and that this is linked to the Local Plan Viability Update document. As outlined elsewhere in these representations, we consider there are a number of issues with how viability has been calculated meaning that sites may not be able to viably provide the affordable homes outlined in the policy. We therefore object to this policy and consider it unsound on the basis of being unjustified and inconsistent with national policy.
- 2.94. Whilst it is noted that the policy does allow applicants to submit viability evidence where the affordable housing requirements would make a scheme unviable and for alternative provision to be made, this should be the 'exception' rather than the 'rule'. The latest viability information does show that viability has become more challenging over recent years, although no significant change has been made to the affordable housing thresholds. We consider that this needs to be justified.
- 2.95. More broadly, the SHMA identifies an affordable housing need of 361 dwellings per annum which clearly cannot be addressed by the Local Plan itself (given the overall housing requirement is 309 dwellings per annum). It is noted that the PPG states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes (*Reference ID: 2a-024-20190220*). This does not seem to have been considered in any great detail by the Council when examining how many homes needed over the plan period and should be explored further through the plan-making process.

Policy 19: Housing Mix

- 2.96. This policy seeks to provide an appropriate mix of housing on development sites in terms of sizes, types and tenures. This broad aim is supported by our Client, however reference is then made to meeting need outlined in the SHMA or its successor. We consider this approach unsound as it is not positively prepared and is unjustified. We therefore object to this.
- 2.97. Whilst it is right for the Council to consider the SHMA (or its successor), this should not be the only way in which housing mix is defined, given the SHMA is a snapshot in time and other factors such as market considerations, site location and site-specific circumstances also

need to be considered. As such, we would consider that the policy needs to be reworded so as to build in this flexibility.

Policy 20: Technical Design Standards for New Homes

- 2.98. This policy seeks that all new homes are to be designed to be built to M4(2) standards and 5% to M4(3) standards (on schemes of 50 dwellings or more). Our Client has house types which meet these criteria, however as these are optional standards it is incumbent on the Council to provide the evidence that they are needed. The PPG sets out very specific areas of evidence that need to be presented. This includes likely future need, size, location, type and quality of dwellings needed as well as the accessibility and adaptability of the existing stock, how the needs vary across different housing tenures, and the overall impact on viability (*Reference ID 56-007-20150327*).
- 2.99. Currently our Client considers that the evidence presented is not sufficient to justify the levels outlined in the policy. Consequently, we object to the policy and consider it is unsound for being unjustified and inconsistent with national policy. Even if it were the case that this policy was justified, an appropriate transition period needs to be provided.

Policy 34: Internationally, Nationally and Locally Important Sites

- 2.100. This policy includes reference to Wildlife Corridors in Part 8. Our Client's land is identified as falling within a wildlife corridor in its entirety (expanding what was previously just along the northern element of the site). For the reasons outlined in our response to Policy SP7 above, we consider that this expansion is unjustified and as such, we object to Part 8 of this policy and consider it to be unsound on the basis of being unjustified and not positively prepared.

Policy 35: Delivering Biodiversity Net Gain

- 2.101. Mandatory biodiversity net gain (of at least 10%) is now enshrined in law and is accompanied by relevant guidance on how this is best achieved on development sites. Consequently, we do not consider that there is a need for this policy as it does not add anything to the legislation and guidance that has already been published.
- 2.102. Given that the NPPF seeks to prevent the replication of policies elsewhere (paragraph 16f), then we consider that this policy is unsound on the basis of being inconsistent with national policy and so should be deleted.

Policy 36: Protecting Trees, Woodland and Hedgerows

- 2.103. Our Client agrees that the protection and retention of trees is important when designing development sites. However, this policy needs to be sufficiently flexible and to acknowledge that there may be instances where tree loss is unavoidable. Without sufficient flexibility we object to this policy as being unsound in not being positively prepared.

Policy 41: Green Belt

- 2.104. It is noted that this policy simply references national planning policy in relation to Green Belt. As such, the policy is superfluous and therefore unsound on the basis of being inconsistent

with national policy given that the NPPF seeks to avoid duplication of policies (paragraph 16f). As such, this policy should be deleted.

Policy SP25: Infrastructure

- 2.105. Whilst our Client agrees with the need for new development to provide supporting infrastructure (in line with paragraph 57 of the NPPF) and that this needs to be provided at the appropriate stage, the policy currently makes no reference to viability considerations. As such, we object to it and consider it to be unsound on the basis of being ineffective and inconsistent with national policy.
- 2.106. To remedy this, the Council needs to cross refer this to Policy 60 in the Local Plan which references viability. This would be consistent with the PPG (*Reference ID: O-009-20190509*).

Policy 58: Implementation and Monitoring

- 2.107. Our Client supports a policy which will actively monitor how the Local Plan policies are performing and actions that may be required in instances where delivery is not sufficient. However, we consider that the measures outlined are too narrow and on this basis the policy is unsound for being ineffective.
- 2.108. The actions listed in association with this policy should also include the consideration of granting planning permission for unallocated sites in sustainable locations (much more broadly than Policy 13). This would ensure that the policy can effectively address delivery issues should they occur.

Policy 59: Delivering Infrastructure

- 2.109. Our Client considers that this policy replicates Policy SP25 and as such it is unsound on the basis of being inconsistent with national policy given that the NPPF seeks to avoid duplication of policies (paragraph 16f). As such, this policy should be deleted.

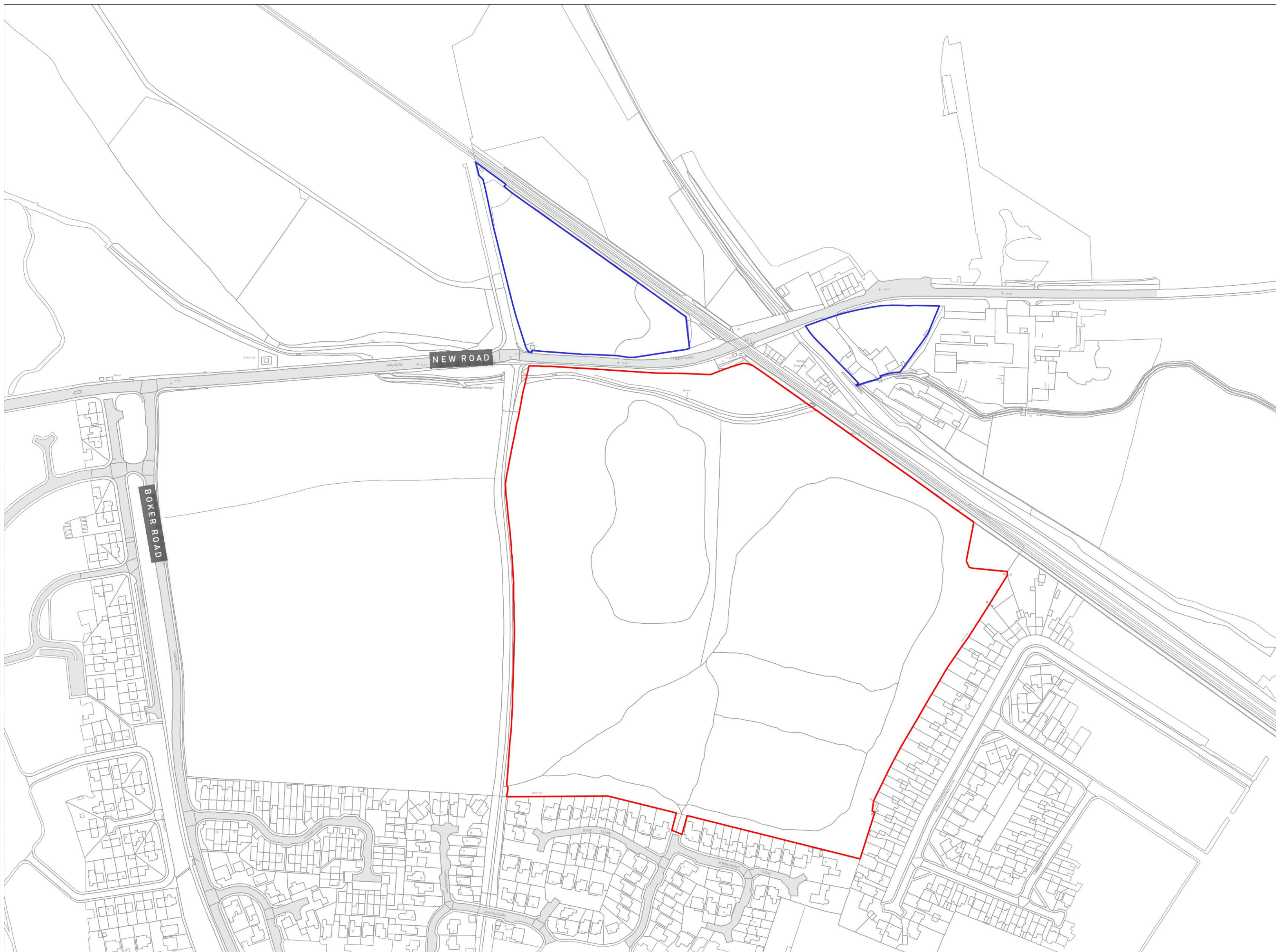
3. Summary and Conclusions

- 3.1. These representations have been prepared by Pegasus Group on behalf of our Client, Bellway Homes Limited, in relation to the Regulation 19 Publication Draft of the South Tyneside Local Plan.
- 3.2. Our Client supports the need to have an up to date Local Plan in place, this needs to be robustly prepared with policies which are sound and which can support the Borough's growth aspirations over the plan period (up to 2040). It is our view however that there are a number of issues within the Local Plan's proposed strategy, assessment of the overall quantum of development and viability assumptions which need to be rectified if the plan is to be found sound at examination.
- 3.3. Our Client's land interest at Boldon was proposed to be allocated in a previous iteration of the draft Local Plan but is now proposed to be left within the Green Belt and is included within a proposed Wildlife Corridor. We object to this and for the reasons outlined in the representations, consider that it should be released from the Green Belt and allocated for housing. It is a sustainable site and one which is deliverable and would assist the Council in maintaining housing delivery and land supply over the plan period.
- 3.4. Section 2 of these representations also highlights other policies in the plan which we feel need further flexibility and/or justification for their inclusion. This is particularly important given the viability concerns that we have highlighted elsewhere. Putting these changes in place would also ensure that the Local Plan is ultimately sound.
- 3.5. Our Client would also like to confirm that they would like to participate in future consultations on the Local Plan and the future examination of the document.



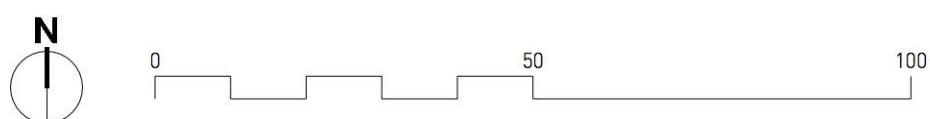
Appendix 1 – Extent of Land Interest

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KEY

-  Site Allocation Boundary
-  Additional Land Boundary





Appendix 2 – Representations to Viability Workshop (2023).

LO01MPL

13 October 2023

Matthew Clifford
Senior Planning Policy Officer
South Tyneside Council
Town Hall and Civic Offices
Westoe Road
South Shields
NE33 2RL

Dear Matthew

Response to Questionnaire on Viability Assumptions

Following the workshop that was undertaken on 21 September 2023 in relation to your ongoing viability work to support South Tyneside in its plan-making process, we write to you on behalf of our Client, Bellway Homes Limited, in response to the questionnaire that has been circulated.

Our Client is a national housebuilder who is active within South Tyneside and the wider region. It has land interests which our Client considers should also be allocated in the emerging South Tyneside Local Plan for residential development and which can sustainably add to the Council's supply of new homes over the plan period. These sites are:

- Land at North Farm (East) (SHLAA site: SBC004).
- Land west of Hylton Lane (forms the eastern part of SHLAA site: SBC123).

Having a robust approach to viability is clearly a key component of presenting a sound Local Plan at a future plan examination. We previously responded to a similar questionnaire in October 2021 and understand that given the time that has elapsed since, that the Council has sought to refresh its viability work. Nevertheless, where relevant, we cross refer to those comments.

Question 1: Residential Scheme Design

Do you agree with these assumptions for the purposes of a Local Viability review?

It is noted that the previous viability information tested typologies up to 125 dwellings. The point that our Client raised previously was that there is a need to test a typology with a higher number

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of units. We therefore welcome that there is now a typology for 250 dwellings proposed to form part of the updated viability work. Nevertheless, we would query the difference between a 125 dwelling site and a 250 dwelling site in terms of how they would be delivered. We therefore consider that it would still be worthwhile providing a typology with a larger number of units (eg. 400 – 500 units) to as it would be at this quantum that you would see a clearer distinction in terms of up-front infrastructure costs and the effect of phasing and multiple outlets.

In relation to the housing mix we note that the percentage of terraced housing has fallen from 30% to 20% which is broadly in line with our comments previously. However, it is noted that the 10% taken from terraced housing has been put towards semi-detached properties. We consider that for larger typologies, in particular, there is likely to be additional detached properties rather than semi-detached given that such sites will typically be on the edge of settlements and be more suburban in nature.

Question 2: Residential Values

Do you agree with these assumptions for the purposes of a Local Viability review?

Setting residential values as accurately as possible is a key part in ensuring that a viability assessment is robust. It is noted that data has been sought on sales prices from recent developments, albeit it has been acknowledged that in some areas of the borough there has not been significant development in recent years.

As this is the case, we do feel that this exercise needs to be approached with caution, as a small sample size could provide distorted figures, plus if there are few sites coming forward currently, pent-up demand may drive values higher in the short term but in the longer-term values may fall once supply is less constrained (ie. when the Local Plan is adopted).

We would agree on a broad basis that East Boldon would be an area of the borough which would attract higher residential values when compared to places such as South Shields, Jarrow and Hebburn. We also agree that in comparison to East Boldon, West Boldon and Boldon Colliery would likely have lower residential values (although still above South Shields, Jarrow and Hebburn). Nevertheless, it would be helpful to know the data that has been used to inform these assumptions for residential values.

As has been mentioned in our previous representations, a small sample size/pent up demand would provide a distorted view of values in this area and so calculating residential values needs to be carefully considered fully evidenced and robust in its approach.

It is also no secret that the housing market has struggled over the last few years with values being suppressed in a bid to maintain sales rates on development sites. It is therefore surprising that values have assumed to increase so markedly in two years; especially in light of much higher interest rates and low economic growth.

In this context there needs to be a thorough explanation as to why typical residential values in East

Boldon were £2,600/sq m in 2021 and are now £3,000/sq m. This is a substantial increase that requires justification. A similar increase has been put in place for West Boldon (£2,450/sq m – £2,600/sq m) and also needs to be explained in detail. From experience of selling houses locally, our Client would consider that whilst there has been some increase in residential values in these areas of the borough from 2021 and into 2022, since around September/October 2022 values have stagnated and sales rates have reduced which in turn has increased costs (due to increased overheads for construction and sales). This has put a squeeze on values within these areas which is arguably not fully reflected in the values provided.

It is also noted that there is an assumption of the following residential values for affordable tenures:

- Social rent – 40% of market value.
- Affordable rent – 50% of market value.
- Discounted market value/First Homes – 70% of market value.

How this will affect viability will depend on the tenure split proposed through the policies of the Local Plan, although it is noted that the Government seeks to prioritise First Homes over other tenures.

Our Client considers 45% of market value would be the expectation for affordable rent, whilst the 'Discounted market value/First Homes' category should be re-classified as 'Intermediate Tenure' and include an assumption for shared ownership.

It is noted that 70% of market value assumption for First Homes coincides with the minimum discount that can be applied according to the Government's Planning Practice Guidance (PPG, Reference ID: 70-001-20210524). For First Homes, this seems appropriate given that this should be set on a local authority wide basis (see PPG Reference ID: 70-004-20210524) and that there are key areas of the borough where a lower percentage of market value is likely to render a scheme unviable.

However, it does not necessarily have to follow that those discount market homes that are not classified as First Homes need to be set at a similar level. Traditionally, such homes have been set at 80% of market value. This has been seen as appropriate given the general lower values in the region. We would advocate that this should be maintained and will assist more generally in site viability.

Question 3: Construction Costs

Do you agree with these assumptions for the purposes of a Local Viability review?

We consider that in the absence of other data, that the BCIS provides a useful starting point and that this is referenced specifically in the PPG (Reference ID: 10-012-20180724). However, whilst useful, the BCIS does have its limitations given that it is based on a small section of data. This has meant that an assumption has been made that build costs for larger 'volume' house builders largely equates to the lower quartile BCIS figure. This is because it is considered that owing to their size,

such house builders can negotiate discounts on construction costs/benefit from economies of scale.

