

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

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Avant Homes North East	LP1944	2
Petition objecting to Fellgate	LP1945	50
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*In order to keep these documents to an appropriate size the number of representors featured  
within each document may vary*

LP1944 - Avant Homes North East

South Tyneside Publication Draft Local Plan 2023-2040 - Avant Homes North East  
Representations

Richard Newsome

Sun 3/3/2024 11:53 PM

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

Cc: Richard Newsome

1 attachments (2 MB)

R 240303 Avant Homes North East Reg 19 South Tyneside Draft Local Plan Representations.pdf;

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Dear Sir/Madam,

Please find attached representations submitted on behalf of Avant Homes North East in respect of South Tyneside Council's consultation on the Regulation 19 Publication draft Local Plan 2023-2040 between 15 January 2024 and 3 March 2024.

The representations are set out in the attached report. The report sets out representations identified by each chapter of the draft Local Plan and then by individual policies (including in relation to associated supporting text to policies and the Proposals Map where appropriate). These detail comments on the relevant policies and supporting text and recommendations for amendments to them. Appendix 1 contains information requested in the Regulation 19 Consultation Representation Form including a schedule of representations, how Avant Homes North East would like to be involved with the Public Examination, the reasons for this, and requests to be kept informed. Appendix 2 contains site plans for two sites at Cleadon Lane Industrial Estate and South Tyneside College which are included to assist updating the Proposals Map in relation to Policy SP4.

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Should there be any queries regarding the attached information please let me know and we would be happy to discuss any details.

Regards,

**Richard Newsome**  
Regional Planning Manager

Avant Homes North East, Investor House, Colima Avenue, Sunderland Enterprise Park, Sunderland, SR5 3XB

7/23/24, 11:10 AM

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**South Tyneside Publication Draft Local Plan  
Representations by Avant Homes North East  
March 2024**





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# 1. Introduction

- 1.1 Avant Homes is a housebuilder headquartered in Barlborough, Chesterfield, with nine regional offices across the North and Midlands of England and Scotland. This includes a North East regional office based in Sunderland.
- 1.2 Our ambition is to build quality homes, for everyone. This means we ensure our homes are well-built, and affordable for our customers. To do this we ensure our homes are built in the right locations, and aim to deliver fantastic customer service, putting the buyer first.
- 1.3 With our range of house types and developments, we have lots of optionality for different buyer types, at the right price point.
- 1.4 Avant Homes North East has land interests within South Tyneside and is keen to develop sites within the Borough as part of our future business strategy. These representations to the consultation on the Regulation 19 South Tyneside Publication Draft Local Plan (January 2024) have been prepared to ensure that our views are considered as the Local Plan progresses to Public Examination.
- 1.5 Each section of the South Tyneside Publication Draft Local Plan 2023-2040 and the relevant draft policies have been considered in turn where relevant. Some representations set out details of proposed amendments to the wording of draft policies and supporting text which are set out as track changes for ease of reference. All policy and paragraph numbers referred to below relates to those within the Local Plan, unless otherwise stated.

## 2. Strategy for Sustainable Development

- 2.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Strategy for Sustainable Development' chapter in the South Tyneside Publication Draft Local Plan (2024).

### **Policy SP2: Strategy for Sustainable Development to meet identified needs**

- 2.2 Avant Homes North East considers that Policy SP2 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 2.3 Avant Homes North East notes the Council's housing requirement figure to deliver 5,253 new homes and create sustainable mixed communities over the plan period as set out by Policy SP2. The requirement is set at the standard method local housing needs (309 dwellings per annum) figure based on the 2014 household projections.
- 2.4 Avant Homes North East recommends that the Council should review its proposed housing requirement to ensure that it gives weight to the circumstances where a higher figure than that provided for under the standard method would be appropriate. The Strategic Housing Market Assessment (SHMA) (2023) highlights 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, and recognises the importance of the International Advanced Manufacturing Park (IAMP). Despite this, the SHMA (2023) states that no uplift is required for these growth strategies on the basis that employees will be drawn from the wider functional economic area (paragraph 4.26).
- 2.5 It is considered that there is insufficient evidence to demonstrate that the balance between the employment needs and aspirations and the housing requirement has been fully considered. Therefore, it is not apparent that the policy is in line with the provisions of paragraph 86 c) of the National Planning Policy Framework (NPPF) (2023) which states that planning policies should seek to address potential barriers to investment, such as housing.
- 2.6 In addition, it is recommended that greater weight is given to proposing housing within the Borough which would be closer to the proposed jobs created by the growth strategies. This will also increase the sustainability of new jobs, reduce pressure on key infrastructure within the wider economic area caused by longer commutes, assist in reducing carbon emissions, and increase the retention of economic benefits within South Tyneside.
- 2.7 The Planning Practice Guidance (PPG) states at PPG ID: 2a-024-20190220 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. The Council's

latest SHMA (2023) states at paragraph 4.29 that there is net shortfall of 361 affordable dwellings per annum. This exceeds the overall annual housing requirement of 309 dwellings for the Borough.

2.8 The SHMA (2023) states that *'Delivery to help address affordable housing need is expected through the application of existing affordable housing policies, subject to viability.'* and *'It is not necessary at this time to recommend any further uplift to the housing number to help meet affordable housing need.'* (paragraph 4.32). However, Avant Homes North East considers that there is insufficient evidence that the Council's policies will address the full extent of the net affordable housing need in the Borough. Therefore, the Council should look at an uplift in the overall housing numbers for the Borough to assist in addressing the net affordable housing requirement in line with the provisions of the PPG.

2.9 Avant Homes North East would support and encourage a further review of the housing requirement to ensure it reflects the local housing need and considers the circumstances where a higher figure would be appropriate.

### **Policy SP3: Spatial Strategy for sustainable development**

2.10 Avant Homes North East considers that Policy SP3 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.

2.11 Overall, Avant Homes North East supports the spatial strategy of the draft Local Plan *'to focus housing development in the main urban area of South Shields, Hebburn, Jarrow and the villages on allocated sites and to amend the Green Belt boundary at Hebburn, Fellgate, Whitburn, Cleadon, East Boldon and West Boldon'.*

2.12 Avant Homes North East supports the Council reviewing and proposing amendments of Green Belt boundaries through identifying exceptional circumstances that require the release land for residential development in order to meet the housing needs of the Borough. Avant Homes North East agrees that the release of Green Belt land in villages will facilitate sustainable growth and deliver much needed housing in desirable locations. It is important that the Council is confident that these releases will meet all aspects of housing need.

2.13 In reviewing the Green Belt it is Avant Homes North East's contention that this exercise should be comprehensive and future proof further potential growth over the plan period and also beyond. In setting the housing requirement at the standard method minimum the Council will struggle to meet the delivery of the required new homes should anything go wrong with any of the allocated or committed sites. In short there is insufficient headroom built into the Plan.

2.14 With this in mind, Avant Homes North East would advocate further release of Green Belt land now and its allocation for residential development, or as 'safeguarded land' or equivalent, that can be relied upon by the Council for housing delivery in the

medium to long-term during the plan period and beyond. This would be consistent with paragraph 148 of the National Planning Policy Framework (NPPF) (2023) which states inter alia that when defining Green Belt boundaries that they should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development.*
- c) 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.*
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.*

### 3. Strategic Allocations

- 3.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Strategic Allocations' chapter in the South Tyneside Publication Draft Local Plan (2024).

#### **Policy SP4: Housing Allocations in the Main Urban Area**

- 3.2 Avant Homes North East considers that Policy SP4 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 3.3 The draft Local Plan should ensure that a sufficient supply of deliverable and developable land is available to deliver South Tyneside's housing requirement. The need to ensure there being a rolling 5 Year Housing Land Supply (YHLS), and meet Housing Delivery Test (HDT) performance measurements. The current provisions mean that the Council will struggle to meet the delivery of the required new homes should anything go wrong with any of the allocated or committed sites. In short there is insufficient headroom built into the Plan.
- 3.4 Avant Homes North East recommends that the emerging Local Plan allocates more sites than required to meet the housing requirement as a buffer. The inclusion of a buffer of a sufficient scale would provide flexibility to deal with any under-delivery which is likely to occur from some sites and to provide choice within the market. This approach would be consistent with the National Planning Policy Framework (NPPF) (2023) requirements for the plan to be positively prepared and flexible.
- 3.5 Avant Homes North East welcomes the inclusion of the 'Site of former South Tyneside College – South Shields Campus' as Site Ref H.7 in the draft Policy SP4 of the emerging Local Plan. However, it is considered that the allocation should be updated to reflect the proposed redevelopment proposals for the site under full planning application ref: ST/0676/23/FUL. These include for the redevelopment of the entire site for 260 dwellings and received a Committee resolution to grant subject to conditions and a s.106 legal agreement on 18 December 2023.
- 3.6 Therefore, it is requested that the site reference H.7 is amended to refer to the site area being 9.3 ha and the capacity of the site being 260 dwellings. The extent of the site that should be shown as the allocation on the Proposals Map is indicated on Drawing No. 5208/100 – 'Site Location Plan' at Appendix 2. This will more accurately reflect the contribution that the site will make towards the delivery of housing within the Borough.
- 3.7 Avant Homes North East also notes that the proposed allocation for the residential development of part of the Cleadon Lane Industrial Estate in the Regulation 18 version of the Local Plan (June 2022) has been removed. The rationale in the report to Cabinet (January 2024) states that this is because the site has a resolution to



grant planning permission under application ref: ST/1109/21/FUL and therefore should be treated as a commitment rather than an emerging allocation.

- 3.8 Whilst Avant Homes North East welcomes the acknowledgement from the Council that the site is being treated as a commitment to come forwards it is requested that the site should continue to be included in the emerging Local Plan as an allocation under Policy SP4. This will provide support for the principle of the redevelopment of the site for residential uses throughout the Plan period whereas the commitment status would not. Therefore, we respectfully request that the site should be reinserted as an emerging allocation with a site area of 6.3 ha and a capacity for 202 dwellings. The extent of the site that should be added to the Proposals Map is shown on Drawing No. 5206/LP/01 Rev A – 'Location Plan' at Appendix 2.

### **Policy SP9: Strategic Vision for South Shields Town Centre Regeneration**

- 3.9 Avant Homes North East considers that Policy SP9 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 3.10 Avant Homes North East supports the principle of the Strategic Vision for the regeneration of South Shields Town Centre set out in Policy SP9. The Town Centre will be a sustainable location for residential development but any such schemes need to respond to the emerging demand and need for dwellings set out in the Strategic Housing Market Assessment (SHMA)(2023).
- 3.11 The provisions for supporting the relocation of Tyne Coast College into the Town Centre is also supported by Avant Homes North East. The redevelopment of the existing campus at St George's Avenue for residential uses will be a fundamental component of delivering this regeneration and it is recommended that this is referenced at paragraph 5.41 of the supporting text as follows:

'5.41 The relocation of the Tyne Coast College into the town centre **from its existing campus at Westoe which will be redeveloped for residential development** is an important opportunity to increase activity along King Street, Barrington Street and Chapter Row and to provide a high-quality townscape and public realm which will contribute to the overall character of the Town Centre.'

### **Policy SP11: South Shields Town Centre College Regeneration Site**

- 3.12 Avant Homes North East considers that Policy SP11 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.

- 3.13      Avant Homes North East supports the relocation of Tyne Coast College to the South Shields Town Centre College Regeneration Site. It is recommended that the redevelopment of the existing campus at St George's Avenue being a fundamental component of delivering this regeneration is referenced in the supporting text for Policy SP11. It is proposed that the supporting text at paragraph 5.48 of the emerging draft Local Plan is amended as follows:

'5.48      South Tyneside College is a specialist in the provision of marine and offshore skills. The South Tyneside Economic Recovery Plan (2020) states that the Council will work closely with South Tyneside College to develop a fit for purpose College of the Future. The relocation **from its existing Campus at Westoe which will be redeveloped for residential uses (see Policy SP4 Site Ref. H.7) to help fund the move** will provide an opportunity for the creation of new state-of the-art educational facilities that further the Council's ambitions for making South Tyneside a UK leader in low-carbon, advanced manufacturing, and digital training that upskills residents and attracts new businesses to the borough. The relocation will also bring students into the heart of the town centre, increasing footfall and thereby supporting its viability and vitality. Support principle given College student accommodation.'