However, it has become apparent that over the last 2 years that build costs have continued to escalate and this has been down to some degree by an increase in material costs (given supply constraints) and a scarcity of labour. Both these factors have taken place and have little to do with whether a housebuilder has economies of scale or not. As such, we would query whether there is such a big distinction between smaller and larger housebuilders in relation to construction costs. It would therefore be more appropriate and robust to assume median BCIS figures for all typologies (accepting that an increased cost for enhanced specification may be needed in higher value areas such as East Boldon).

We have also previously highlighted that there appeared to be a large gap between abnormals assumed for greenfield sites and brownfield sites. It is welcomed that this gap has now closed with a £100,000 per net hectare difference between the two. It is acknowledged that making general assumptions for abnormals is difficult as these are, by their very nature, site specific. There should therefore be some sensitivity testing for abnormals to ensure a full range of outcomes have been explored. We would highlight again that owing to the mining legacy within the north east, and in South Tyneside in particular, that even greenfield sites can face unexpected abnormal costs relating to ground conditions and so often the distinction in relation to brownfield and greenfield sites is not that wide.

Question 4: Additional Key Appraisal Assumptions

We note that through the previous feedback provided that the approach to developer profit has been refined and for larger typologies this has been adjusted as 20% on revenue for market value dwellings and 6% for affordable homes. The PPG advises that a figure between 15–20% is appropriate (Reference ID 10–018–20190509) but does allow flexibility for local planning authorities to examine alternative figures.

In this instance, the assumption for 20% developer profit for market value housing is sensible given that the introduction of Government requirements, such as First Homes, places further risk on the housebuilder (rather than the Registered Provider) in delivering affordable homes. However, as this is an issue for smaller typologies too, then the same assumption should be used for these as well.

Although not included in the questionnaire, we consider that the following are also important assumptions to that feed into the preparing of the viability assessment:

Biodiversity Net Gain

The mandatory 10% requirement for Biodiversity Net Gain (BNG) is now scheduled to be in place by January 2024 and so needs to be factored into the viability work for the emerging Local Plan.

We note that at the viability workshop, it was suggested that a £20,000/ha cost could be used as an assumption for BNG, however we do not consider this adequate to address the impact of this policy.

Firstly, providing BNG on-site inevitably waters down net-gross areas of a site (as BNG land competes with other open space uses and developed land). In some instances, net developable areas have been squeezed to 50% of the total site size as a result of this. This needs to be reflected in the viability work.

Second, for off-site contributions/credits, whilst a national figure is not yet available, local figures within the region are typically £20,000 – £30,000 per biodiversity unit (not per hectare). Within the BNG system, credits (as a last resort) are able to be set at double the cost of a biodiversity unit. It is our experience that sites will often need to purchase multiple biodiversity units to achieve a 10% gain which would largely exceed the £20,000/ha cost. Recent sites we have been involved in have typically needed 30 – 80 biodiversity units and have not been large sites (typically 1 – 3 hectares in size). We therefore consider that there is a real danger that this assumption significantly underplays the financial impact of BNG and should be revisited.

Future Homes

An assumption for the cost of Future Homes standard was discussed at the viability workshop. It was noted that it was considered this would add a further cost of around £4,000 per dwelling on development sites. However there seemed to be some confusion as to whether this includes an assumption for the recent changes to Part L of the Building Regulations (which are to some degree an interim step to Future Homes standards).

For clarity, our Client has currently costed the following per dwelling:

- Updates to latest Part L standards (£5,000).
- Updates to Future Homes Standards (£6,500).
- Electric car charging points (£800).

Therefore, it is considered the cost is in the region of around £12,300 per dwelling, which is significantly more than the £4,000 per dwelling figures discussed previously. This assumption therefore needs to be re-examined and increased accordingly.

Accessible Homes

It was mentioned at the viability workshop that assumptions would be made for the inclusion of M4(2) and M4(3) dwellings. Both these types of dwellings affect revenue. M4(3) plots have a large land-take (as they are typically bungalows) and there are ceilings in revenue in what price a 2 or 3 bed M4(2) units would sell for. It has been raised previously that M4(2) and M4(3) are optional standards for local planning authorities to include in their development plans.

The PPG itself (Reference ID: 56-007-20150327) is clear that the inclusion of such optional standards needs to be driven by the following:

- The likely future need for housing for older and disabled people (including wheelchair user dwellings).
- Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
- The accessibility and adaptability of existing housing stock.
- How needs vary across different housing tenures.
- The overall impact on viability.

That is to say, viability is one of only several factors and so it is incumbent upon the Council to fully justify this before such requirements are included and then incorporate this in their viability work. As such, we would object to the inclusion of these standards within the viability work until they are fully justified by the Council.

Question 5 – Benchmark Land Value

Do you agree with these assumptions for the purposes of a Local Plan viability review?

Establishing a Benchmark Land Value (BLV) is another important component in assessing the viability of a Local Plan. It is noted that the methodology in the PPG has been used for arriving at the BLV assumptions put forward, however the PPG also states:

"In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process." (Reference ID: 10-013-20190509)

We therefore seek assurances that the assumptions put forward through this consultation process are not a *fait accompli* but rather the start of an '*iterative and collaborative process*' as set out in the PPG.

As is made clear in the PPG, the premium for the landowner has to be large enough to provide an incentive for them to sell (considered against other options) (Reference ID: 10-013-20190509). If the BLV assumption is inaccurate then this will mean developers will see viability squeezed and this can have the effect of fundamentally undermining housing delivery in the borough.

We would request that our comments in relation to the previous questions are fed into the assumptions regarding BLV. Overall, we consider that the assumptions for BLV of £10,000 per acre for (Existing Use Value) EUV on greenfield sites is acceptable. However, it is considered that applying a multiplier of 24x EUV for East Boldon and 18x EUV for West Boldon is not going to incentivise landowners to release the land (not withstanding their attractiveness of areas to live). Whilst the PPG and other guidance has changed, it is considered that landowner and land agent expectations have not altered, therefore there is a genuine danger that land will simply not be released.



Question 6: Commercial Scheme Design

Do you agree with these assumptions for the purposes of a Local Viability review?

We do not have any comments in relation to this question.

We trust that this feedback will prove useful in being able to refine the current assumptions. As viability in plan-making is clearly an iterative process, we are keen for further engagement to be undertaken and we are happy to have further conversations concerning the viability work.

Yours sincerely



Chris Martin BSc(Econ) MSc MA MRTPI
Associate Planner



Enc.



Appendix 3 – Site Specific Ecological Information



www.osecology.co.uk

Ecological Appraisal

Land at West Boldon

April 2022

Bellway Homes



Client	Bellway
Project Name	Land at West Boldon
Project Number	21261
Report Type	Ecological Appraisal
Version	V1 (DRAFT)

	Name	Position	Date
Report Originator	James Streets	Director	5 th April 2022

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Contents

Summary	5
1. Introduction.....	7
Site Location.....	7
Site Description	7
Objectives of the Study	7
Development Proposals	7
2. Methodology	8
Scope of Study.....	8
Planning Policy	8
Desk Study	8
Field Survey	9
Habitats/Protected Species.....	9
Limitations to Survey	10
Assessment Methodology	10
3. Results	11
Desk Study	11
General Land Use.....	11
Designated Sites.....	11
Priority Habitats.....	12
European Protected Species Licensing.....	12
Data Search.....	12
Local Records Centre.....	12
Field Survey	13
Habitats	13
Protected Species	15
4. Site Assessment	18
Assessment of Survey Findings	18
Habitats	18
Bats	18
Birds.....	18
Great Crested Newts.....	18
Other Protected and Notable Species.....	18
Designated Sites.....	19
5. Impact Assessment.....	20
6. Recommendations	21
Further Survey.....	21
Appendix 1 – Bat Suitability and Survey Effort.....	22
Appendix 2 – Policy and Legislation	24
Appendix 3 - Receptor Valuation	33
Appendix 4 – Figures	35

Tables

Table 2.1: DAFOR Scale.....9

Table 2.2: Survey Conditions.....9

Table 3.1: Designated Sites Within 2km..... 11

Table 3.2: Granted Natural England European Protected Species Licences within 2km 12

Table 3.3: Habitat Descriptions 13

Table 3.4: Bird Species Recorded During Survey 16

Summary

OS Ecology Ltd were commissioned by Bellway in April 2022 to undertake an Ecological Appraisal of land at West Boldon. The site is proposed for residential development.

Summary Table	
Habitat Assessment	The habitats on site are considered to be of up to Local importance comprising an area of neutral grassland which is succeeding into scrub, dominated by hawthorn. To the north of the site there is a small watercourse which bisects the site. There is scrub around the site periphery as well as within the main body of the site. There is also hedgerow around the site periphery which is unmanaged.
Bats	There are no buildings or structures on site which have the potential to support roosting bats. The trees along the northern boundary are considered to have no more than a low suitability for roosting bats however further survey to assess the trees along the northern boundary is required.
Birds	The site is considered to be of at least local value to birds. Further survey work is required in order to assess the value of the site to this group.
Great Crested Newts	There are three ponds to the north and north east of the site. Further survey work is required in order to confirm the status of these ponds in relation to great crested newts and to assess impacts of the development on the species if required.
Other Protected Species	No evidence of other protected species was recorded on site. No evidence of badger, otter or water vole was recorded on site however the latter two species have the potential to be present along the watercourse which runs through the site. As such additional survey work is recommended in order to assess the impact of the development on these species.
Designated Sites	The site is within the impact risk zone of two Sites of Special Scientific Interest (SSSIs) as well as within 6km of the coastal designated sites including the Durham Coast Special Area of Conservation, the Northumbria Coast Special Protection Area and the Northumbria Coast Ramsar site. The risk assessment tool states that any development of more than 10 residential units may impact on these sites and as such further assessment of impacts is required.
Recommendations	<p>It is recommended that in order to inform an Ecological Impact Assessment of the site, further survey work is required including:</p> <ul style="list-style-type: none"> • Bat transect and remote monitoring surveys; • Ground based risk assessment of the trees on site • Otter and water vole survey of the site • Great crested newts survey of the ponds to the north of the site • An appropriate assessment of the impact of the development on the nearby Sites of Special Scientific Interest • Breeding bird survey of the site.

Impact Assessment	<p>The following initial impact assessment is based on survey completed to date, further survey and detailed site design is necessary to allow a full impact assessment to be completed:</p> <ul style="list-style-type: none">• The loss of an area of grassland and scrub considered to be of local value for ecology;• Loss of bat foraging and commuting habitats;• Causing harm or disturbance to otter and water vole;• Loss of bird habitat considered to be of up to local value;• Loss of trees with a low suitability for bat roosting;• Causing harm to local Sites of Special Scientific Interest through changes in ground conditions on site should these areas be hydrologically linked;• Causing increased recreational disturbance to coastal designated sites;• The low risk of causing harm to great crested newts and the loss of habitat with the potential to support this species should they be recorded within the local area.

This report is not suitable to support a planning submission. Further survey/detailed site design is required to complete the assessment, allowing a detailed impact assessment and design of an appropriate mitigation/compensation scheme.

1. Introduction

Site Location

- 1.1 The site is located in Boldon, South Tyneside at an approximate central grid reference of NZ364618. The site location is illustrated within figure 1 in the appendices.

Site Description

- 1.2 The site is approximately 13ha in size and comprises two fields separated by a watercourse. The fields have been left unmanaged over a number of years.

Objectives of the Study

- 1.3 The objectives of this report are:
- To identify and describe any potential ecological receptors that may be present on site or within an identified zone of influence.
 - To identify and assess whether proposals may impact on the identified receptors.
 - To identify potential mitigation, compensation or enhancement measures if required.
 - To identify and detail further surveys if required.

Development Proposals

- 1.4 The development will comprise the construction of a residential development with associated landscaping and infrastructure.

2. Methodology

Scope of Study

- 2.1 The site was surveyed to identify whether the following were present for legislative and planning purposes:
- Habitats of Conservation Value
 - Priority Habitats
 - Protected and Priority Species
- 2.2 A summary of relevant legislation is provided within Appendix 2.
- 2.3 The ecological characteristics of the site were reviewed to identify the scope of the assessment, with the zone of influence determined through professional judgement.
- 2.4 The survey area comprised the “site” defined within figure 2 (Appendix 4). The desktop study included a data search covering the site and a 2km buffer zone while habitats within the local area were reviewed via aerial imagery.
- 2.5 Access permitting, all potential bat roosting sites within the survey area were assessed. Guidance regarding the assessment of the suitability of sites for use by bats is provided within Appendix 1.

Planning Policy

- 2.6 Planning policy relevant to this site, specifically the National Planning Policy Framework and the South Tyneside Local Plan, can be found within Appendix 2.

Desk Study

- 2.7 Desk study was undertaken to assess the nature of the surrounding habitats and included:
- Assessment of aerial imagery and Ordnance Survey mapping.
 - A search of the MAGIC website¹ for statutorily designated sites for nature conservation, habitat listed within the Priority Habitat Inventory or the Ancient Woodland Inventory and European protected species licensing records within 2km of the survey area.
 - A data search request submitted to the Local Record Centre.

¹ Multi Agency Geographic Information for the Countryside (www.magic.gov.uk)

Field Survey

Habitats/Protected Species

- 2.8 The site was subject to a walk over, during which habitats were assessed in line with the habitat classifications detailed within the UK Habitat Classification User Manual². For plant species, abundance has been recorded using the DAFOR scale as detailed in the following table.

Table 2.1: DAFOR Scale		
Abundance		Percentage Cover
D	Dominant	50-100%
A	Abundant	30-50%
F	Frequent	15-30%
O	Occasional	5-15%
R	Rare	<5%

- 2.9 Mandatory Secondary Codes within the UK Habitat Classification have been used as defined within the User Manual.
- 2.10 During the survey the site was checked for evidence of protected species and habitats were assessed for their potential to support such species.
- 2.11 Survey was undertaken by James Streets CEcol MCIEEM, an experienced surveyor who holds protected species licences for a range of species including bats and great crested newts.
- 2.12 The following equipment was utilised during survey:
- Zeiss 8x30 binoculars.
 - Digital camera.

- 2.13 The survey was undertaken on the 5th April 2022 in the following weather conditions:

Table 2.2: Survey Conditions				
Date	Temperature	Cloud Cover	Precipitation	Wind Conditions
5 th April 2022	11°C	100%	None	F1-2W

² Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2020). The UK Habitat Classification User Manual Version 1.1 at <http://www.ukhab.org/>

Limitations to Survey

- 2.14 Survey was completed at a sub-optimal time of year for assessing grassland communities. A species list of the species apparent at the time of survey has been provided, however a detailed list of abundance cannot be provided at this time.

Assessment Methodology

- 2.15 Guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM) is utilised to provide habitat valuations.
- 2.16 The level of value of specific ecological receptors is assigned using a geographic frame of reference. For, example international value being most important (SACs, SPAs and pSPAs), then national (SSSIs), regional, county (LWS), district (LNR), local and lastly, within the immediate zone of influence of the site only (low).
- 2.17 In terms of species, for example breeding birds, should the population within the site constitute greater than 1% of the geographic population, it would be considered significant at that level. In addition, presence of designated sites, scarce species and or quality³/diversity of habitats are used to guide that valuation
- 2.18 Assessment methods for bats have been undertaken with reference to Wray et al. (2007)⁴, which correlates with the geographic frame of reference. Within which they define the relative rarity of each species based on the known distribution⁵ at the time and the value of the roost type, assuming that roosts such as feeding perches are of lower value that maternity roosts or sites that have a high level of fidelity.
- 2.19 Examples of ecological receptors at various levels of value are provided within Appendix 3.

³ Quality can be subjective and vary in different geographic areas. Reasoned professional judgement is therefore used to inform the assessment.

⁴ Wray et al (2007) Valuing Bats in Ecological Impact Assessment. In Practice. Based on a presentation at the Mammal Society – Specific Issues with Bats

⁵ It should be noted that there are regular changes to our understanding of distribution as further studies are undertaken.

3. Results

Desk Study

General Land Use

- 3.1 A review of aerial imagery and Ordnance Survey mapping highlighted that the general land use in the surrounding area is dominated by residential development to the south and east with further areas of farmland, namely pasture, to the north and west. The site is located within the sider are of South Tyneside which is a largely urban local authority area.

Designated Sites

- 3.2 A search of the Multi Agency Geographic Information for the Countryside Website⁶ indicated that the following designated sites for nature conservation lie within 2km of the site.