## 4. Promoting Healthy Communities

- 4.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Promoting Healthy Communities' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy 1: Promoting Healthy Communities

- 4.2 Avant Homes North East considers that Policy 1 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 4.3 Avant Homes North East generally supports the Council's aspirations to achieve improvements in health and well-being and the principles set out in Policy 1. However, we have concerns regarding criterion 6(i) of Policy 1 which requires all sites of 100 or more dwellings to be accompanied by a Health Impact Assessment (HIA). HIAs should be required where there is '*expected to be significant impacts*' as set out in the Planning Practice Guidance (PPG) at PPG ID:53-005-20190722. It is unclear from both the Policy and the supporting text where the 100 dwelling threshold is derived from and if this is expected to generically involve a significant impact. There is no explanation as to why the Plan sets this number as the threshold.
- 4.4 The PPG also sets out the importance of considering the wider health issues in an area through the preparation of a development plan and ensuring policies respond to these. Therefore, the emerging draft Local Plan would be expected to have already considered and included policies to address the impact of proposed development on the health and well-being of the communities it covers.
- 4.5 As a result Avant Homes North East would suggest that where development is in line with policies in the emerging draft Local Plan that a HIA should not be necessary. Only in circumstances where there is a departure from the Local Plan should the Council consider requiring a HIA, and then only where there would be expected to be significant impacts. Where HIAs were to be required they should be proportionate in their level of detail based on the scale and type of development proposed.
- 4.6 In addition, the Council states that it will be issuing a developer guidance note on what detail should be contained in a HIA. However, without the details of this guidance it is difficult to comment fully on whether the requirements would be justified and effective. With no indication or commitment as to when such guidance might be provided there is a very real likelihood that applicants could be required to submit HIAs without clear details of the expectations for such documents beyond what is set out in the supporting text of the draft Local Plan.

- 4.7 We also note that there do not appear to be any allowances made in the Updated Viability Assessment (2023) for the draft Local Plan for mitigation measures in relation to health and well-being.
- 4.8 We would therefore request that the Council revises its requirements for HIAs and caution it from mandating the requirement for HIAs for applications, at least until it has clarified and justified where these would be needed, and until it has published further guidance on the requirements for HIAs.

## Policy 2: Air Quality

- 4.9 Avant Homes North East considers that Policy 2 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 4.10 Avant Homes North East notes that the Council has amended criterion 1 in Policy 2 of the previous Regulation 18 version of the Local Plan which stated that *'Development should contribute to the improvement of air quality'*. It would not have been appropriate or in some cases possible for new developments to improve existing issues with air quality only that they do not exacerbate any issues.
- 4.11 However, there is still a risk that by stating that *'Development will be supported where it contributes to the improvement of air quality'* that criterion 1 infers that development that does not improve air quality will not be supported. Therefore, it is recommended that criterion 1 is deleted from the Policy as criterion 2 captures all of the necessary requirements that need to be considered when assessing air quality in the planning balance.

## Policy 3: Pollution

- 4.12 Avant Homes North East considers that Policy 3 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 4.13 Avant Homes North East welcomes that South Tyneside Council has amended the proposed wording for Policy 3 set out in the previous Regulation 18 version of the draft Local Plan (2022). The removal of the previous second criterion is a positive move.
- 4.14 However, we still maintain our view that the Policy could be consolidated further as the same detail is effectively captured in criterion 2 which mainly repeats criterion 1. Therefore, we would recommend that the wording of the Policy is consolidated into a single paragraph as follows:

*'Development which could lead to significant pollution of **water, soil, or air through noise, vibration, odour, light, fumes, dust, or other pollutants**, either individually or cumulatively, shall be accompanied by a detailed assessments of the likely*

*impacts. Development proposals where pollution levels are assessed as being unacceptable will only be permitted where mitigation measures can be introduced to provide an acceptable living or working environment in relation to all existing or potential future occupants of the land, **and acceptable effects on the environment or biodiversity.***

## **Policy 4: Contaminated Land and Ground Stability**

4.15 Avant Homes North East considers that Policy 4 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.

4.16 Avant Homes North East appreciates the rationale for Policy 4 that where sites have or have the potential to be affected by contamination and ground stability issues that investigations and mitigation measures are put in place. It is recommended that the wording of Policy 4 is amended to reflect the nature of the investigations and mitigation measures that will be needed are appropriate and proportionate to the issues or potential issues at sites.

*'1. Carry out **appropriate and proportionate** investigations to assess the nature and extent of contamination or ground stability issues and the effect this may have on the development and its future users, biodiversity, the natural and built environment'*

4.17 This would reflect the wording of the supporting text to Policy 4 at paragraph 6.26 which states that 'a minimum of a Phase 1 Land Contamination Assessment' should be submitted.

4.18 We would also recommend that the wording of the supporting text to Policy 4 is amended to reflect the above by amending paragraph 6.27 to state:

*'6.27 Any potential risks associated with contaminated land and land instability should be identified and assessed at the earliest **appropriate** opportunity. Where **appropriate and** necessary, applicants will be required to carry out remediation works so that their development can take place without any negative impact or risks to human health or the environment.'*

## 5. Meeting the Challenge of Climate Change, Flooding, and Coastal Change

- 5.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Meeting the Challenge of Climate Change, Flooding, and Coastal Change' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy SP15: Climate Change

- 5.2 Avant Homes North East considers that Policy SP15 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 5.3 The challenge of mitigating and adapting to the effects of climate change is supported in the emerging draft Local Plan. The Council should ensure that the provisions of Policy SP15 are only implemented in line with the Written Ministerial Statement of December 2023<sup>1</sup> 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'*.
- 5.4 It also states 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'*.
- 5.5 Consequently, Avant Homes North East considers it appropriate to only 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 consultation has been released covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating).
- 5.6 There will be costs associated with the addressing the challenge of climate change through introducing increasing sustainable principles into the design, construction,

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<sup>1</sup> <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123>



and operation of developments. The 'Local Plan Viability Testing – Update' (2023) does refer to the changes to Part L of the Building Regulations and Future Homes Standard. However, with regards to the Future Homes Standard it has not attributed any costs due to these not being known at the time (paragraph 2.8.12). Avant Homes North East would suggest that this could introduce significant additional costs for developers in the short to medium terms that would affect the Council's viability assessment work and potentially the deliverability of the Local Plan. Therefore, the Council should consider making assumptions about the costs associated with the Future Homes Standard, potentially with elements of sensitivity testing to ensure that that it can justify the provisions set out.

- 5.7 In addition, it is important that the wording of Policy SP15 is reflective of appropriate targets. At present, criterion 4 refers to *'Maximising the potential of the natural environment to mitigate climate change by supporting nature-based approaches to mitigation and ensuring net gain for biodiversity'*. We would recommend that the word 'maximising' is replaced by 'Strengthening' which is a more appropriate word.

## **Policy 5: Reducing energy consumption and carbon emissions**

- 5.8 Avant Homes North East considers that Policy 5 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 5.9 Avant Homes North East is committed to the principles of reducing the energy consumption and carbon emissions from its new homes. This is consistent with the ethos of Policy 5 of the emerging draft Local Plan. However, we would caution that whilst it is aspirational as worded, Policy 5 is currently onerous. The requirement for *'All development shall embody sustainable design and carbon reduction measures as far as possible...'* [emphasis added] is subjective. This introduction from the previous Regulation 18 version of the draft Local Plan (2022) offers little for applicants to benchmark what will be acceptable to the Council in terms of sustainability credentials of development.
- 5.10 We would also reiterate details made in the representations to Policy SP15 relating to the government's advice that it *'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'*.
- 5.11 We would also recommend that the Council amends various elements of the wording of the Policy to make it justified and effective, and consistent with national

policy. With regards to criterion 1 greater flexibility should be added through the following amendments to the text:

- '1. Development, including refurbishment, conversion and extensions to existing buildings shall, where applicable ***and appropriate***, incorporate sustainable design and construction practices including:'
- 5.12 This is because there may be reasons why following the criteria would not be appropriate. This is recognised in criterion 4 of Policy 5 which provides flexibility for where deliverability is not possible.
- 5.13 With regards to criterion 1 v) of Policy 5 Avant Homes North East has reservations about the Council seeking water efficiency that meets the highest national standard. 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. However, the Optional Technical Housing Standard is 110 litres per day per person.
- 5.14 Therefore, it could be argued that the Council is proposing to include a policy requirement that is based on an Optional Technical Housing Standard. Should it wish to so then it should underpin this with relevant and up-to-date evidence, which should be adequate, proportionate and focussed on supporting and justifying this requirement in line with the provisions of paragraph 31 of the National Planning Policy Framework (NPPF) (2023). At present, there is no evidence to support adopting an optional standard for water efficiency in Policy 5.
- 5.15 The Planning Practice Guidance (PPG) states at PPG ID: 56-014-20150327 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*'. The PPG also states at PPG ID: 56-015-20150327 that '*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 Agency in its 'Assessment of Water Stress Areas Update' (2021). Therefore, Avant Homes North East 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.
- 5.16 The requirement for all major applications to be accompanied by a Sustainability Statement under sub-section 3 of Policy 5 is considered to be unnecessary by Avant Homes North East. Any requirement for the provision of a Sustainability Appraisal should be proportionate to the scale and nature of development and should not

require additional information beyond that provided in other submitted evidence as part of the planning application.

- 5.17 With regards to criterion 4 of Policy 5 there is a high subjective bar set as to what are 'compelling reasons' for why achieving the sustainability standards would not be technically feasible or economically viable. We would recommend that sub-section 4 of the Policy is amended to read:

'Where it is not possible to meet these standards, applicants must **demonstrate compelling reasons and** provide evidence as to why achieving the sustainability standards would not be technically feasible or economically viable.'

## **Policy 6: Renewables and Low Carbon Energy Generation**

- 5.18 Avant Homes North East considers that Policy 6 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 5.19 Whilst Avant Homes North East welcomes the Council's aspirations in establishing District Heating Schemes it considers that placing requirements on major developments, which it defines as 10 or more dwellings, to demonstrate whether they can connect to existing networks or set up their own is onerous. It is important that this is not seen as a requirement to connect to a heat network and is focussed on the feasibility of such systems with the use of heat networks at the decision of developers.
- 5.20 It should also be recognised that the predominant technology, approximately 90%, for district-sized communal heating networks is gas combined heat and power (CHP) plants. Given the targets for reducing greenhouse gas emissions to net zero will require a move away from gas-fired networks to low carbon and renewable options.
- 5.21 In addition, such schemes are unlikely to be feasible except in the cases of extremely large developments and carry additional infrastructure costs which can still make them unfeasible when considered alongside other emerging policy obligations. Therefore, the Council should recognise that in the immediate future which covers part of the Plan Period the implementation of low carbon technology heat networks will remain unviable in most circumstances. In many circumstances it will be more sustainable, as well as viable for developments to incorporate alternative forms of energy provision and this should flexibly be allowed for in Policy 6.
- 5.22 We are also concerned that criterion 6 of Policy 6 requires schemes within 400m of an existing district heat network to connect to it unless one or more of a number of criteria are met. However, none of these is the financial viability of delivering the connection. It is critical that the Council introduces a criteria based on the financial viability of the delivery as well as those in respect of capacity, physical connectivity, or there being an alternative more sustainable energy supply.

- 5.23 Avant Homes North East also notes that the government's consultation on Heat Network Zoning in 2021 identified exemptions for requiring connections to a heat network for reasons such as where they would lead to sub-optimal outcomes, distance from the connection to the network, and the impacts on consumers. The latter point on consumers is pertinent as some do not have comparable levels of satisfaction to those on traditional energy networks, lack protections and pay higher prices with little or no ability to switch providers.