Table 3.1: Designated Sites Within 2km			
Designation	Site Name	Reason for Designation	Distance from Survey Area (Closest point)
Special Area of Conservation	Durham Coast	Vegetated sea cliffs	4.1km
Ramsar	Northumbria Coast	Bird populations including over-wintering populations and breeding populations.	4.1km
Special Protection Area	Northumbria Coast	Bird populations including over-wintering populations and breeding populations.	4.1km
Site of Special Scientific Interest	Durham Coast	Bird populations including over-wintering populations and breeding populations and vegetated sea cliff	4.1km
	Boldon Pastures	Species rich meadow habitat	1.2km
	West Farm Meadow Boldon	Species rich meadow habitat	200m
<u>SSSI Impact Risk Zone (IRZ)</u>			

⁶ Multi Agency Geographic Information for the Countryside (MAGIC) www.magic.gov.uk (Accessed April 2022)

Table 3.1: Designated Sites Within 2km

Designation	Site Name	Reason for Designation	Distance from Survey Area (Closest point)
The site lies within an identified SSSI Impact Risk Zone relating to designated sites in the wider area, with residential development of over 10 units identified as a potential impact risk trigger.			
Local Nature Reserve	Tilsheds	Ponds and woodland	160m
	Station Burn	Woodland and grassland habitats	1.5km

Priority Habitats

3.3 A search of the MAGIC website identified no areas of priority habitats on site or immediately adjacent to the site. There are areas of woodland and grassland within the wider area however which are considered likely to be priority habitats.

European Protected Species Licensing

3.4 The MAGIC website identified the following granted Natural England European Protected Species licences within 2km of the site⁷.

Table 3.2: Granted Natural England European Protected Species Licences within 2km

Licence Reference	Species	Licensed Work	Licence Period
EPSM2009-1146	Common pipistrelle	Destruction of a resting place	2009-2011
EPSM2012-4608	Common pipistrelle	Destruction of a resting place	2012-2014

Data Search

Local Records Centre

3.5 The results of the data search are awaited.

⁷ The dataset is noted as having been last updated in January 2022.

Field Survey

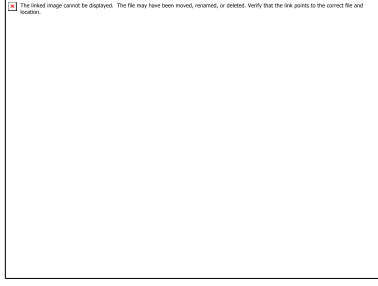

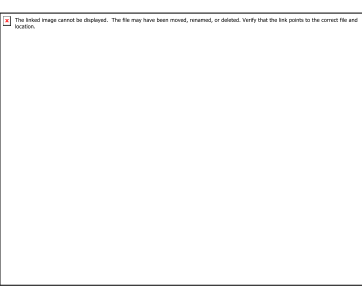
Habitats




Table 3.3: Habitat Descriptions

Overview of habitats

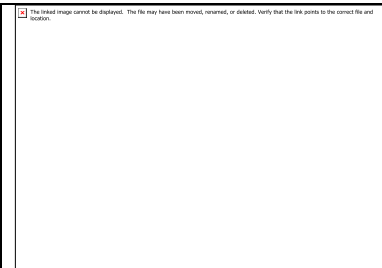
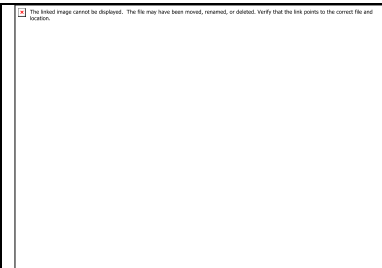

The site comprises two grassland fields which have been left unmanaged, separated by a watercourse which runs through the site to the north. The watercourse is bound by a hedgerow which is relatively intact. To the east and south the boundary is formed by fencing with occasional areas of unmanaged scrub whilst the western boundary is formed by an intact hedgerow along a footpath. To the north, the boundary is formed by the metro line.

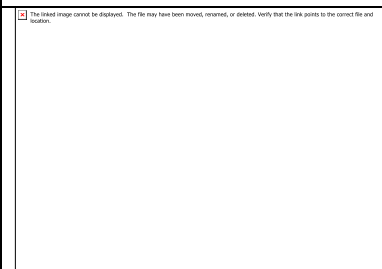
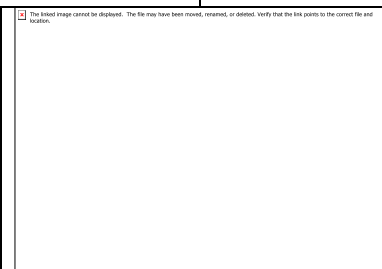

The habitats within the site are illustrated within Figure 3.

Habitat Description			Habitat Category
Grassland The main habitat on site comprises former pastoral fields. These are considered to fall into the classification of other neutral grassland habitats but have a generally poor diversity having been left to succeed with significant scrub encroachment recorded. Although there are dense areas of scrub within the field which have developed, there is significant scattered areas of hawthorn and ash throughout the survey area.			Primary Code g3c
Species/m ² : 6	Sward Height: 30cm	Bare ground (%): 0	Secondary Code
Species List Common nettle (<i>Urtica dioica</i>), cocks foot (<i>Dactylis glomerata</i>), meadow buttercup (<i>Ranunculus acris</i>), Yorkshire fog (<i>Holcus lanatus</i>), white clover (<i>Trifolium repens</i>), fescue (<i>Festuca sp.</i>) broadleaved dock (<i>Rumex obtusifolius</i>), perennial rye grass (<i>Lolium perenne</i>), bedstraw (<i>Galium sp.</i>), hogweed (<i>Heracleum sphonfylum</i>), curled dock (<i>Rumex crispus</i>), ribwort plantain (<i>Plantago lanceolata</i>), dandelion (<i>Taraxacum officinale</i>), creeping thistle (<i>Cirsium arvense</i>), vetch (<i>Vicia sp.</i>), meadow foxtail (<i>Alopecurus pratensis</i>). Small patches of creeping cinquefoil (<i>Potentilla reptans</i>) were also recorded associated with the watercourse.			10, 11, 17, 47, 48, 57, 78
Schedule 9/Undesirable species present (Y/N): No		Further Survey Needed (Y/N): Yes at the correct time of year for grassland assessment	
			
			

Scrub There are a number of areas of scrub across the site which are the result of a lack of management. Within the main body of the site there is an area of hawthorn scrub which has established and which is relatively immature in age. There are also areas of raspberry and bramble scrub around the site peripheries.		Primary Code H2
Good Age Range Present (Y/N): N	Well Developed Edge (Y/N): Y	Secondary Code N/A
Clearings/Glades Present (Y/N): N		
Species List The areas of scrub are dominated by the species listed, however in addition to the hawthorn (<i>Crataegus monogyna</i>) recorded, elder (<i>Sambucus nigra</i>), ash (<i>Fraxinus excelsior</i>) and dog rose (<i>Rosa canina</i>) were also recorded on site. The areas of bramble (<i>Rubus fruticosus agg.</i>) and raspberry (<i>Rubus idaeus</i>) were dominated by these species.		
Schedule 9/Undesirable species present (Y/N): N		Further Survey Needed (Y/N): N
		

Watercourse There is a single watercourse which bisects the site. It is modified with a straight channel with steep, unvaried bank profiles. The banks are earthen, however the substrate was silt, cobble, pebble and sand dominated. The flow was not perceptible in some areas, whilst in small sections a rippled flow was recorded. The width of the channel was 1-2m and the depth likely to be less than 0.5m. The channel was overshadowed but had few other features of ecological interest. No aquatic vegetation was recorded.	Primary Code r2b
Schedule 9/Undesirable species present (Y/N): None recorded	Further Survey Needed (Y/N): Y

		
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Hedgerow There is a hawthorn dominated hedgerow within the western boundary as well as fragmented elements of hedgerow to the east and south adjacent to housing developments. These have few species other than hawthorn within them and are unmanaged. There is also a line of trees to the north west of the site however as they have canopies that meet – they have been classified as woodland. They comprise semi-mature specimens which are not considered to have anything greater than a low suitability for roosting bats.			Primary Code h2a – scrub w1 - woodland
Height: up to 4m	Width: more than 2m	Intact (Y/N): in places	Secondary Code 47
Species Rich (Y/N): No		Managed (Y/N): No	
Species List The scrub areas comprise hawthorn (<i>Crataegus monogyna</i>) dominated throughout. The woodland area comprises ash (<i>Fraxinus excelsior</i>) and sycamore (<i>Acer pseudoplatanus</i>).			
Schedule 9/Undesirable species present (Y/N): None recorded		Further Survey Needed (Y/N): Yes	
			

Protected Species

Bats

- 3.6 No evidence of bats was recorded during the initial site visit. There are no structures within the site which could support roosting bats, however the trees along the northern

site boundary are considered to have up to a low suitability of supporting individuals. The site provides suitable foraging and commuting habitats for the species however. Further survey work is required in order to assess the bat usage of the site.

Birds

- 3.7 The site provides good nesting and foraging opportunities for bird species with a total of eight species recorded during the survey, these are listed in the following table:

Table 3.4: Bird Species Recorded During Survey		
Species	Priority species⁸	Comment
Magpie	No	Likely nesting on site
Chiffchaff	No	Likely nesting adjacent to the site
House sparrow	Yes	Likely nesting adjacent to the site
Skylark	Yes	Likely nesting on site
Blackbird	No	Likely nesting on site
Black headed gull	No	Recorded flying over the site
Carrion crow	No	Recorded flying over the site
Wood pigeon	No	Likely nesting on site
Notes:		
1. Red list species are of high conservation concern		
2. Amber list species are of medium conservation concern ⁹		

- 3.8 Further survey work is recommended in order to fully assess the value of the site to bird populations.

Great Crested Newts

- 3.9 There three ponds to the north of the site which require further survey in order to assess whether great crested newts are likely to be present within. They are all within 250m of the site boundary, however they are separated from the site by a road. It is recommended that eDNA surveys of these ponds be completed in order to confirm the absence of the species from them.

Other protected and notable species

- 3.10 Otter and water vole may use the watercourse which runs through the site however no evidence was recorded during the initial site visit. Further survey work of the watercourse

⁸ National Priority Species are species of principal importance listed in Section 41 of the NERC Act (2006),

⁹ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D. and Win, I. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain.

is recommended in order to determine the likely presence or absence of these species from the site.

- 3.11 No evidence of badger was recorded during survey work, and it is considered unlikely that due to the relatively urban nature of the surrounding area that badger are present.
- 3.12 Brown hare and hedgehog may use the site, however the former is considered unlikely to the levels of disturbance present from dog walkers.

4. Site Assessment

Assessment of Survey Findings

Habitats

- 4.1 Habitats on site are considered to be of local value to ecology providing areas of scrub and grassland within a mosaic which is not considered to be common within the local area.
- 4.2 The diversity of species is not considered to be exceptional within a local context however with only locally common species recorded within the sward, likely indicative of nutrient rich ground conditions.
- 4.3 The watercourse within the site is considered to be of at least local value providing a commuting and foraging route for a range of species.

Bats

- 4.4 Further survey work is required in order to assess the value of the site to bats. It is likely that the site is of at least local value to bats as a result of its habitats and potential functionality.

Birds

- 4.5 Further survey work is required in order to assess the value of the site to birds. It is likely that the site is of at least local value to birds due to the presence of both grassland and scrub which are rare within the local area.

Great Crested Newts

- 4.6 Further survey work in relation to great crested newts is required in order to assess the value of the site to this species. Given the lack of local records based on local knowledge, it is likely to be of no more than local significance however.

Other Protected and Notable Species

- 4.7 Due to the nature of the site there is the potential for the site to support hedgehog, brown hare, otter and water vole at times. It is recommended that further survey work for otter and water vole is completed in order to assess the value of the site for these species.
- 4.8 The value of the site for brown hare is likely to be low as the risk of their presence is considered to be minimal given the level of dog walking that the site experiences. The value of the site to hedgehog is considered to be local given the size and nature of the site.

Designated Sites

- 4.9 The site is within the Impact Risk Zones of the coastal designated sites, as well as two more local Sites of Special Scientific Interest. The Impact Risk Zone highlights the type of development which could impact on these sites as any residential development of more than 10 units and as such a more detailed impact assessment will be required in order to assess the likely effects of the development on these sites based on the final site layout.

5. Impact Assessment

- 5.1 The following impact assessment is based on the survey work to date and the understanding that the Client wishes to develop the site for residential use.
- 5.2 As a result of the assessment completed and the nature of the proposed works, the likely impacts, without appropriate avoidance measures, mitigation and/or compensation scheme, are anticipated to be:
- The loss of an area of grassland and scrub considered to be of local value for ecology;
 - Loss of bat foraging and commuting habitats;
 - Causing harm or disturbance to otter and water vole;
 - Loss of bird habitat considered to be of up to local value;
 - Loss of trees with a low suitability for bat roosting;
 - Causing harm to local Sites of Special Scientific Interest through changes in ground conditions on site should these areas be hydrologically linked;
 - Causing increased recreational disturbance to coastal designated sites;
 - The low risk of causing harm to great crested newts and the loss of habitat with the potential to support this species should they be recorded within the local area.
- 5.3 **Further survey and detailed site design is required to complete a detailed impact assessment.**

6. Recommendations

6.1 Further survey work, as detailed below, and completion of site design, is required for a detailed avoidance, mitigation and compensation strategy to be developed, however the following initial recommendations can be made.

Further Survey

6.2 Based on the nature of the site the following additional survey work is recommended:

- Bat transect and remote monitoring surveys;
- Ground based risk assessment of the trees on site
- Otter and water vole survey of the site
- Great crested newts survey of the ponds to the north of the site
- An appropriate assessment of the impact of the development on the nearby Sites of Special Scientific Interest
- Breeding bird survey of the site.

Appendix 1 – Bat Suitability and Survey Effort

Classifications of suitability are based on those provided within the Bat Conservation Trust Good Practice Survey Guidelines¹⁰, with the table below taken from page 35 of the guidelines (table 4.1).

Guidelines for Assessing the Potential Suitability of Proposed Development Sites for Bats (based on the presence of habitat features within the landscape, to be applied using professional judgement)		
Suitability	Description	
	Roosting Habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site, likely to be used by roosting bats	Negligible habitat features on site, likely to be used by commuting and foraging bats
Low	<p>A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions^a and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e unlikely to be suitable for maternity or hibernation^b).</p> <p>A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential^c.</p>	<p>Habitat that could be used by small numbers of commuting bats such as gappy hedgerow or unvegetated stream, but isolated, i.e not very well connected to the surrounding landscape by other habitat.</p> <p>Suitable but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.</p>
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions ^a and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	<p>Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back gardens.</p> <p>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.</p>
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ^a and surrounding habitat	<p>Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge.</p> <p>High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree lined watercourse and grazed parkland.</p> <p>Site is close to and connected to known roosts.</p>
<p><i>a. For example in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.</i></p> <p><i>b. Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2015). This phenomenon requires some research in the UK but ecologists should be aware of potential for larger numbers of this species to be present during the autumn and winter in larger buildings in highly urbanised environments.</i></p> <p><i>c. The system of categorisation aligns with BS 8596:2015 Surveying for bats in trees and woodland (BSI, 2015)</i></p>		

¹⁰ Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition). Bat Conservation Trust

The classification of the suitability relates to the level of further survey recommended.

Survey Effort and Timing Depending on Suitability of the Structure or Tree (Tables 7.1-7.3 in the BCT Guidelines)			
	Low roost suitability	Moderate roost suitability	High roost suitability
Survey Effort	One survey visit One dusk emergence or dawn re-entry survey	Two separate visits One dusk emergence and a separate dawn re-entry survey	Three separate visits At least one dusk emergence and a separate dawn re-entry survey. The third can be either dusk or dawn.
Timings	May-August (structures) No further survey (trees)	May to September. At least one must be in the optimum period (May to August)	May to September. two must be in the optimum period (May to August)
If bats are recorded	If bats emerge from or enter a building during surveys, the survey schedule will be adjusted to increase the survey effort so that enough information can be collected to characterise the roost and provide data should a Natural England Licence be required.		

Appendix 2 – Policy and Legislation

Planning Policy

National Planning Policy Framework (NPPF)¹¹

The revised National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan. The key paragraphs from the relating to the natural environment are detailed below.

Ecologically Relevant Paragraphs of the NPPF	
Paragraph	Statement
8	<p>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</p> <ul style="list-style-type: none"> a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy
174	<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

¹¹ National Planning Policy Framework July 2021

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

Ecologically Relevant Paragraphs of the NPPF	
Paragraph	Statement
	<p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate</p>
175	Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries
179	<p>To protect and enhance biodiversity and geodiversity, plans should:</p> <p>a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and</p> <p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p>
180	<p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.</p>
181	<p>The following should be given the same protection as habitats sites:</p> <p>a) potential Special Protection Areas and possible Special Areas of Conservation;</p> <p>b) listed or proposed Ramsar sites⁶⁴; and</p> <p>c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites</p>

Ecologically Relevant Paragraphs of the NPPF	
Paragraph	Statement
182	The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Local Planning Policy

The following table details the ecologically relevant policies of the local plan relevant to this site.