## Policy 7: Flood Risk and Water Management

- 5.24 Avant Homes North East considers that Policy 7 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 5.25 Avant Homes North East welcomes the Council's addition of the words '*where practicable*' to sub-section 5 of Policy 7 in the latest version of the draft Local Plan with regards to the use of permeable surfaces and green infrastructure. This addresses our concerns over the blanket requirement to maximise the use of permeable surfaces in the previous version of the draft Local Plan which would not necessarily have met the aims of the Policy which is to reduce flood risk and ensure appropriate water management. It may be that the inclusion of some permeable surfaces may be appropriate as part of an overall drainage strategy to acceptably mitigate any flood risk and the amendment allows for appropriate flexibility in a mitigation response.
- 5.26 Avant Homes North East also welcomes the amendment to criterion 7 to include '*where practicable*' compared to the previous Regulation 18 version of the draft Local Plan (2022). This now recognises that it would not be appropriate to do so in all instances and the amendment introduces appropriate flexibility to the Policy.
- 5.27 However, sub-section 9 of Policy 9 still requires the introduction of greater flexibility. We would recommend that this section of the Policy is re-worded as follows:

***'Where appropriate, make*** greater use of nature-based solutions that take a catchment led approach to managing the flow of water to improve resilience to both floods and droughts'

## Policy 9: Sustainable Drainage Systems

- 5.28 Avant Homes North East considers that Policy 9 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 5.29 Avant Homes North East supports the principle of new SuDS contributing towards blue and green infrastructure networks as set out in Policy 9 sub-section 4. However, we would note that a requirement to maximise opportunities for appropriate biodiversity net gains and ecological enhancements could still conflict with other

material planning requirements on a site. Whilst reference is made to 'appropriate' biodiversity net gains and ecological enhancements maximising opportunities could conflict with other policy aims.

- 5.30 Therefore, it is recommended that sub-section 4 of Policy 9 is clarified for the avoidance of doubt with the following re-wording:

'4. New SuDS should contribute towards blue and green infrastructure networks and **maximise incorporate** opportunities for appropriate biodiversity net gains and ecological enhancement **taking into account other relevant policy considerations**. Where appropriate, opportunities for nature-based flood mitigation should be facilitated.'

## Policy 11: Protecting Water Quality

- 5.31 Avant Homes North East considers that Policy 11 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.

- 5.32 Policy 11 sub-section 2 i) seeks to maximise opportunities for nature-based solutions, biodiversity, and ecology enhancements by naturalising watercourse channels through the restoration of channels back to a more natural state. However, this is the only sub-section of Policy 11 criterion 2 that does not refer to a form of conditionality. Sub-section 2 ii) includes 'where appropriate' and 2 iii) 'where practical'. It is considered that Policy 11 sub-section 2 should be re-worded as follows for continuity and consistency:

'2. **Maximising Seeking to incorporate** opportunities for nature-based solutions, biodiversity, and ecology improvements by:

i. Naturalising watercourse channels through the restoration of channels back to a more natural state **where appropriate and practical**

ii. Seeking opportunities to incorporate the creation of wetland habitat in designs, where appropriate **and practical**

iii. Preventing the introduction of non-native species via construction or other works and managing present invasive nonnative species, where **appropriate and practical**

- 5.33 Avant Homes North East also notes the inclusion of Policy 11 sub-section 4 which refers to the role of Sustainable Drainage Systems (SuDS) in protecting water quality. However, it is considered that this criterion may be more appropriately contained in Policy 9 which relates to the incorporation of SuDS in a scheme. It may still be appropriate to refer to the role of SuDS in Policy 11 but this could be streamlined and cross refer to Policy 9.

## 6. Delivering a Mix of Homes

- 6.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Delivering a Mix of Homes' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy SP16: Housing Supply and Delivery

- 6.2 Avant Homes North East considers that Policy SP16 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 6.3 Avant Homes North East notes the Council's housing requirement figure to deliver 5,253 new homes and create sustainable mixed communities over the plan period set out in Policy SP2. The requirement is set at the standard method local housing needs (309 dwellings per annum) figure based on the 2014 household projections. This shows a drop from 5,778 dwellings over the Plan Period and 321 dwellings per annum set out in 2022.
- 6.4 It is disappointing that the Council has not set the housing requirement higher given the uncertainty surrounding the deliverability and viability of some of the sites within the Local Authority area. This is particularly so given the Council's recent failure against the Housing Delivery Test (2022) published on 19 December 2023 which indicated that only 625 dwellings were delivered in the three years between 2019 and 2022. This only 72% of the total number of the 868 dwellings required during this period. As a result the delivery is below 75% and under paragraph 79 of the National Planning Policy Framework (NPPF) (2023) the presumption in favour of sustainable development applies, as set out in footnote 8 of the NPPF, in addition to the requirements for an action plan and 20% buffer.
- 6.5 We also note that the delivery for 2022/23 set out in the Council's Strategic Housing Land Availability Assessment (SHLAA) (2023) shows at Table 14 a further drop to 175 net dwellings being completed. This will mean that the next Housing Delivery Test results should show a further fall in delivery from the 72% rate. The Council acknowledges this in paragraph 6.8 of the SHLAA.
- 6.6 As a result of the under delivery of dwellings and the need for a 20% buffer the Council's five year land supply requirement is 1,854 dwellings. The Council can only demonstrate a land supply of 1,197 dwellings which equates to a 3.2 year land supply. It is considered that this undersupply has in part been caused by the lack of an up-to-date plan for the Borough to identify residential sites and provide greater certainty to developers.
- 6.7 There are; however, some concerns regarding the robustness of the evidence provided in the SHLAA and the draft Local Plan on the housing requirement. Paragraph 4.8 the SHLAA states that there is a shortfall of at least 2,256 dwellings



referring to Table 10. However, the details of the shortfall are contained in Table 8 and show a shortfall of 2,259 dwellings.

- 6.8 Paragraph 8.10 of the draft Local Plan states that the SHLAA accounts for a windfall of 37 dwellings per annum from year 6 onwards. However, paragraph 3.56 of the SHLAA states that an allowance of 27 dwellings per annum from larger windfall sites has been provided for and 20 dwellings per annum from smaller windfall sites. This would equate to 47 dwellings per annum. This difference equates to 120 dwellings per annum over the Plan Period.
- 6.9 Notwithstanding this, the Council has significantly changed its position with regards to predicting the extent of contribution from larger windfall sites during the Plan Period from previous supporting evidence. The SHLAA (2022) stated at paragraph 3.53 that *'Forecasting large windfalls is difficult based on their unpredictability and therefore it would be inappropriate to make an allowance for large windfalls in the SHLAA.'* This is repeated in the SHLAA (2023) at paragraph 3.54 but the detail of the assumptions made to arrive at 27 dwellings per annum is not sufficiently detailed to be justified.
- 6.10 Should the Council consider that windfalls be included in the supply there should be a much more detailed and consistent supporting evidence base. This should be in line with the provisions of paragraph 72 of the NPPF which states that *'Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply.'*
- 6.11 In addition, further discounts have been applied in Table 2 of the Local Plan for completions from April 2023 – November 2023. No details of the source of the information on these completions is provided in the Local Plan or the SHLAA to evidence them. We also note that the footnote to Table 2 states that the completions include sites with a resolution to grant. However, sites with only a resolution to grant would not have been able to deliver dwellings during this period.
- 6.12 Whilst these above examples may appear to be minor points, cumulatively they do raise concerns about the robustness of the evidence from which the housing requirement in Policy SP2 has been derived. Therefore, Avant Homes North East would recommend that the details are comprehensively reviewed and all elements of Table 2 are clearly set out in a revised SHLAA to evidence that the proposed figures in Policy SP16 are robust and justified.
- 6.13 Notwithstanding this, Avant Homes North East would recommend that the Council should embrace the opportunity to provide an uplift to the standard method housing requirement to reflect the ongoing growth strategies such as the International Advanced Manufacturing Park (IAMP). Whilst the Strategic Housing Market Assessment (SHMA) (2023) states that no uplift is required for these growth strategies on the basis that employees will be drawn from the wider functional economic area (paragraph 4.26) it is recommended that greater weight is given to proposing housing within the Borough closer to these employment centres. This will

increase the potential sustainability of commuting to new jobs, reduce pressure on key infrastructure within the wider economic area caused by longer commutes, and assist in reducing carbon emissions.

### **Policy 13: Windfall and Backland sites**

- 6.14 Avant Homes North East considers that Policy 13 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 6.15 The provision for the consideration of windfall developments under Policy 13 requires further revisions in order to make it positively prepared, justified, evidenced, and consistent with the National Planning Policy Framework (NPPF) (2023).
- 6.16 The wording of the provisions in sub-section 1 are ambiguous in places as to when sites will be considered positively. For example, it is unclear what would constitute making a positive contribution to the identified housing needs of the Borough under sub-section i). It is also not clear what would constitute the best and most efficient use of available land under sub-section ii). There is also no indication of what type and range of infrastructure would be needed to be sufficient to support the level of development under sub-section iv). There is no further explanation of these points in the supporting text to the policy which whilst providing flexibility also lacks certainty for developers.
- 6.17 Therefore, it is requested that the Council revisits the wording of Policy 13 sub-section 1 or the supporting text to add clarity for the avoidance of doubt.

### **Policy 14: Housing Density**

- 6.18 Avant Homes North East considers that Policy 14 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 6.19 Avant Homes North East welcomes the Council's commitment to optimising the use of land and its consideration of using a housing density policy to assist with this. However, it is important that sufficient flexibility is built into the policy to enable developers to take into account the characteristics and contexts of sites as well as evidence in relation to demand, market aspirations and viability.
- 6.20 We would also question the extent to which the Council has considered how density aspirations can be achieved in conjunction with its other policy aspirations set out in the draft Local Plan. For example, the proposed requirements in Policy 20 for 5% of all new dwellings on sites of to be part M4(3) and the remainder being Part M4(2) compliant will require certain design responses for types of housing that can achieve these requirements. Most commonly Part M4(3) dwellings are often bungalows which are less efficient use of land than other forms of housing. Therefore, we would request that the Council demonstrates that its density and

viability assumptions in the draft Local Plan have allowed for the application of such other design and technical policy requirements so as to be fully justified, effective, and deliverable.

- 6.21 Avant Homes North East also notes that there are references in the supporting text at paragraph 8.24 to the 'South Tyneside Density Study' (2023) but that this is not an evidence paper supporting the Regulation 19 version of the draft Local Plan. Instead, both the 'Density Report' (2024) and 'Efficient Use of Land' (2024) have been available as part of the consultation process. Therefore, clarity is requested about which report(s) are the appropriate one(s) for applicants to consider.

## Policy 18: Affordable Housing

- 6.22 Avant Homes North East considers that Policy 18 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 6.23 Avant Homes North East welcomes the amendments that have been made to the affordable housing requirements compared to the Regulation 18 consultation version in June 2022. The revision of the affordable housing requirement in Hebburn from 20% to 15% and in East Boldon and Whitburn from 30% to 25% is more nuanced and reflective of the market.
- 6.24 However, there are concerns that the reference at sub-section 4 of Policy 18 that the exact type and tenure of affordable housing to be provided on site should be identified through discussions with the Council. It is unrealistic and adds uncertainty to seek to negotiate every site on an individual basis, especially if the base line targets are set too high or in combination with other policies they cannot be achieved. Therefore, Avant Homes North East would recommend that more certainty is provided by amending Policy 18 sub-section 4 to be more explicit that the sub-sections i) and ii) will be expectations for the split of type and tenure of affordable housing. We would recommend that the wording is amended to read as follows:

'4. The exact type and tenure of affordable housing to be provided on site should be **identified through discussions with the Council, the latest Government guidance, and meet** the following requirements **subject to the latest Government guidance and/or any discussions with the Council.**

- 6.25 Avant Homes North East also notes that the Strategic Housing Market Assessment (SHMA) (2023) states that there is a requirement for 361 affordable dwellings per annum (dpa), whereas the local housing need is lower than this at 309 dpa. This results in the affordable housing requirement being 117% of the overall housing need in the Borough.
- 6.26 The Planning Practice Guidance (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.*' (PPG ID: 2a-024-20190220). However, the SHMA (2023) states that *'Delivery to help address affordable housing need is expected through the application of existing affordable housing policies, subject to viability.'* and *'It is not necessary at this time to recommend any further uplift to the housing number to help meet affordable housing need.'* (paragraph 4.32).