Ecologically Relevant Policies of the South Tyneside Local Plan ¹²	
Policy No.	Policy
NE1	<p>Strategic Approach for the Natural Environment (Strategic Policy)</p> <p>The protection and enhancement of the natural environment will be delivered by:</p> <ul style="list-style-type: none"> a) Conserving and enhancing the natural environment ensuring appropriate protection is given to designated and non-designated assets, including their wider settings; b) Ensuring the protection and enhancement of the Borough's biodiversity and geological resources and preserve local, national and international priority species and habitats whilst promoting their restoration, re-creation and recovery. We will secure measurable net gains for biodiversity including establishing coherent ecological networks that are more resilient to current and future pressures; c) Protecting against the loss of the Borough's trees, woodland and hedgerows and irreplaceable habitats whilst securing new tree planting and habitat creation particularly that which would contribute towards flood risk management; d) Providing new and maintaining existing high quality and accessible open space and green infrastructure to create networks of greenspace for people, flora and fauna and allow species adaptation and migration. e) Improve and protect water and groundwater quality, including the River Tyne and River Don and other rivers and watercourses, and where appropriate and feasible the opening up of watercourses to assist in flood risk management; f) Addressing the local causes of water, air, light, noise and all other forms of pollution and the contamination of land, reducing the impact on local communities and meeting the requirements of the Water Framework Directive; g) Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
NE2	<p>Biodiversity, Geodiversity and Ecological Networks (Strategic Policy)</p> <p>Appropriate avoidance, protection and enhancement measures should be incorporated into the design of development proposals at an early stage, to minimise impacts on and provide measurable net gains for biodiversity.</p> <p>Detrimental direct and indirect impacts of development on biodiversity and geodiversity, whether individual or cumulative, should be avoided. Where this is not possible mitigation, or lastly compensation, must be provided as appropriate.</p> <p>Where sites are designated for their biodiversity or geodiversity, planning decisions will reflect the hierarchical approach as set out below.</p> <p><i>1) Internationally Important Sites</i></p>

¹² The South Tyneside Local Plan, South Tyneside Council, August 2019

Policy No.	Policy
	<p>Ecologically Relevant Policies of the South Tyneside Local Plan¹²</p> <p>Priority will be given to protecting our internationally important sites as defined on the Policies Map:</p> <ul style="list-style-type: none"> a) Special Protection Areas (SPAs) b) Special Areas of Conservation (SACs) c) Ramsar sites d) Any potential Special Protection Areas (SPAs), candidate Special Areas of Conservation (SACs) or proposed Ramsar sites. <p>Development which is considered to result in a 'likely significant effect' on these sites, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment.</p> <p>Proposals for residential development (Use Class Order C3 or C4), including Change of Use and Prior Notifications; within 6km of the Durham Coast Special Area of Conservation and Northumbria Coast Special Protection Area, as defined on the Policies Map, should have regard to the Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) or any successor document.</p> <p>Development requiring Appropriate Assessment will only be allowed where:</p> <ul style="list-style-type: none"> e) It can be determined through Appropriate Assessment at the design stage that, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects. Any suitable mitigation proposals would need to be proven effective and agreed with the Council, in consultation with relevant statutory consultees or f) As a last resort, Appropriate Assessment proves that there are no alternatives and that the development is of overriding public interest and appropriate compensatory measures are provided. <p><i>2) Nationally Important Sites</i></p> <p>Development that is likely to have an adverse impact on nationally important Sites of Special Scientific Interest (SSSI) as defined on the Policies Map, including broader impacts on the national network and combined effects with other development, will not normally be allowed. Where an adverse effect on the Site's notified interest features is likely; we will only support an exception where the applicant can demonstrate that:</p> <ul style="list-style-type: none"> g) The benefits of the development clearly outweigh both any adverse impact on the features of the site that makes it of special scientific interest, and any broader impacts on the network of SSSIs; and h) No reasonable alternatives are available; and i) The appropriate level of mitigation, and/or, where necessary, the appropriate level of compensation, is provided to redress the impact. <p><i>3) Locally Important Sites</i></p> <p>Development that is likely to have an adverse impact on Local Sites (Local Wildlife Sites and Local Geodiversity Sites) or Local Nature Reserves as defined on the Policies Map, will only be approved where it can be demonstrated that:</p> <ul style="list-style-type: none"> j) The benefits clearly outweigh any adverse impact on the site; k) No reasonable alternatives are available; and l) Mitigation, and/or where necessary compensation, is provided for the impact. <p>Development proposals that would have a significant adverse impact on the value and integrity of a Wildlife Corridor, as defined on the Policies Map, will only be permitted where suitable replacement land, or other mitigation, is provided to retain and where possible enhance the value and integrity of the corridor.</p>

Ecologically Relevant Policies of the South Tyneside Local Plan ¹²	
Policy No.	Policy
	Habitat networks will be protected and enhanced, particularly hedgerows, watercourses and other linking habitat features. In particular, measures to create habitat and to improve flood plain connectivity within the River Don catchment will be supported.
NE3	<p>Green Infrastructure (Strategic Policy)</p> <p>We will deliver a good quality and accessible network of green spaces throughout the Borough to provide a range of social, economic, health and environmental benefits for all. This will be done by:</p> <ul style="list-style-type: none"> a) Protecting and enhancing our identified green infrastructure corridors and strengthening connections between them and green infrastructure networks in neighbouring authorities. As shown on the Policies Map and Inset Map 32, these corridors are: <ul style="list-style-type: none"> i. River corridor – River Tyne and River Don and associated tributaries; ii. Coastal Corridor; iii. Green Belt Corridor; iv. Railway minerals lines. b) Safeguarding existing green infrastructure assets identified in Supplementary Planning Document 3: Green Infrastructure Strategy or any successor document; c) Strengthening existing wildlife corridors and supporting opportunities for biodiversity improvement and net gains; d) Ensuring new developments incorporate existing and/ or new green infrastructure within their design to ensure proposals are integrated into the surrounding area and enhance the wider green infrastructure network; e) Where there is an identified need, developer contributions will be sought to improve their quality, use and value to the green infrastructure network.

Government Circular ODPM 06/2005 Biodiversity and Geological Conservation¹³ (England only)

This Circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England.

Part IV - Conservation of Species protected by Law details that the presence of a protected species is a material consideration when considering a development proposal that may result in harm to the species or its habitat and that planning authorities must have regard to species protected under the Habitat Regulations.

It goes on to say that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.*

Natural Environment and Rural Communities (NERC) Act 2006^{14 15}

¹³ODPM Circular 06/2005 Office of the Deputy Prime Minister Eland House, Bressenden Place, London SW1E 5DU
Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

¹⁴ <https://www.legislation.gov.uk/ukpga/2006/16/section/40>

¹⁵ <https://www.legislation.gov.uk/ukpga/2006/16/section/41>

Section 40 – To conserve biodiversity

This section puts a duty on public authorities to conserve biodiversity when undertaking its duties and functions.

Section 41 – Biodiversity list and Action

Requires the Secretary of State to publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity. They must also take such steps as appear to the Secretary of State to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section or promote the taking by others of such steps.

The 2007 lists were superseded by the UK Post-2010 Biodiversity Framework.

UK Priority Habitats (excl. marine habitats)¹⁶	
UK BAP Broad Habitat	UK BAP Priority Habitat
Rivers and Streams	<ul style="list-style-type: none"> • Rivers
Standing Open Waters and Canals	<ul style="list-style-type: none"> • Oligotrophic and Dystrophic Lakes • Eutrophic Standing Waters • Ponds • Aquifer Fed Naturally Fluctuating Water Bodies • Mesotrophic Lakes
Arable and Horticultural	<ul style="list-style-type: none"> • Arable Field Margins
Boundary and Linear Features	<ul style="list-style-type: none"> • Hedgerows
Broadleaved, Mixed and Yew Woodland	<ul style="list-style-type: none"> • Traditional Orchards • Upland Mixed Ashwoods • Wood-Pasture and Parkland • Wet Woodland • Upland Oakwood • Lowland Mixed Deciduous Woodland • Lowland Beech and Yew Woodland • Upland Birchwoods
Coniferous Woodland	<ul style="list-style-type: none"> • Native Pine Woodlands
Acid Grassland	<ul style="list-style-type: none"> • Lowland Dry Acid Grassland
Calcareous Grassland	<ul style="list-style-type: none"> • Lowland Calcareous Grassland • Upland Calcareous Grassland
Neutral Grassland	<ul style="list-style-type: none"> • Lowland Meadows • Upland Hay Meadows
Improved Grassland	<ul style="list-style-type: none"> • Coastal and Floodplain Grazing Marsh
Dwarf Shrub Heath	<ul style="list-style-type: none"> • Lowland Heathland • Upland Heathland
Fen, Marsh and Swamp	<ul style="list-style-type: none"> • Upland Flushes, Fens and Swamps • Purple Moor Grass and Rush Pastures • Lowland Fens • Reedbeds

¹⁶ <http://jncc.defra.gov.uk/page-5706>

UK Priority Habitats (excl. marine habitats)¹⁶	
UK BAP Broad Habitat	UK BAP Priority Habitat
Bogs	<ul style="list-style-type: none"> • Lowland Raised Bog • Blanket Bog
Montane Habitats	<ul style="list-style-type: none"> • Mountain Heaths and Willow Scrub
Inland Rock	<ul style="list-style-type: none"> • Inland Rock Outcrop and Scree Habitats • Calaminarian Grasslands • Open Mosaic Habitats on Previously Developed Land • Limestone Pavements
Supralittoral Rock	<ul style="list-style-type: none"> • Maritime Cliff and Slopes
Supralittoral Sediment	<ul style="list-style-type: none"> • Coastal Vegetated Shingle • Machair • Coastal Sand Dunes

Protected Species Legislation

European Protected Species

European Protected Species (EPS) are species of plants and animals (other than birds) protected by law throughout the European Union. They are listed in Annexes II and IV of the European Habitats Directive and receive full protection under The Conservation of Species and Habitats Regulations 2017 (as amended). This makes it an offence to:

- deliberately capture, injure or kill any European Protected Species (EPS)
- deliberately disturb any European Protected Species (EPS);
- damage or destroy a breeding site or place of rest or shelter used by any European Protected Species (EPS).

The Wildlife and Countryside Act 1981 (as amended) adds further protection by making it an offence to intentionally or recklessly¹⁷ disturb an EPS while it is occupying a structure or place which it uses for shelter or protection, or to obstruct access to any structure or place the species uses for shelter or protection.

European Protected Species Relevant to the UK			
Animals		Plants	
All bat species	Great Crested Newt	Yellow marsh saxifrage	Creeping marshwort
Large blue butterfly	Otter	Shore dock	Slender naiad
Wild cat	Smooth snake	Killarney fern	Fen Orchid
Dolphins, porpoises and whales (all species)	Sturgeon fish	Early gentian	Floating-leaved water plantain
Dormouse	Natterjack toad	Lady's slipper	

¹⁷ Under the Countryside and Rights of Way Act 2000 (CROW Act) extended the protection to cover reckless damage or disturbance

European Protected Species Relevant to the UK		
Animals		Plants
Sand lizard	Pool Frog	
Fisher's Estuarine Moth	Snail, Lesser Whirlpool Ram's-horn	
Marine turtles		

Other Protected Species

Other Protected Species Legislation		
Species	Legislation	Level of Protection
Water vole	Wildlife and Countryside Act 1981 (as amended) Wild Mammals (Protection) Act 1996	<p>The species is listed on Schedule 5 of the Wildlife and Countryside Act (1981) makes the following actions offences:</p> <ul style="list-style-type: none"> intentionally killing, injuring, or taking water vole intentionally or recklessly damaging, destroying or obstructing access to any structure or place used for shelter or protection disturbing water vole whilst they are using any structure or place used for shelter or protection <p>Under the Wild Mammals (Protection) Act, water vole are protected from unnecessary suffering by a number of methods.</p>
Birds	Wildlife and Countryside Act 1981 (as amended)	<p>Under the Wildlife and Countryside Act (1981) it is an offence if any person:</p> <ul style="list-style-type: none"> intentionally kills, injures or takes any wild bird intentionally takes, damages or destroys the nest of any wild bird whilst that nest is in use of being built; intentionally takes, damages or destroys eggs of any wild bird; <p>Wild birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are protected from:</p> <ul style="list-style-type: none"> intentional or reckless disturbance whilst it is building a nest or is in, on or near a nest containing eggs or young; disturbance of dependent young
Badger	Protection of Badgers Act 1992 Wild Mammals (Protection) Act 1996	<p>The Protection of Badgers Act (1992) makes it an offence to wilfully or attempt to:</p> <ul style="list-style-type: none"> kill or injure a badger possesses a dead badger or any part of, or anything derived from a dead badger; digs for badgers; damages a badger sett or any part of it; destroys a badger sett obstructs access to, or any entrance of, a badger sett; causes a dog to enter a badger sett; disturbs a badger whilst it is occupying a badger sett. <p>Under the Wild Mammals (Protection) Act, badgers are protected from unnecessary suffering by a number of methods.</p>

Appendix 3 - Receptor Valuation

The importance of ecological features is considered within a defined geographic context, examples of which are provided within the table below. The valuation of features is a complex process and, in many cases, requires the application of expert judgement. Valuation considers a range of factors including statutory designations, national biodiversity lists, biodiversity action plan lists and lists of declining, rare or legally protected species. Other factors to be considered include the 'naturalness' of habitats, the functional importance of features and whether habitats are irreplaceable.

Examples of Importance of Ecological Features (Geographic Context)¹⁸			
Importance	Designated Site	Habitat	Species
International and European	Special Protection Area/Proposed Special Protection Area	A significant area of a Priority Habitat listed on Annex 1 of the Habitats Directive or a smaller area of such habitat that is thought to be functionally linked to a significant area of such habitat	An area that is functionally important to a species listed on Annexes II, IV or V of the Habitats Directive or Annex I of the Birds Directive which is present in internationally significant numbers (>1% of the biogeographic population)
	Special Area of Conservation/Proposed Special Area of Conservation		
	Ramsar Site		
National	Site of Special Scientific Interest	A significant area of a Priority Habitat listed as a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006 or a smaller area of such habitat that is thought to be functionally linked to a significant area of such habitat	An area that is functionally important to a species listed as a species of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006, which is present in nationally significant numbers (>1% of the national population)
Regional	-	An area of a Priority Habitat listed as a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006 which is not significant enough in extent to be considered of national importance but is considered to be of greater than metropolitan or county value.	An area that is functionally important to a species which is present in regionally significant numbers (>1% of the regional population)
Metropolitan area or County	Local Wildlife Site designated at a metropolitan area or county level	A significant area of a Priority Habitat listed within the relevant local Biodiversity Action Plan or a smaller area	An area that is functionally important to a species listed as a Priority Species within the relevant local Biodiversity

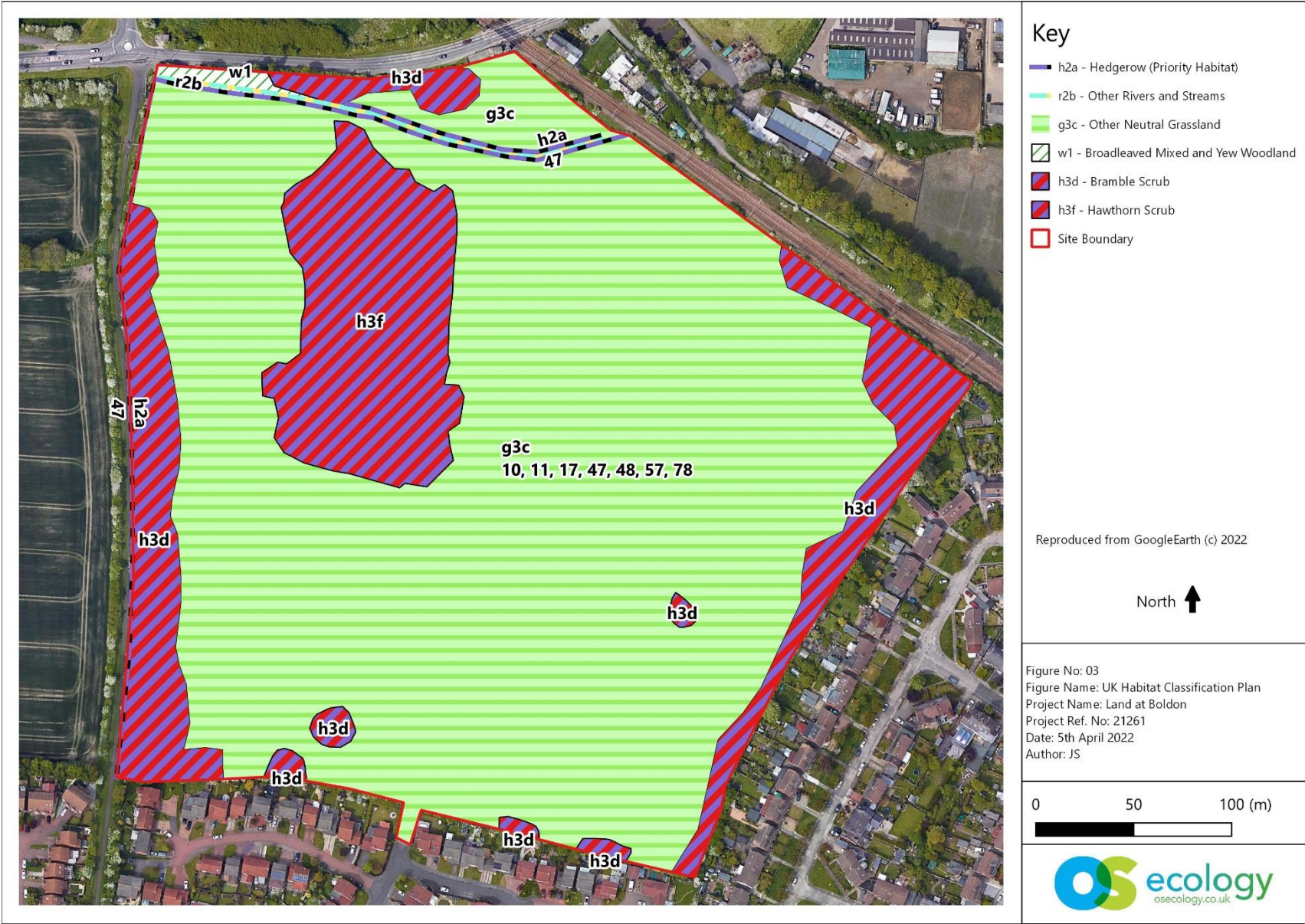
¹⁸ Based on information provided within Guidelines for Ecological Impact Assessment in the UK and Ireland (2018) CIEEM

Examples of Importance of Ecological Features (Geographic Context)¹⁸			
Importance	Designated Site	Habitat	Species
Local (District/ Borough of Parish)	Local Wildlife Site designated at a district or borough level	of such habitat that is thought to be functionally linked to a significant area of such habitat	Action Plan, which is present in significant numbers within the geographic context.
Low	-	Habitats that are unexceptional in a local context and do not meet the above criteria.	Species populations that are unexceptional in a local context and do not meet the above criteria.