- 6.27 Avant Homes North East considers that there is insufficient evidence that the Council's policies will address the full extent of the net affordable housing need in the Borough. Therefore, the Council should look at an uplift in the overall housing numbers for the Borough to assist in addressing the net affordable housing requirement in line with the provisions of the PPG.
- 6.28 Paragraph 8.54 of the draft Local Plan states in respect of the level of discount below the open market value that *'to qualify as a First Home, a property must be sold at least 30% below the open market value. A higher minimum house price discount of either 40% or 50% for First Homes buyers can be applied if a need is evidenced.'* However, this is suitably vague as it does not account for the provisions set out in the PPG which states that *'These minimum discounts should apply to the entire local plan area (except if Neighbourhood Plans are in place in certain areas) and should not be changed on a site-by-site basis.'* (PPG ID: 70-004-20210524). Therefore, it is recommended that the Council adds clarification to the wording of paragraph 8.54 of the draft Local Plan for the avoidance of doubt on this point.
- 6.29 It is noted that such advice on the level of discount in respect of Discounted Market Value affordable dwellings is not set out in the draft Local Plan like it is for First Homes. Instead, reference is only made to proposals having to have regard to the Discounted Market Sales Policy Statement (2023) *'and any successor documents'*.
- 6.30 With regards to the viability of affordable housing provision Avant Homes North East notes that the 'Local Plan Viability Testing – Update' (2023) indicates that viability challenges have increased in South Tyneside since the previous Assessment in 2021. Whilst the affordable housing provisions now included in the Regulation 19 version of the draft Local Plan better reflect the proportions used in the Viability Assessment there are still inconsistencies including in respect of Test 3. Notwithstanding this, the Viability Assessment update continues to demonstrate that there are major viability challenges in the Borough.

## **Policy 19: Housing Mix**

- 6.31 Avant Homes North East considers that Policy 19 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 6.32 Avant Homes North East acknowledges the need for a mix of house types, sizes and tenures within the Borough and broadly supports the provision of a range and choice of homes to meet the needs of the local area. However, it is critical that the policy framework in the Local Plan is workable and does not compromise or stall the

delivery of housing as a result of overly prescriptive requirements, including requiring mixes that do not consider the scale of sites, or the need to provide onerous amounts of supporting evidence.

- 6.33 Avant Homes North East would also request that the Council clarifies its reference at sub-section 2 iv) of Policy 19 which refers to *‘Ensure new homes meet the needs of our aging population and are accessible to all.’* Neither Policy 19 or the supporting text are clear as to whether this is seeking the M4(2) standard for all homes or some other standard. As Policy 20 considers the requirement for technical design standards for new homes it is recommended that sub-section 2 iv) of Policy 19 is deleted due there being significant concerns about the need for and ability to deliver all dwellings within the Borough to M4(2) or above standards. Further details on these concerns are set out in a separate representations by Avant Homes North East to Policy 20.

## **Policy 20: Technical Design Standards for New Homes**

- 6.34 Avant Homes North East considers that Policy 20 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 6.35 Avant Homes North East notes that the Council has reduced the proportion of proposed dwellings on sites of 50 units or more that need to be Part M4(3) compliant from 12% in the Regulation 18 Draft Local Plan (2022) to 5%. However, applying a rate of 5% of all dwellings on all developments over 50 dwellings being M4(3) compliant and mandating that all dwellings will have to be built to at least M4(2) standards is still extremely onerous and unjustified.
- 6.36 The Planning Practice Guidance (PPG) states at PPG ID: 56-007-20150327 that the Council should consider the likely future need, the size, location, type and quality of dwellings needed, the accessibility and adaptability of the existing stock, how needs vary across different housing tenures and the overall viability of such a policy. Avant Homes North East considers that there is insufficient and inconsistent justification for the requirements set out in Policy 20 provided in the Council’s supporting evidence for the Plan, namely the Strategic Housing Market Assessment (SHMA) (2023).
- 6.37 In addition, we would highlight that the proposed 100% requirement for at least M4(2) compliance is far in excess of any other authorities in the North East, which range from no requirements at all to 66% in Durham County. Where other Local Planning Authorities in the North East have previously sought higher requirements for technical optional standards in emerging Local Plans there is evidence that they have been reduced through the Plan preparation process, including when critiqued at Public Examination. One of the most recent examples is in Darlington where the requirements for M4(2) provision in Policy H 4 were significantly reduced from 80% of all new dwellings in the Regulation 19 Proposed Submission Local Plan (August 2020) to 45% in the adopted Local Plan (February 2022).

- 6.38      Therefore, until appropriate evidence has been presented in further detail justifying the onerous proposed requirements Avant Homes North East will maintain its objection to Policy 20 as currently drafted.
- 6.39      Should the Policy be maintained either as proposed or amended then Avant Homes North East recommends that a transition period of 12 months would be more appropriate than the 6 months transition set out in the supporting text at paragraph 8.68. This would enable businesses to appropriately plan for the introduction of any requirements.



## 7. Building a Strong and Competitive Economy

- 7.1 This Section of the Representations sets out Avant Homes North East's comments on a policy contained in the 'Building a Strong and Competitive Economy' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy 22: Protecting Employment Uses

- 7.2 Avant Homes North East considers that Policy 22 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 7.3 Avant Homes North East supports the principle of Policy 22 in the emerging draft Local Plan. Policy 22 provides a degree of flexibility for the release of employment land and premises for alternative uses where certain criteria are met. However, the flexibility of the Policy should be revised through specific amendments to its wording.
- 7.4 With regards to criterion 1 it is proposed that the requirement for a period of marketing for at least 12 months could jeopardise opportunities to bring forward alternative uses, such as when time constrained funding opportunities exist. Therefore, it is recommended that the wording of criterion 1 is amended as follows:

'1. The site is no longer viable for employment purposes as demonstrated by an active and robust process of marketing extending to be at least 12 months, **unless otherwise agreed with the Local Planning Authority**'

## 8. Conserving and Enhancing the Natural Environment

- 8.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Conserving and Enhancing the Natural Environment' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy SP21: Natural Environment

- 8.2 Avant Homes North East considers that Policy SP21 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 8.3 Criterion 4 of Policy SP21 should be reworded to state '*inappropriate or unmitigated loss*' as some loss of trees may in some instances be acceptable in the planning balance, particularly if there is appropriate mitigation proposed. This can include where trees could be in poor health or be diseased and have limited lifespans which justify their removal including on health and safety grounds. Similarly, provision needs to be made in the Policy for the mitigation of tree loss to offset any potentially necessary or acceptable losses.