Appendix 4 – Figures









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Preliminary Biodiversity Net Gain Assessment

Land at Boldon

August 2021

Bellway Homes Ltd (North East)

Client	Bellway Homes Ltd (North East0
Project Name	Land at Boldon
Project Number	21261
Report Type	Preliminary Biodiversity Net Gain Assessment
Version	V2 (Final)

	Name	Position	Date
Report Originator	Becky White	Senior Ecologist	23 rd August 2021
Reviewed	James Streets	Director	25 th August 2021
V2 Amendment	Becky White	Senior Ecologist	27 th August 2021

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Contents

1. Preliminary Summary Assessment	4
2. Figures	7

Tables

Table 1.1: Recommended Actions.....	5
Table 1.2: Example Habitat Creation Proposals.....	6

1. Preliminary Summary Assessment

- 1.1 OS Ecology Ltd were commissioned by Bellway Homes Ltd (North East) to provide a Preliminary Biodiversity Net Gain Assessment in relation to a proposed development site on land between East Boldon and West Boldon.
- 1.2 The Biodiversity Metric 3.0¹ has been used to provide a measure of the existing biodiversity value of the proposed development site and of the anticipated impact on biodiversity as a result of the development of the site.

Baseline

- 1.3 The site currently comprises a field of neutral grassland (10.23ha) with an area of bramble scrub (1.35ha) and areas of hawthorn scrub (1.47ha). A native hedgerow is present on the western boundary and running through the northern portion of the site (0.61km) with a line of trees also running through the northern section of the site and along the northern boundary (0.19km). A stream is also present within the site (0.24km).
- 1.4 Based on a preliminary assessment this results in **baseline Biodiversity Units** for the site of **141.10 units** in the 'Habitats' element of the metric, of **9.18 units** in the 'Hedgerow' element of the metric and of **2.19 units** in the 'River' element.

Post-Development

- 1.5 Site design, as illustrated within the Indicative Layout provided within the appendices, retains the majority of the hedgerow, the full extent of the tree line and buffers the watercourse within a proposed area of Public Open Space. In addition, a proportion of the hawthorn scrub to the east of the site is also retained.
- 1.6 Based on the indica layout, development will result in the creation of approximately 0.15ha of SUDs, assumed for the purposes of this assessment to comprise a basin sown with species rich neutral grassland, approximately 4.22ha of Public Open Space and approximately 8.55ha of built development.
- 1.7 As per the recommendations of the metric, the area of built development has been allocated on a 70/30 ratio to built development and vegetated gardens. For the purpose of this preliminary assessment, it has been assumed that the Public Open Space will comprise a matrix of amenity grassland (20%), species rich wildflower grassland (40%) and native scrub (40%).
- 1.8 These proposals will result in an overall loss of 101.42 units within the 'Habitats' element of the metric and a loss of 0.14 units within the 'Hedgerow' element.
- 1.9 The following table details the recommended actions within Metric 3.0, where losses to habitats are anticipated and provides comment as to how these may be achieved.

¹ Natural England Joint Publication JP039 The Biodiversity Metric 3.0 Auditing and Accounting for Biodiversity July 2021

Table 1.1: Recommended Actions			
Habitat Category	Anticipated Units to be Lost	Metric Recommended Actions	Comment
Grassland (Other Neutral) (Medium Distinctiveness)	122.76	Same broad habitat or a higher distinctiveness habitat required	<p>Some losses of this habitat type are inevitable, regardless of site design and the grassland is already in 'good' condition such that enhancement of retained areas through management is unlikely to provide significant gains in biodiversity units.</p> <p>Losses will be partially off-set through the provision of species rich grassland within areas of Public Open Space and associated with the SUDs.</p> <p>There is potential to off-set some of the losses within this habitat type on-site through creation of a higher distinctiveness habitat such as ponds, however it is unlikely sufficient units will be achieved.</p> <p>Off-site compensation likely to be required.</p>
Heathland and Shrub (Bramble Scrub) (Medium Distinctiveness)	5.40	Same broad habitat or a higher distinctiveness habitat required	<p>Site design has retained a proportion of the Hawthorn Scrub and there is potential to enhance this area whilst also provided native scrub within the areas of Public Open Space.</p> <p>Whether this will be sufficient to compensate for losses on-site will be dependent on the detailed design of the Public open Space.</p> <p>Off-site compensation may be required.</p>
Heathland and Shrub (Hawthorn Scrub) (Medium Distinctiveness)	11.79	Same broad habitat or a higher distinctiveness habitat required	
Native Species Rich Hedgerow (Medium Distinctiveness)	Est. 0.14	Like for like or better	Landscape proposals should seek to include native species rich hedgerow with trees in order to compensate for any losses and deliver net gain in relation to this element on-site.
Line of Trees (Low Distinctiveness)	Retained	No compensation required.	
Other Rivers and Streams	Retained	Site design has buffered the watercourse within the proposed area of Public Open Space. Habitat management on site should allow net gain to be delivered in relation to the watercourse element of the metric.	

Off-Site Compensation

1.10 The recommendations of the metric could be met through the creation of a combination of areas of grassland of medium distinctiveness (species rich neutral grassland) and native mixed scrub and potentially ponds of high distinctiveness.

1.11 The following table provides an example as to biodiversity units that could be achieved through off-site compensation. Calculations assume compensation land lies within the same local planning authority area, or immediately adjacent when sites are on or close to an authority boundary and that habitats to be created have a target condition of 'good'. It also assumes that the site for habitat creation works comprises a 'low distinctiveness' habitat type such as cropland or modified grassland, which is in poor condition, prior to habitat creation works. It may be however that habitat creation may be required outside of the Local Planning Authority area should suitable sites for enhancement not existing within the Borough.

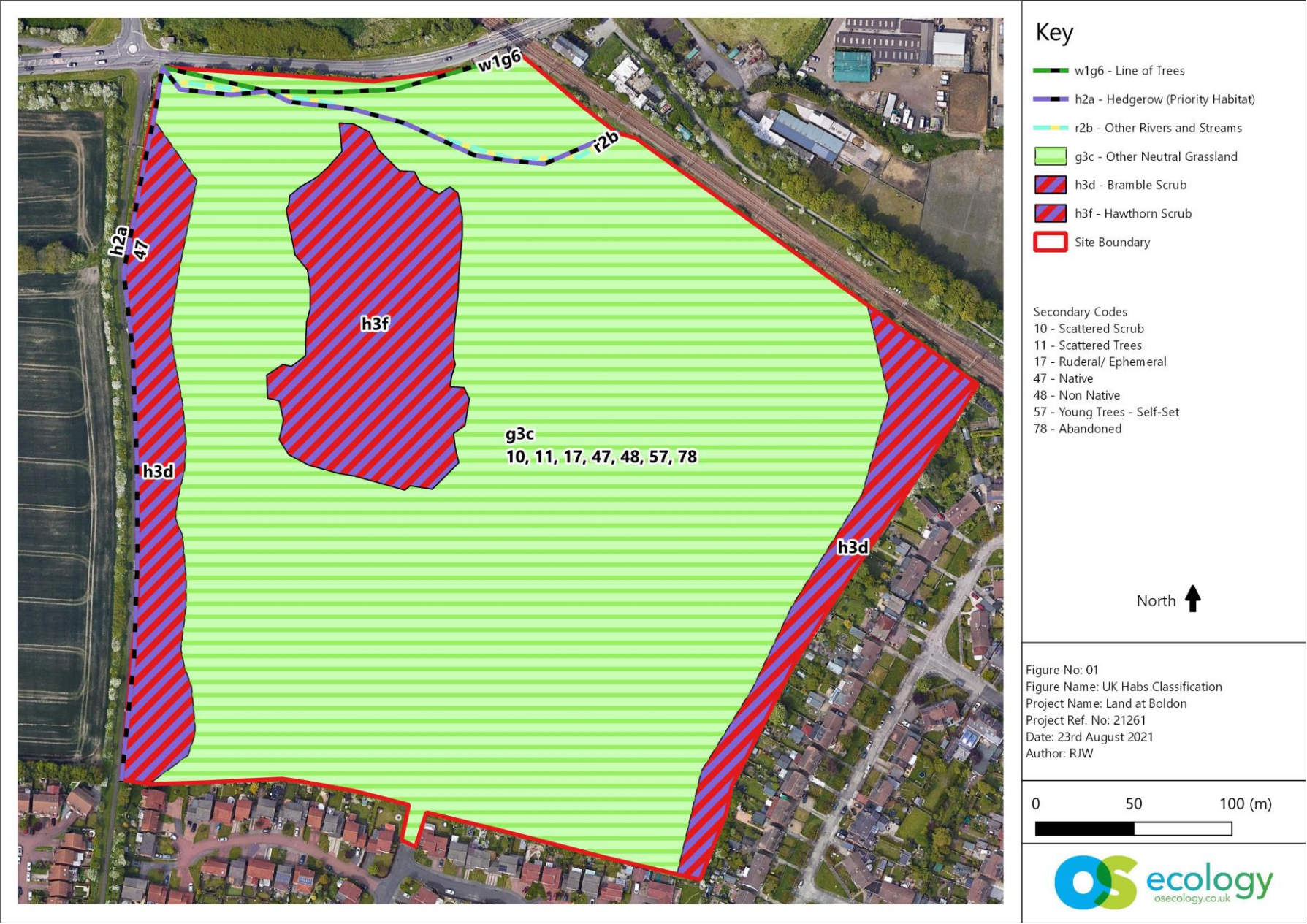
Table 1.2: Example Habitat Creation Proposals			
Habitat Category	Distinctiveness	Area/Length Created	Units Delivered
Grassland (Other Neutral)	Medium	5 ha	42.02
Heathland and Shrub (Mixed Scrub)	Medium	5 ha	42.02

Delivery of Compensation Measures

1.12 There are several potential routes to deliver the compensatory measures, these are listed below:

1. Delivery on site, or within land under the same ownership.
2. Provision of a financial contribution to the local authority, to deliver the required biodiversity units on land under the LPA control.
3. Provision of a financial contribution to a "third party provider" such as the Environment Bank, that will facilitate the delivery of the required units within land under their control.
4. Purchase of land in the local area, to deliver the units.

2. Figures







Appendix 4 – Concept Masterplan for the Site.



- SITE BOUNDARY (1:3,200ft)
NETT DEVELOPABLE AREA = 6.82Ha
- INDICATIVE ROAD
- INDICATIVE DEVELOPMENT PARCELS
- PUBLIC OPEN SPACE
- INDICATIVE SUDS ATTENUATION
- EXISTING TREES
- LANDSCAPE BUFFER ZONE



SITE BOUNDARY (22.90ha)
NETT DEVELOPABLE AREA = 14.88Ha

INDICATIVE ROAD

INDICATIVE DEVELOPMENT PARCELS

PUBLIC OPEN SPACE

INDICATIVE SUDS ATTENUATION

EXISTING TREES

LANDSCAPE BUFFER ZONE



Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

Newcastle



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Representations to South Tyneside Local Plan (Publication Draft – Regulation 19)

On behalf of Bellway Homes Limited (North East).

Date: March 2024 | Pegasus Ref: P19-2166

Author: Chris Martin BSc(Econ) MSc MA MRTPI



Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	Feb 2024	CM	SM	
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Contents.

1. Introduction.....	1
Previous Consultations.....	1
This Consultation	1
Bellway Homes and its Land Interests	2
2. Comments on the Local Plan.....	3
Overview	3
Comments on the Plan Period	3
Comments on the Strategic Objectives.....	3
Policy SP1: Presumption in favour of Sustainable Development.....	3
Policy SP2 : Strategy for Sustainable Development to meet identified needs.....	4
Policy SP3: Spatial Strategy for Sustainable Development	5
Policy SP7: Urban and Village Sustainable Growth Areas	7
Policy 1: Promoting Healthy Communities.....	9
Policy SP15: Climate Change.....	9
Policy 5: Reducing energy consumption and carbon emissions.....	10
Policy 6: Renewables and Low Carbon Energy Generation.....	10
Policy SP16: Housing Supply and Delivery	11
Policy 13: Windfall and Backland sites	12
Policy 14: Density.....	12
Policy 18: Affordable Housing.....	13
Policy 19: Housing Mix.....	13
Policy 20: Technical Design Standards for New Homes	13
Policy 35: Delivering Biodiversity Net Gain.....	14
Policy 36: Protecting Trees, Woodland and Hedgerows.....	14
Policy 37: Protecting and enhancing Open Spaces	14
Policy 41: Green Belt.....	14
Policy SP25: Infrastructure.....	15
Policy 58: Implementation and Monitoring.....	15
Policy 59: Delivering Infrastructure	15
3. Summary and Conclusions	16

Appendices contents.

Appendix 1 – Site Location	17
Appendix 2 – Response to Viability Workshop (2023).....	18
Appendix 3 – Indicative Site Layout	19

1. Introduction

- 1.1. These representations have been prepared by Pegasus Group on behalf of our Client, Bellway Homes Limited (North East), in relation to the Regulation 19 draft of South Tyneside's Local Plan. Once adopted, it is intended that the Local Plan will replace the current suite of Local Development Framework documents and become the development plan for the Borough. It will therefore act as the starting point for making decisions for future planning applications in South Tyneside.
- 1.2. In addition to providing general comments on the draft of the Local Plan, we also consider our Client's land interest in the Borough.

Previous Consultations

- 1.3. Our Client has been involved in the plan making process in South Tyneside over a number of years. This includes responding to the previous Regulation 18 draft of the Local Plan (in August 2022) as well as other consultations in relation to viability, exploration of specific site issues and submissions to updates to the Strategic Housing Land Availability Assessment (SHLAA).
- 1.4. Our Client is therefore well aware of the specific issues and background which will help shape future growth in the Borough and the pressing need to positively plan to meet South Tyneside's future needs.

This Consultation

- 1.5. This consultation seeks comments from the general public, landowners and key stakeholders. As a major housebuilder in the Borough, our Client is keen to ensure that the Local Plan is prepared in a robust, comprehensive and sound way which complies with the policies of the National Planning Policy Framework (NPPF, 2023) and has cognisance of the content of the accompanying Planning Practice Guidance (PPG).
- 1.6. The NPPF in paragraph 35 highlights that local planning authorities should submit a plan for examination which it considers is "sound"; namely that it is:
 - Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;
 - Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.
- 1.7. Our comments on the Local Plan have been framed with references to these tests.

Bellway Homes and its Land Interests

- 1.8. Bellway Homes is a North-East based housebuilder which operates across the whole of the United Kingdom. As a company, it is committed to providing high quality and sustainable housing developments which seek to assist in the Government's aim to significantly boost the supply of housing which the country needs. In this regard, Bellway Homes is recognised as providing high quality new homes through a 5 Star Housebuilder award by the Home Builder's Federation (HBF).
- 1.9. Our Client is the North East division of Bellway Homes and is responsible for identifying and developing new housing sites within the Tyne and Wear area. It has an excellent track record of delivering well-designed and sustainable places in the region as well as in South Tyneside specifically.
- 1.10. Our Client has a land interest at land at the former South Tyneside College, Hebburn Campus. This includes draft allocation GA1 as well as the land immediately south of this.
- 1.11. A plan identifying the extent of our Client's land interest is found in **Appendix 1** of these representations.
- 1.12. The site is allocated for housing development in the current draft of the Local Plan (Policy SP7). We explore this in more detail later in these representations.
- 1.13. We agree that our Client's land interest should be allocated for residential use and in doing so, it will assist in the ongoing sustainable growth of the Borough and will provide a deliverable housing site that will assist the Council in meeting its housing requirements over the plan period. This is particularly important in the case of South Tyneside given its recent record on housing delivery (through its Housing Delivery Test score) and its housing land supply position, both of which point to the need for the Council to proactively encourage growth both through the development management and plan-making processes.
- 1.14. It is against this background that we comment on the strategies and policies of the emerging Local Plan in the next section of this document.

2. Comments on the Local Plan

Overview

- 2.1. In general terms our Client supports the preparation of the Local Plan for South Tyneside as it believes that if prepared in a sound and robust manner, an up-to-date development plan for the Borough will provide certainty for development going forward and will help promote sustainable growth.
- 2.2. Nevertheless, as it is currently prepared, our Client does not consider that the Local Plan is a robust and sound document and that key changes are required to the overall strategy and the plan's policies to rectify this. We detail these below.

Comments on the Plan Period

- 2.3. It is noted that timescales for the Local Plan have changed since the previous draft. The plan period is defined as 2023–2040, with adoption proposed for 2025. This would allow for a period of 15 years from adoption which is in line with the minimum plan period requirement in the NPPF (paragraph 22), however any slippage to the Local Plan timetable may mean that this does not align with the requirements of the NPPF and would therefore be unsound as it would be inconsistent with national policy.
- 2.4. As such, we would suggest that this is monitored and the plan period extended if timescales slip.

Comments on the Strategic Objectives

- 2.5. We support the identification of increasing the supply and choice of housing to cover existing and new residents in South Tyneside (Strategic Objective 5). This reflects our comments made to the Regulation 18 draft of the Local Plan.
- 2.6. However, we have also previously raised that the link between economic and jobs growth (Strategic Objective 6) and housing growth needs to be explicitly made in order to ensure sustainable patterns of development are maintained. It is also noted that the plan makes reference to an ageing demographic in South Tyneside and a consequence of this is often a decline in the working age population.
- 2.7. All these factors are interrelated, for instance a strong desire to see economic growth and to address an ageing population need to be supported by sufficient housing growth. This needs to be acknowledged in the Strategic Objectives so that they are then properly addressed within the Local Plan's policies. Currently this does not seem to be the case and on this basis it is difficult to establish whether the approach to housing in the plan is ultimately sound as it may be the case that it is unsound by being inconsistent with national policy if sustainable patterns of development cannot be achieved.

Policy SP1: Presumption in favour of Sustainable Development

- 2.8. As outlined in our comments on the Regulation 18 draft of the Local Plan, this policy simply repeats the contents of the *Presumption in Favour of Sustainable Development* within the

NPPF plus key approaches to working pro-actively with applicants found in paragraph 38 of the Framework.

- 2.9. The NPPF itself advises local planning authorities to avoid unnecessary duplication of its policies (paragraph 16f). We therefore object to Policy SP1 and consider it unsound for being inconsistent with national policy.

Policy SP2 : Strategy for Sustainable Development to meet identified needs

- 2.10. This policy states that the Local Plan will deliver a minimum of 5,253 net additional homes (equivalent to 309 dwellings per annum) and a minimum of 49.41 ha of land for economic development.
- 2.11. It is noted that this figure largely reflects the Local Housing Need (LHN) for the Borough as defined by the Standard Method and represents a fall from the Regulation 18 draft which proposed a minimum of 5,778 net additional dwellings (equivalent to 321 dwellings per annum).
- 2.12. The NPPF outlines that the Standard Method is an advisory starting point when investigating the amount of new homes that might be needed in an area (paragraph 61). However, the NPPF also states that Local Plans should be aspirational and positively prepared (paragraph 16) and it remains the Government's objective to significantly boost the supply of new homes (paragraph 60).
- 2.13. In addition to this, the NPPF recognises that the requirement could be higher than the Standard Method, with paragraph 67 stating:
- "The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment."*
- 2.14. The PPG elaborates on this further by outlining an uplift from the Standard Method may be appropriate where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method (*Reference ID: 2a-010-20201216*).
- 2.15. Our Client considers that such an exercise has not been robustly undertaken to establish if an uplift is appropriate. As such we object to this policy and consider it unsound for not being positively prepared, being unjustified and being inconsistent with national policy.
- 2.16. The Council's latest Strategic Housing Market Assessment (SHMA) was published in November 2023 and is the primary piece of evidence which examines whether any changes to the Standard Method should be undertaken. Within the SHMA, reference is made to the economic aspirations for the North East through the North East Local Enterprise Partnership (NELEP) Strategic Economic Plan and the South Tyneside Economic Recovery Plan (2020) (paragraph 4.22 – .427). These both contain ambitious plans for economic growth and job creation including 25,000 new jobs for South Tyneside. However, when assessing this, the SHMA simply states:

“While the council is clearly committed to achieving economic growth (and inclusive growth that reduces inequalities), it considers that the minimum local housing need target of 309 homes per year fully reflects this aspiration. South Tyneside is part of a wider functional economic area extending across Tyne and Wear as evidenced in commuting and travel to work patterns. It is therefore reasonably assumed that new jobs created within South Tyneside could be done by people from within the wider functional economic area (as well as by local people currently not in work given the emphasis within the Strategic Economic Plan upon upskilling and reskilling local residents).”

- 2.17. That is to say, that there clearly is a need for additional new homes to accommodate these growth ambitions but the jobs created can be done by people living outside of South Tyneside. We do not regard such a statement as acceptable given that this would clearly result in an imbalance between jobs and new homes, leading to unsustainable patterns of development. This strategy would also directly contradict Strategic Objective 6 of the Local Plan which seeks to support economic growth that secures benefits for local people and paragraph 16 of the NPPF in ensuring the Local Plan is positive and ambitious.
- 2.18. Indeed, this approach would seem to indicate that the Council would effectively be ‘exporting’ its housing needs which occur above the Standard Method and rely on housing growth elsewhere in the region. There is currently no agreement in place to share housing growth between authorities and this further emphasises the need for the Council to balance jobs and housing growth.
- 2.19. Furthermore, the SHMA makes no reference to the fact that from May 2024, the NELEP itself will no longer exist and will have been subsumed into the wider North East Mayoral Combined Authority (NEMCA). This will unlock additional investment in the region (up to £4.2bn) of which over a quarter is to fund economic growth. This additional growth needs to be taken into account and would again indicate an uplift to the Standard Method figure would be appropriate so that this growth can be undertaken in a sustainable manner.
- 2.20. Without taking into account the above, we consider the policy remains unsound.

Policy SP3: Spatial Strategy for Sustainable Development

- 2.21. Our Client notes that this policy sets out the broad distribution of development proposed within South Tyneside. It supports the identification of Hebburn as one of the areas for growth and that changes to the Green Belt boundary are required (and that exceptional circumstances exist for this).
- 2.22. However, the spatial strategy will only work if those areas which are to accommodate growth are capable of being delivered. Historically the urban areas of South Tyneside have been the parts of the Borough which have had the lowest residential values and thus have been the areas where viability issues are most acute.
- 2.23. As part of its evidence base, the Council has commissioned a Local Plan Viability Update document (October 2023) to support the preparation of the Local Plan. Our Client took part in the stakeholder consultation and feedback in relation to the preparation of this document (and its previous iterations) and raised a number of concerns regarding the assumptions which have fed into this document.

2.24. The feedback our Client has provided has been consistent throughout this process and that is the approach to viability from the Council:

- Overestimates sales values – Whilst it is noted that sales data has been used to inform this, this is only a small sample size and is indicative of the fact that only small amounts of new-build housing have been developed in these areas over recent years. This has led to pent-up demand which has artificially driven up values in these places. The values used are therefore an overestimation of the actual values which are likely to be achieved and indeed do not take into account elements such as incentives and other discounts that are needed to attract buyers.
- Underestimates the cost of biodiversity net gain – Firstly, providing net gain on-site inevitably waters down net-gross areas of a site (as net gain land competes with other open space uses and developed land). In some instances, net developable areas have been squeezed to 50% of the total site size as a result of this. This needs to be reflected in the viability work. Second, for off-site contributions/credits, the national figure is (at its lowest) £42,000 per biodiversity unit (not per hectare). Within the net gain system, credits (as a last resort) are able to be set at double the cost of a biodiversity unit. It is our experience that sites will often need to purchase multiple biodiversity units to achieve a 10% gain which would largely exceed the £30,000/ha cost which is assumed in the viability work, given that even a relatively small site would typically need dozens of biodiversity units. This needs to be corrected in the viability work to show the full effect of net gain requirements.
- Underestimates the cost of Future Homes Standard – We have outlined our view that Future Homes Standard would add in the region of £12,300 cost per dwelling. This includes updates to latest Part L (£5,000), updates to Future Homes Standards (£6,500) and electric car charging points (£800). This needs to be fully reflected in the viability work.
- Underestimates build costs – We consider a median BCIS figure should be used (instead of a lower quartile figure) to better reflect recent build-cost inflation.

2.25. For completeness, the latest copy of our representations to this process is contained in **Appendix 2** of this document. This also highlights concerns our Client has with assumptions of benchmark land value multipliers for the Hebburn area.

2.26. Whilst our Client has the resources and ability to deliver its proposed allocation in Hebburn, it is nevertheless clear that viability issues will be much greater in the urban area. It is thus likely to be the case that some of the other sites identified within the urban areas may indeed be unviable.

2.27. Furthermore, the spatial strategy also places a strong reliance on the strategic site at Fellgate (Policy SP8) to deliver a significant proportion of the Borough's housing growth (1,200 dwellings which is over 20% of the total homes proposed in the Local Plan). Previous experience in nearby authorities such as North Tyneside and Durham has shown such large sites are extremely difficult to deliver. Such strong reliance on the Fellgate site puts the Council's delivery strategy at significant risk if the land is delayed in coming forward or ends up not being delivered at all in the plan period. This is especially the case in this instance, given that the area around the Fellgate site is not a strong housing market area and residential values are likely to be relatively low.

- 2.28. As such, whilst there is overall support for the distribution of development and Green Belt release, our Client nevertheless retains an objection to the policy and believes it to be unsound on the basis of it being unjustified. This is because it considers that the deliverability of the strategy has not been robustly tested given that the approach to viability is flawed.
- 2.29. The Local Plan Viability Update document therefore needs to be re-run taking into account the above points to establish the effect on the deliverability of sites proposed in the Local Plan.

Policy SP7: Urban and Village Sustainable Growth Areas

- 2.30. Our Client supports the release of Green Belt land in order to assist in growth in key areas of South Tyneside. In particular, our Client does support the identification of their land interest at the former South Tyneside College, Hebburn Campus (allocation GA1) for development and considers that if released from the Green Belt and allocated for development, it can deliver housing in an area of the Borough where historically housing has been difficult to deliver over recent years. It would therefore substantially assist the Council in achieving its strategy for growth over the plan period.

Comments on the Proposed Allocation (GA1)

- 2.31. The Council has produced a Site Frameworks document (2023) which outlines the main constraints and opportunities which relate to the site. The site has an indicative capacity of 115 dwellings. We consider that expressing the number as an indicative figure is correct and the precise number of homes which can be accommodated on the land will ultimately need to be determined through the planning application process.
- 2.32. The Site Frameworks document notes that the constraints are:
- Proximity to wildlife network.
 - The site is part of the green infrastructure corridor.
 - Development would result in the loss of playing pitches.
 - Areas of surface water flooding have been identified on the site.
 - The site is in a coal resource area.
 - There are mature trees around the perimeter of the site.
 - Site lies within 7.2km buffer of SPA/SAC Coastal designations and will be subject to a Habitats Regulation Assessment.
 - Development would further narrow the gap between South Tyneside and Gateshead's boundaries.
 - The proposed development area is considered to have some archaeological potential.
- 2.33. Whilst the opportunities are:

- The design and layout must actively seek to create and preserve, clear and defensible boundaries between the edge of the site and the Green Belt to which it is adjacent.
- Developer contributions towards enhancement of off-site playing pitch provision.
- Proposals must be supported by a site-specific flood risk assessment.
- Proposals must be supported by a site-specific transport assessment.
- Mature trees should be retained.
- An up-to-date archaeological desk-based assessment will be required.

2.34. Taken in combination, there has been nothing identified within the Site Frameworks document which would prevent development emerging on the site and the opportunities and constraints noted are all capable of being mitigated and/or incorporated into the design of the scheme.

2.35. Similarly, the key considerations within Policy SP7 itself do not contain any matters that cannot be addressed through the development management process. These are:

- Ensuring that the design and layout create clear and defensible boundaries, including enhancing the landscape buffer between the site and the Green Belt boundary.
- Retaining existing mature trees and enhance woodland planting in accordance with Policy 36: Protecting Trees, Woodland and Hedgerows.
- Ensuring landscaping is an integral part of the design.
- Providing enhancements to the National Cycle Route and improved access to Hebburn Quarry Pond Local Nature Reserve and associated green corridor.
- Exploring opportunities to formalise pedestrian desire lines through the site and connectivity of the site to the existing development to the south east.
- Ensuring playing field loss is mitigated in accordance with Policy 37 and the most up to date Playing Pitch Strategy evidence.
- Ensuring buildings are at a scale and mass in keeping with the wider area.

2.36. Nevertheless, a reasonable and practical approach will need to be agreed with regards to any tree loss (if this is unavoidable) and playing pitch loss (given that the allocation itself commits the Council to developing the land for much needed new homes).

2.37. Whilst bringing forward the site would complete the regeneration of the former Hebburn Campus and provide a deliverable and well-designed housing site within the town, our Client objects to a specific part of the policy which it considers unsound for being ineffective.

2.38. This relates to the boundaries of the allocation itself. **Appendix 1** of these representations shows the extent of our Client's land interest, whilst **Appendix 3** shows a draft layout which suggests how the development could be accommodated on the site. Whilst the area of the site which is allocated corresponds with the extent of the built development shown in

Appendix 3, the remaining land to the south is not part of the allocation and is to remain within the Green Belt (and part of a Wildlife Corridor). We consider that given that a final layout/arrangement has not been confirmed, this area too should be removed from the Green Belt and form part of the allocation to allow for as flexible approach as possible to this site. The detail of boundaries/extent of development can then be determined through the development management process.

- 2.39. It is considered that this small change would ensure that the allocation is sound.

Policy 1: Promoting Healthy Communities

- 2.40. This policy sets out that a Health Impact Assessment (HIA) is required as part of planning applications for schemes of 100 dwellings or more.
- 2.41. Whilst our Client supports the need to improve health and wellbeing in the Borough and seeks to incorporate these matters into the design of their developments, it considers that as drafted, the policy is unsound for being unjustified and inconsistent with national policy.
- 2.42. Matters relating to HIAs are covered within the PPG and whilst this highlights that such documents can be useful tools in instances where there could be significant impacts, it also outlines that local plans should be considering the impact of its policies on the health and wellbeing of residents anyway (*Reference ID: 53-005-20190722*).
- 2.43. It therefore stands to reason that where a development is in line with policies in the Local Plan, a HIA should not be required (as this has already been assessed through the plan making process). It should therefore only be required where a proposal departs from the Local Plan and even then, a HIA should only be required where it is clear the likely impacts of a development could be significant. We consider there is a lack of evidence in setting a general threshold of 100 dwellings or more, rather each site should be assessed on its own merits at the planning application stage. This would better reflect the NPPF which is clear that information requirements for planning applications should be kept to a minimum (paragraph 44).
- 2.44. If the Council were to continue forward with this policy, the cost associated with this policy should be factored into the Local Plan Viability Update document (which currently does not cover this).

Policy SP15: Climate Change

- 2.45. Our Client is keen to play its role in tackling climate change and seeks to develop homes which are more energy efficient; reducing their environmental footprint.
- 2.46. Although the Council is correct to identify climate change as a key challenge for the Borough over the plan period, it is unclear as to what Policy SP15 is seeking to achieve. Part 2 of the policy requires development to reduce carbon emissions by embedding sustainable principles into the design, construction, and operation of developments but provides little further detail. As such we consider the policy to be unsound for being ineffective and inconsistent with national policy.
- 2.47. The Council will be aware of the Written Ministerial Statement from December 2023 which is clear that any planning policies that propose local energy efficiency standards for buildings

that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale. It is unclear whether this policy is aligned with this and so we object to it on that basis.

- 2.48. As an industry, house building is actively working towards Future Homes Standards which ties in more widely to the Government's Net Zero Strategy. As such, the policy (or its supporting text) should be clear that this is the goal for the Council.
- 2.49. The Future Homes Standard should then be fully reflected in the Local Plan Viability Update document (see our comments in relation to Policy SP3).

Policy 5: Reducing energy consumption and carbon emissions

- 2.50. Our Client supports the principle of seeking to reduce energy consumption and carbon emissions for new development. However, the approach to the policy needs to be sufficiently flexible, practical and consistent with national policy.
- 2.51. Currently, we do not consider the policy does this and so we object on the basis of it being unsound as it is unjustified and inconsistent with national policy.
- 2.52. Firstly, these policy requirements do not seem to have been fully factored into the Local Plan Viability Update document and second, the policy itself presents a number of issues which we highlight below.
- 2.53. Part 1 of the policy appears to require the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates as well as the use of sustainable materials, e.g. those with low embodied carbon or renewable materials and waste minimisation and reuse of material derived from excavation and demolition.
- 2.54. Whilst these are all laudable requirements, on a practical level it may be the case that such materials may not be available or be able to be sourced for a development. It may also be the case that the reuse of material on a site may not be feasible. The policy therefore needs to be reworded so that developers are 'encouraged' to do this rather than 'required'.
- 2.55. Likewise, this part of the policy requires the highest national standards in water efficiency to be achieved. Again, whilst this is a laudable approach, the Council has not justified this in policy terms with evidence. The highest standard for water usage is 110 litres per person per day. This is an 'optional standard' (as opposed to the 125 litres per person per day mandatory standard). The PPG is clear that where optional standards are pursued, that this needs to be evidenced and reflected in viability considerations (*Reference ID: 56-O14-20150327*). None of this appears to have been done and as such, this part of the policy should be deleted.
- 2.56. Part 3 of the policy requires all major development to be accompanied by a Sustainability Statement. This needs to be proportionate to the scale of the development and not unnecessarily duplicate details which are already included within the planning application. This would then better reflect paragraph 44 of the NPPF.

Policy 6: Renewables and Low Carbon Energy Generation

- 2.57. This policy requires that major developments will be required, via a Sustainability Statement, to assess the feasibility of connecting to an existing decentralised energy network, or where

this is not possible, assess the feasibility of a new network. Part 6 states that developments within 400m of an existing network or an emerging network shall be designed ready to connect.

- 2.58. The policy seems to unduly place an emphasis on connecting to heating networks when this may not always be the most appropriate way in which to sustainably heat a development; not least as many heating networks are not powered by renewable energy. From a consumer point of view it can also be undesirable as it reduces choice and options if costs rise.
- 2.59. As such, putting such a strong emphasis on having to explore connecting to a heating network is not appropriate and we object to this on the basis of it being unsound in being unjustified. We would suggest that the focus from the Council should be more outcome based in seeking that developments explore multiple methods to seek to reduce their carbon emissions rather than favouring one method over others.

Policy SP16: Housing Supply and Delivery

- 2.60. This policy maps out the residual housing requirement for the Borough over the plan period. Whilst the method for undertaking this is clear, there are a number of issues which our Client has with some of the assumptions which have come from this. We therefore object to this policy and consider it unsound for being not positively prepared, unjustified and inconsistent with national policy.
- 2.61. The overall thrust of the policy is to demonstrate how the Council will maintain a rolling five year supply of deliverable housing sites. Table 2 which accompanies the policy details that this will be done through existing commitments, completions (since the beginning of the plan period), windfall sites and allocations.
- 2.62. Whilst local planning authorities can make an allowance for windfall in their forecasted supply, the NPPF (paragraph 72) is clear that this needs to be evidenced clearly and in a compelling way that this would be a reliable source of supply. The 444 dwellings referenced in Table 2 would represent around 8.5% of the total housing requirement, so if delivery of this was not as strong as envisaged, this could have a material effect on housing land supply in the Borough.
- 2.63. We do not currently believe that the evidence (mostly contained within the Strategic Housing Land Availability Assessment (SHLAA, 2023)) would support this amount of windfall, especially when it is considered that the likelihood is that windfall (as a source of supply) will diminish once a new Local Plan is adopted (as supply is likely to move over to allocations). It is this future trend which has not been factored into the Council's forecasts.
- 2.64. If there is going to be such a reliance on windfalls, it is important that the Council does not have overly restrictive policies when it comes to windfall sites. Currently we consider that the approach to windfall is restrictive (see comments on Policy 13 below), which further emphasises the need for the Council to be cautious when including it in its supply.
- 2.65. More widely, it is noted that the headroom within the plan between the residual requirement (3,443 dwellings) and the allocations (3,498 dwellings) is small. This would mean that if assumptions regarding windfall are incorrect, or allocations are delayed or fail to come forward, then this leaves little opportunity for the Council to deliver on its need (which in any

event is a minimum) and will likely lead to issues relating to housing land supply and housing delivery.

- 2.66. To some degree, this is acknowledged within Part 9 of the policy and paragraph 8.16 which incorporates a number of remedies including *inter alia* a partial or early review of the plan (including potentially further Green Belt release). It is considered that if the Council is aware of this risk, it should be proactively taking measures now to seek to mitigate this. This should include having a more flexible approach to windfall development, examining further Green Belt release now, or looking at safeguarded land. This would reflect the NPPF in paragraph 148 and would be more conducive to longer term planning.

Policy 13: Windfall and Backland sites

- 2.67. Our comments in relation to this policy overlap with those we have made in relation to Policy SP16. Overall, we consider that if the Council is seeking to make assumptions for windfall development in its forecasted supply, it needs to be firmly evidenced and supported by a sufficiently flexible policy which allows such windfall sites to readily come forward.
- 2.68. It is considered in this case that this windfall policy does not achieve this and as such, we object to it and consider it is unsound on the basis that it is not positively prepared and inconsistent with national policy. Indeed, the current approach to windfall seeks to restrict such sites to those which are brownfield or small infill sites within the Borough's main urban areas. This creates a very narrow set of circumstances in which windfall development can emerge. The policy seems to instil a 'brownfield first/only policy' which contradicts the NPPF (which encourages rather than mandates the use of brownfield land). Consequently, the policy does not allow for positive growth of settlements where there may be sustainable sites which are on the edge but well related to the built-up area of a settlement. As such, we consider much more flexibility is needed in this policy.

Policy 14: Density

- 2.69. Section 11 of the NPPF requires that land should be developed efficiently and this approach is supported by our Client, nevertheless we object to the way in which has been translated into Policy 14 and consider it unsound for being unjustified, not positively prepared and inconsistent with national policy.
- 2.70. Whilst the policy wording does not provide specific densities, the supporting text does (paragraph 8.24). Although our Client agrees that there are some areas of the Borough where densities can be maximised (as outlined in the Council's Density Study (2024)), this cannot be done in such a rigid way as set out in the plan. Instead, the ability to maximise densities needs to be determined on a site by site basis and depends on site specific opportunities and constraints. Whilst the Council's Density Study is useful, it does not seem to fully account for the fact that net to gross ratios on development sites are being consistently squeezed in order to accommodate planning requirements such as biodiversity net gain, amenity space requirements, enhance accessibility requirements, space standards, road widths and cycleways etc. In this regard the Density Study paints an overly optimistic portrait of achievable densities. All this means that on many sites, the rigid densities found within the Local Plan will not be able to be achieved whilst also addressing necessary planning requirements and promoting good design. References to specific densities therefore need to be removed.

Policy 18: Affordable Housing

- 2.71. Our Client notes the approach to affordable housing contained in Policy 18 and that this is linked to the Local Plan Viability Update document. As outlined elsewhere in these representations, we consider there are a number of issues with how viability has been calculated meaning that sites may not be able to viably provide the affordable homes outlined in the policy. We therefore object to this policy and consider it unsound on the basis of being unjustified and inconsistent with national policy.
- 2.72. Whilst it is noted that the policy does allow applicants to submit viability evidence where the affordable housing requirements would make a scheme unviable and for alternative provision to be made, this should be the 'exception' rather than the 'rule'. The latest viability information does show that viability has become more challenging over recent years, although no significant change has been made to the affordable housing thresholds. We consider that this needs to be justified.
- 2.73. More broadly, the SHMA identifies an affordable housing need of 361 dwellings per annum which clearly cannot be addressed by the Local Plan itself (given the overall housing requirement is 309 dwellings per annum). It is noted that the PPG states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes (*Reference ID: 2a-024-20190220*). This does not seem to have been considered in any great detail by the Council when examining how many homes needed over the plan period and should be explored further through the plan-making process.

Policy 19: Housing Mix

- 2.74. This policy seeks to provide an appropriate mix of housing on development sites in terms of sizes, types and tenures. This broad aim is supported by our Client, however reference is then made to meeting need outlined in the SHMA or its successor. We consider this approach unsound as it is not positively prepared and is unjustified. We therefore object to this.
- 2.75. Whilst it is right for the Council to consider the SHMA (or its successor), this should not be the only way in which housing mix is defined, given the SHMA is a snapshot in time and other factors such as market considerations, site location and site-specific circumstances also need to be considered. As such, we would consider that the policy needs to be reworded so as to build in this flexibility.

Policy 20: Technical Design Standards for New Homes

- 2.76. This policy seeks that all new homes are to be designed to be built to M4(2) standards and 5% to M4(3) standards (on schemes of 50 dwellings or more). Our Client has house types which meet these criteria, however as these are optional standards it is incumbent on the Council to provide the evidence that they are needed. The PPG sets out very specific areas of evidence that need to be presented. This includes likely future need, size, location, type and quality of dwellings needed as well as the accessibility and adaptability of the existing stock, how the needs vary across different housing tenures, and the overall impact on viability (*Reference ID 56-007-20150327*).
- 2.77. Currently our Client considers that the evidence presented is not sufficient to justify the levels outlined in the policy. Consequently, we object to the policy and consider it unsound.

for being unjustified and inconsistent with national policy. Even if it were the case that this policy was justified, an appropriate transition period needs to be provided.

Policy 35: Delivering Biodiversity Net Gain

- 2.78. Mandatory biodiversity net gain (of at least 10%) is now enshrined in law and is accompanied by relevant guidance on how this is best achieved on development sites. Consequently, we do not consider that there is a need for this policy as it does not add anything to the legislation and guidance that has already been published.
- 2.79. Given that the NPPF seeks to prevent the replication of policies elsewhere (paragraph 16f), then we consider that this policy is unsound on the basis of being inconsistent with national policy and so should be deleted.

Policy 36: Protecting Trees, Woodland and Hedgerows

- 2.80. Our Client agrees that the protection and retention of trees is important when designing development sites. However, this policy needs to be sufficiently flexible and to acknowledge that there may be instances where tree loss is unavoidable (please see our comments in relation to Policy SP7). Without sufficient flexibility we object to this policy as being unsound in not being positively prepared.

Policy 37: Protecting and enhancing Open Spaces

- 2.81. Part 2 of this policy requires development proposals that would result in the loss of non-designated open space (in full or part) to be justified. We regard the wording of this part of the policy to be imprecise and therefore unsound for being ineffective and not positively prepared.
- 2.82. The policy needs to clarify that those open spaces which are proposed to be allocated for an alternative use in the Local Plan (eg. residential) should then not need to justify the loss of the open space at the planning application stage, as this justification should have been demonstrated through the plan-making process. Furthermore, the policy itself does not specifically identify how it would define open space that is undesignated. This needs further clarification.

Policy 41: Green Belt

- 2.83. It is noted that this policy simply references national planning policy in relation to Green Belt. As such, the policy is superfluous and therefore unsound on the basis of being inconsistent with national policy given that the NPPF seeks to avoid duplication of policies (paragraph 16f). As such, this policy should be deleted.

Policy SP25: Infrastructure

- 2.84. Whilst our Client agrees with the need for new development to provide supporting infrastructure (in line with paragraph 57 of the NPPF) and that this needs to be provided at the appropriate stage, the policy currently makes no reference to viability considerations. As such, we object to it and consider it to be unsound on the basis of being ineffective and inconsistent with national policy.
- 2.85. To remedy this, the Council needs to cross refer this policy to Policy 60 in the Local Plan which specifically references viability. This would be consistent with the PPG (*Reference ID: O-009-20190509*).

Policy 58: Implementation and Monitoring

- 2.86. Our Client supports a policy which will actively monitor how the Local Plan policies are performing and actions that may be required in instances where delivery is not sufficient. However, we consider that the measures outlined are too narrow and on this basis the policy is unsound for being ineffective.
- 2.87. The actions listed in association with this policy should also include the consideration of granting planning permission for unallocated sites in sustainable locations (much more broadly than Policy 13). This would ensure that the policy can effectively address delivery issues should they occur.

Policy 59: Delivering Infrastructure

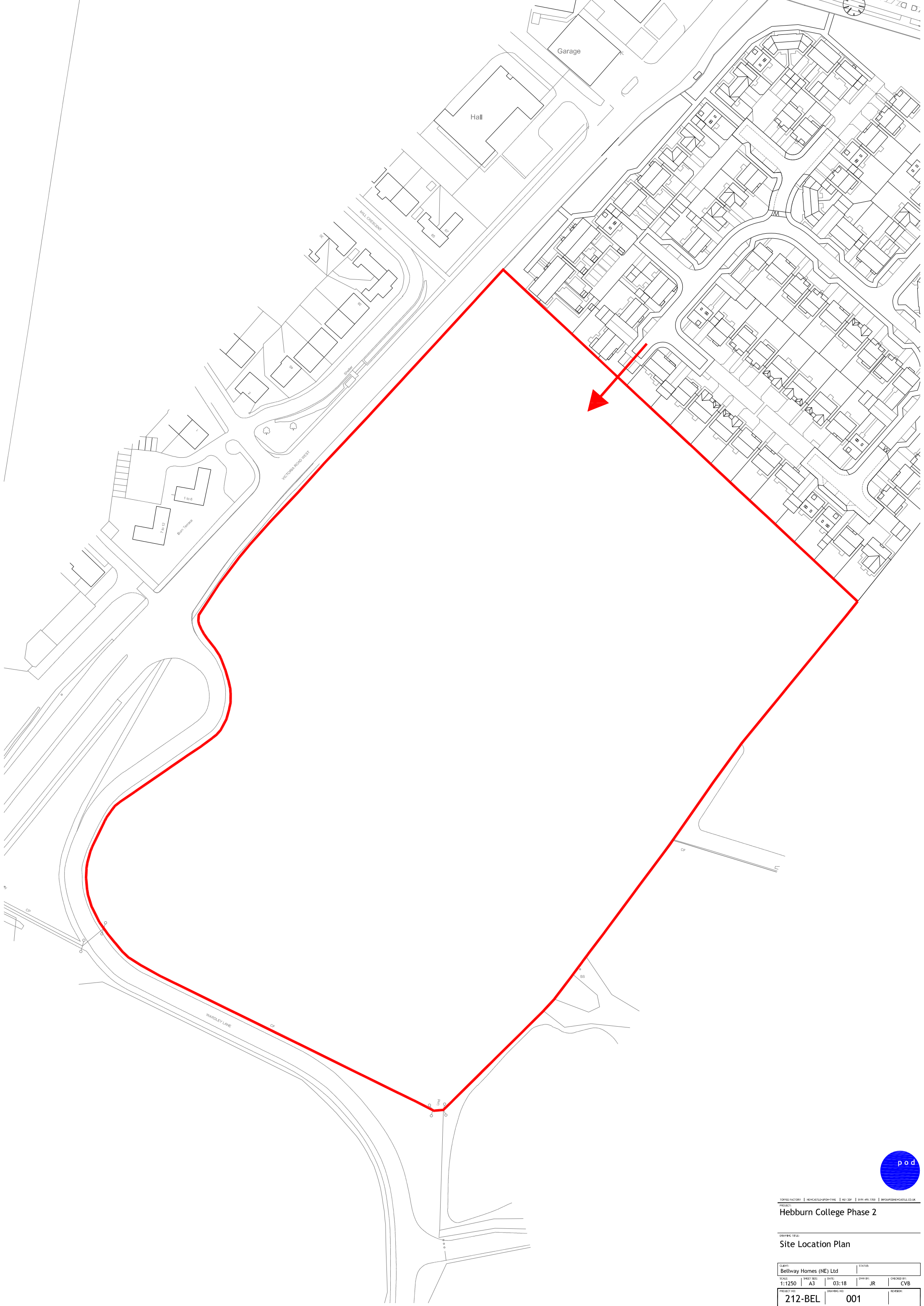
- 2.88. Our Client considers that this policy replicates Policy SP25 and as such it is unsound on the basis of being inconsistent with national policy given that the NPPF seeks to avoid duplication of policies (paragraph 16f). As such, this policy should be deleted.

3. Summary and Conclusions

- 3.1. These representations have been prepared by Pegasus Group on behalf of our Client, Bellway Homes Limited (North East), in relation to the Regulation 19 Publication Draft of the South Tyneside Local Plan.
- 3.2. Our Client supports the need to have an up to date Local Plan in place, this needs to be robustly prepared with policies which are sound and which can support the Borough's growth aspirations over the plan period (up to 2040). It is our view however that there are a number of issues within the Local Plan's proposed strategy, assessment of the overall quantum of development and viability assumptions which need to be rectified if the plan is to be found sound at examination.
- 3.3. Our Client's land interest in Hebburn is proposed to be allocated within this draft of the Local Plan and this is supported in principle. The site is deliverable and sustainable and would contribute to housing within a part of the Borough where historically housing has been difficult to deliver.
- 3.4. Section 2 of these representations also highlights other policies in the plan which we feel need further flexibility and/or justification for their inclusion. This is particularly important given the viability concerns that we have highlighted elsewhere. Putting these changes in place would also ensure that the Local Plan is ultimately sound.
- 3.5. Our Client would also like to confirm that they would like to participate in future consultations on the Local Plan and the future examination of the document.



Appendix 1 – Site Location



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Hebburn College Phase 2

DRAWING TITLE:
Site Location Plan

CLIENT: Bellway Homes (NE) Ltd		STATUS:	
SCALE: 1:1250	SHEET REF: A3	DATE: 03:18	OWN BY: JR
PROJECT NO: 212-BEL		DRAWING NO: 001	CHECKED BY: CVB



Appendix 2 – Response to Viability Workshop (2023)

LO01MPL

13 October 2023

Matthew Clifford
Senior Planning Policy Officer
South Tyneside Council
Town Hall and Civic Offices
Westoe Road
South Shields
NE33 2RL

Dear Matthew

Response to Questionnaire on Viability Assumptions

Following the workshop that was undertaken on 21 September 2023 in relation to your ongoing viability work to support South Tyneside in its plan-making process, we write to you on behalf of our Client, Bellway Homes Limited (North East), in response to the questionnaire that has been circulated.

Our Client is a national housebuilder who is active within South Tyneside and the wider region. It has a land interest in Hebburn which is currently proposed as a draft allocation in the emerging South Tyneside Local Plan (STLP) (reference: GA3). Having a robust approach to viability is clearly a key component of presenting a sound Local Plan at a future plan examination. We previously responded to a similar questionnaire in October 2021 and understand that given the time that has elapsed since, that the Council has sought to refresh its viability work. Nevertheless, where relevant, we cross refer to those comments.

Question 1: Residential Scheme Design

Do you agree with these assumptions for the purposes of a Local Viability review?

It is noted that the previous viability information tested typologies up to 125 dwellings. The point that our Client raised previously was that there is a need to test a typology with a higher number of units. We therefore welcome that there is now a typology for 250 dwellings proposed to form part of the updated viability work. Nevertheless, we would query the difference between a 125 dwelling site and a 250 dwelling site in terms of how they would be delivered. We therefore consider that it would still be worthwhile providing a typology with a larger number of units (eg.

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400 – 500 units) to as it would be at this quantum that you would see a clearer distinction in terms of up-front infrastructure costs and the effect of phasing and multiple outlets.

In relation to the housing mix we note that the percentage of terraced housing has fallen from 30% to 20% which is broadly in line with our comments previously. However, it is noted that the 10% taken from terraced housing has been put towards semi-detached properties. We consider that for larger typologies, in particular, there is likely to be additional detached properties rather than semi-detached given that such sites will typically be on the edge of settlements and be more suburban in nature.

Question 2: Residential Values

Do you agree with these assumptions for the purposes of a Local Viability review?

Our previous comments submitted in October 2021 challenged the assumption that Hebburn should be categorised alongside West Boldon/Boldon Colliery as having the same residential values. We see within the latest assumptions that Hebburn is now classified as an area with lower residential values compared to West Boldon/Boldon Colliery. This change is welcomed.

The previous assumptions estimated the value of a new build in Hebburn to typically be £2,300/sq m – £2,400/sq m. This has now increased to a range of £2,450/sq m – £2,600/sq m. Whilst there is a need to reflect the latest residential values when considering viability, it would be helpful if the data used for these updated assumptions was made available. We have previously expressed concern that given the little amount of new build that has taken place recently within Hebburn, that there is likely to be a degree of pent-up demand within the market which may have the effect of artificially inflating values. This needs to be accounted for.

It is also no secret that the housing market has struggled over the last few years with values being suppressed in a bid to maintain sales rates on development sites. It is therefore surprising that values have assumed to increase so markedly in two years; especially in light of much higher interest rates (which are likely to stay high for the foreseeable future) and ongoing economic uncertainty. From experience of selling houses locally, we would consider a residential value of £2,350/sq m – £2,500/sq m would be more appropriate and more accurately reflect market conditions.

It is also noted that there is an assumption of the following residential values for affordable tenures:

- Social rent – 40% of market value.
- Affordable rent – 50% of market value.
- Discounted market value/First Homes – 70% of market value.

How this will affect viability will depend on the tenure split proposed through the policies of the Local Plan, although it is noted that the Government seeks to prioritise First Homes over other tenures.

Our Client considers 45% of market value would be the expectation for affordable rent, whilst the 'Discounted market value/First Homes' category should be re-classified as 'Intermediate Tenure' and include an assumption for shared ownership.

It is noted that 70% of market value assumption for First Homes coincides with the minimum discount that can be applied according to the Government's Planning Practice Guidance (PPG, Reference ID: 70-001-20210524). For First Homes, this seems appropriate given that this should be set on a local authority wide basis (see PPG Reference ID: 70-004-20210524) and that there are key areas of the borough where a lower percentage of market value is likely to render a scheme unviable.

However, it does not necessarily have to follow that those discount market homes that are not classified as First Homes need to be set at a similar level. Traditionally, such homes have been set at 80% of market value. This has been seen as appropriate given the general lower values in the region. We would advocate that this should be maintained and will assist more generally in site viability.

Question 3: Construction Costs

Do you agree with these assumptions for the purposes of a Local Viability review?

We consider that in the absence of other data, that the BCIS provides a useful starting point and that this is referenced specifically in the PPG (Reference ID: 10-012-20180724). However, whilst useful, the BCIS does have its limitations given that it is based on a small section of data. This has meant that an assumption has been made that build costs for larger 'volume' house builders largely equates to the lower quartile BCIS figure. This is because it is considered that owing to their size, such house builders can negotiate discounts on construction costs/benefit from economies of scale.

However, it has become apparent that over the last 2 years that build costs have continued to escalate and this has been down to some degree by an increase in material costs (given supply constraints) and a scarcity of labour. Both these factors have taken place and have little to do with whether a housebuilder has economies of scale or not. As such, we would query whether there is such a big distinction between smaller and larger housebuilders in relation to construction costs. It would therefore be more appropriate and robust to assume median BCIS figures for all typologies (accepting that an increased cost for enhanced specification may be needed in higher value areas).

We have also previously highlighted that there appeared to be a large gap between abnormals assumed for greenfield sites and brownfield sites. It is welcomed that this gap has now closed with a £100,000 per net hectare difference between the two. It is acknowledged that making general assumptions for abnormals is difficult as these are, by their very nature, site specific. There should therefore be some sensitivity testing for abnormals to ensure a full range of outcomes have been explored. We would highlight again that owing to the mining legacy within the north east, and in South Tyneside in particular, that even greenfield sites can face unexpected abnormal costs

relating to ground conditions and so often the distinction in relation to brownfield and greenfield sites is not that wide.

Question 4: Additional Key Appraisal Assumptions

We note that through the previous feedback provided that the approach to developer profit has been refined and for larger typologies this has been adjusted as 20% on revenue for market value dwellings and 6% for affordable homes. The PPG advises that a figure between 15–20% is appropriate (Reference ID 10–018–20190509) but does allow flexibility for local planning authorities to examine alternative figures.

In this instance, the assumption for 20% developer profit for market value housing is sensible given that the introduction of Government requirements, such as First Homes, places further risk on the housebuilder (rather than the Registered Provider) in delivering affordable homes. However, as this is an issue for smaller typologies too, then the same assumption should be used for these as well.

Although not included in the questionnaire, we consider that the following are also important assumptions to that feed into the preparing of the viability assessment:

Biodiversity Net Gain

The mandatory 10% requirement for Biodiversity Net Gain (BNG) is now scheduled to be in place by January 2024 and so needs to be factored into the viability work for the emerging Local Plan.

We note that at the viability workshop, it was suggested that a £20,000/ha cost could be used as an assumption for BNG, however we do not consider this adequate to address the impact of this policy.

Firstly, providing BNG on-site inevitably waters down net-gross areas of a site (as BNG land competes with other open space uses and developed land). In some instances, net developable areas have been squeezed to 50% of the total site size as a result of this. This needs to be reflected in the viability work.

Second, for off-site contributions/credits, whilst a national figure is not yet available, local figures within the region are typically £20,000 – £30,000 per biodiversity unit (not per hectare). Within the BNG system, credits (as a last resort) are able to be set at double the cost of a biodiversity unit. It is our experience that sites will often need to purchase multiple biodiversity units to achieve a 10% gain which would largely exceed the £20,000/ha cost. Recent sites we have been involved in have typically needed 30 – 80 biodiversity units and have not been large sites (typically 1 – 3 hectares in size). We therefore consider that there is a real danger that this assumption significantly underplays the financial impact of BNG and should be revisited.

Future Homes

An assumption for the cost of Future Homes standard was discussed at the viability workshop. It was noted that it was considered this would add a further cost of around £4,000 per dwelling on development sites. However there seemed to be some confusion as to whether this includes an assumption for the recent changes to Part L of the Building Regulations (which are to some degree an interim step to Future Homes standards).

For clarity, our Client has currently costed the following per dwelling:

- Updates to latest Part L standards (£5,000).
- Updates to Future Homes Standards (£6,500).
- Electric car charging points (£800).

Therefore, it is considered the cost is in the region of around £12,300 per dwelling, which is significantly more than the £4,000 per dwelling figures discussed previously. This assumption therefore needs to be re-examined and increased accordingly.

Accessible Homes

It was mentioned at the viability workshop that assumptions would be made for the inclusion of M4(2) and M4(3) dwellings. Both these types of dwellings affect revenue. M4(3) plots have a large land-take (as they are typically bungalows) and there are ceilings in revenue in what price a 2 or 3 bed M4(2) units would sell for. It has been raised previously that M4(2) and M4(3) are optional standards for local planning authorities to include in their development plans.

The PPG itself (Reference ID: 56-007-20150327) is clear that the inclusion of such optional standards needs to be driven by the following:

- The likely future need for housing for older and disabled people (including wheelchair user dwellings).
- Size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
- The accessibility and adaptability of existing housing stock.
- How needs vary across different housing tenures.
- The overall impact on viability.

That is to say, viability is one of only several factors and so it is incumbent upon the Council to fully justify this before such requirements are included and then incorporate this in their viability work. As such, we would object to the inclusion of these standards within the viability work until they are fully justified by the Council.



Question 5 – Benchmark Land Value

Do you agree with these assumptions for the purposes of a Local Plan viability review?

Establishing a Benchmark Land Value (BLV) is another important component in assessing the viability of a Local Plan. It is noted that the methodology in the PPG has been used for arriving at the BLV assumptions put forward, however the PPG also states:

"In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage and provide evidence to inform this iterative and collaborative process." (Reference ID: 10-013-20190509)

We therefore seek assurances that the assumptions put forward through this consultation process are not a *fait accompli* but rather the start of an '*iterative and collaborative process*' as set out in the PPG.

As is made clear in the PPG, the premium for the landowner has to be large enough to provide an incentive for them to sell (considered against other options) (Reference ID: 10-013-20190509). If the BLV assumption is inaccurate then this will mean developers will see viability squeezed and this can have the effect of fundamentally undermining housing delivery in the borough.

We would request that our comments in relation to the previous questions are fed into the assumptions regarding BLV. Overall, we consider that the assumptions for BLV of £10,000 per acre for EUV on greenfield sites is acceptable. However, it is considered that applying a multiplier of 16x for Hebburn is not going to incentivise landowners to release the land. Whilst the PPG and other guidance has changed, it is considered that landowner and land agent expectations have not altered, therefore there is a genuine danger that land will simply not be released.

Question 6: Commercial Scheme Design

Do you agree with these assumptions for the purposes of a Local Viability review?

We do not have any comments in relation to this question.

We trust that this feedback will prove useful in being able to refine the current assumptions. As viability in plan-making is clearly an iterative process, we are keen for further engagement to be undertaken and we are happy to have further conversations concerning the viability work.

Yours sincerely

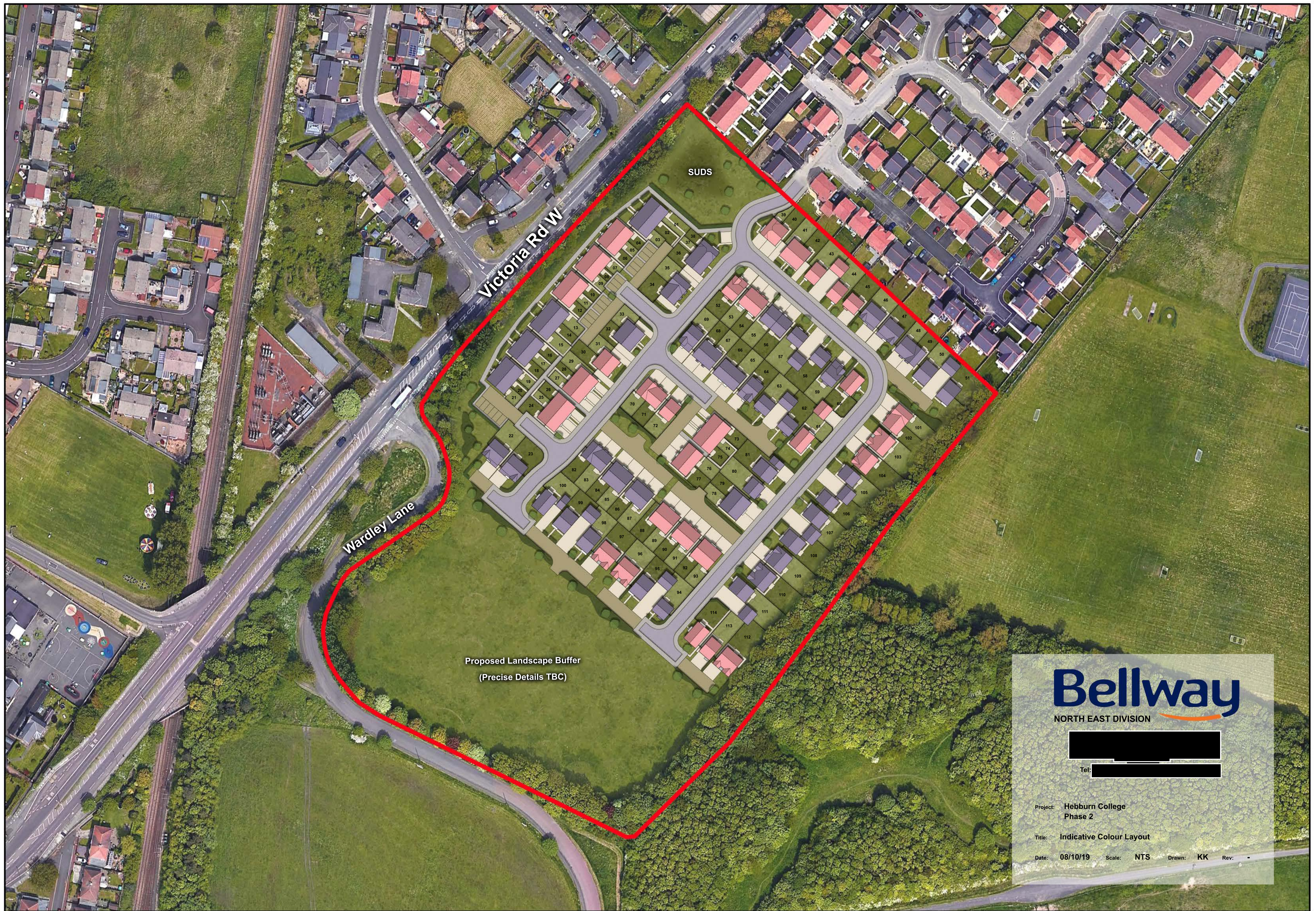


Chris Martin BSc(Econ) MSc MA MRTPI
Associate Planner





Appendix 3 – Indicative Site Layout



Victoria Rd W

Wardley Lane

SUDS

Proposed Landscape Buffer
(Precise Details TBC)

Bellway
NORTH EAST DIVISION



Tel: [Redacted]

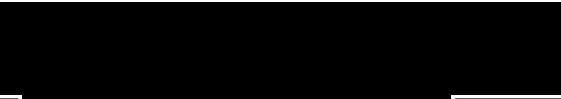
Project: **Hebburn College
Phase 2**

Title: **Indicative Colour Layout**

Date: **08/10/19** Scale: **NTS** Drawn: **KK** Rev: **-**

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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