### Policy 34: Internationally, Nationally and Locally Important Sites

- 8.4 Avant Homes North East considers that Policy 34 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 8.5 Avant Homes North East notes that the distance for the 75<sup>th</sup> quartile used for establishing the 7.2km zone of influence of the Durham Coast Special Area of Conservation and Northumbria Coast Special Protection Area referred to in Policy 34 sub-section 4. This is an increase from the 6km zone of influence that the Council has been using previously in respect of these areas. It is acknowledged that the proposed 7.2km zone was derived from surveys carried out in Spring 2019 and winter 2019/2020 as set out in the 'South Tyneside and Sunderland Coast Visitor Survey Analysis' (2021). However, these surveys are almost 5 years old in part and also mainly pre-date the Covid-19 pandemic and there are questions about whether patterns of use have subsequently changed.
- 8.6 Therefore, we would request that the Council provides additional evidence that justifies whether the current patterns of use still require a 20% increase in the extent of the previous 6km zone of influence to the Durham Coast Special Area of Conservation and Northumbria Coast Special Protection Area referred to in Policy 34 sub-section 4.

## Policy 35: Delivering Biodiversity Net Gain

- 8.7 Avant Homes North East considers that Policy 35 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 8.8 Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Consequently, developers must deliver a BNG of at least 10%. Avant Homes North East considers that it will be important for the Council to keep Policy 35 under review to ensure it is flexible and consistent with the implementation requirements under the new legislation.
- 8.9 It is also important that the Council understands and allows appropriately for the provision of BNG. At present, it is considered that the gross to net ratios allowed for in the 'Local Plan Viability Testing – Update' (2023) do not adequately allow for the space needed for on-site BNG provision in certain typologies. In addition, the assumptions on the costs for BNG are generic. The significant additional costs associated with biodiversity gain should be fully accounted for in the Council's viability assessment work.

## Policy 36: Protecting Trees, Woodland and Hedgerows

- 8.10 Avant Homes North East considers that Policy 36 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 8.11 Policy 36 states at sub-section 1 states that trees, woodland and hedges shall be protected and suitably retained as an integral part of the design of the development. However, sub-section 2 allows for certain circumstances for the loss of trees. Therefore, to ensure greater clarity and consistency between sub-sections 1 and 2 Avant Homes North East recommends that sub-section 1 is re-worded as follows:
- '1. Trees, woodland and hedges shall be protected and suitably retained where **ever appropriate and feasible** as an integral part of the design of the development.'
- 8.12 In addition, the requirement at sub-section 4 of Policy 36 is worded to require all development must include new trees. However, this is a blanket approach and not all development in terms of its scale and nature may require or be able to accommodate new trees and landscape features. Therefore, is recommended that flexibility is allowed for in this element of the policy through the amendment to the wording as follows:
- '4. Proposals for new development **must should** include new trees and landscape features where **ever appropriate and feasible** which:'

## Policy SP22: Green and Blue Infrastructure

- 8.13 Avant Homes North East considers that Policy SP22 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 8.14 The provisions in Policy SP22 sub-section 6 that new development shall support and enhance the identified South Tyneside green and blue infrastructure network by incorporating existing and/or new green infrastructure within the design has the potential to be onerous requirement. However, not all development in terms of its scale and nature may be able to do this and it is therefore recommended that flexibility is allowed for in this element of the policy through the amendment to the wording as follows:

‘6. Incorporating existing and/or new green and blue infrastructure within the design **wherever appropriate and feasible** to ensure proposals are integrated into the surrounding area and enhance the wider green and blue infrastructure network.’

## Policy 37: Protecting and enhancing Open Spaces

- 8.15 Avant Homes North East considers that Policy 37 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 8.16 Avant Homes North East is generally supportive of Policy 37; however, criterion 4 of the Policy and the supporting text at paragraphs 11.53/11.54 refer to cross referring to the Open Space Study, including for calculating open space requirements on new sites. A review of the Census 2021 results published in June 2022 show that in South Tyneside had a population of 147,800 people and 68,300 households with at least one usual resident. This equates to an average household size of 2.16 persons per dwelling. However, the household size included in the Open Space Study at section 7.2.2 (page 69) states that the average household size in South Tyneside is 2.4 based on the 2021 Census.
- 8.17 We request that the Council reviews the average household size set out in the Open Space Study and ensures that the correct figures are included as they have the potential to affect the amount and type of open space required in developments under Policy 37. Any open space requirements being derived from Policy 37, when considered in the planning balance, should take into account the justified average household size.

## Policy SP23: Sports Provision and Playing Pitches

- 8.18 Avant Homes North East considers that Policy SP23 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.

- 8.19 Avant Homes North East supports the provisions of criterion 5 of Policy SP23 which relates to providing new playing field provision and supporting quality improvements to playing pitches and onsite infrastructure. However, it is noted that the improvements proposed at the Harton And Westoe Collieries Welfare Ground at Low Lane in South Shields as set out in the planning application ref: ST/0411/22/FUL are not included in the list of facilities in criterion 5. These have a resolution to grant planning permission from a Planning Committee on 18 December 2023. Therefore, these should be added to the list of proposed facilities for completeness.

### **Policy 41: Green Belt**

- 8.20 Avant Homes North East considers that Policy 41 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 8.21 It is considered that the policy is superfluous as it reiterates the requirements of national policy without adding any additional considerations. Therefore, it is recommended that Policy 41 could be deleted from the emerging draft Local Plan.

## 9. Conserving and Enhancing the Historic Environment

- 9.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Conserving and Enhancing the Historic Environment' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy 44: Archaeology

- 9.2 Avant Homes North East considers that Policy 44 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 9.3 Avant Homes North East considers that opportunities for information gain and investigations in respect of archaeology as part of proposed development should be proportionate to the scale and nature of the development and the potential for archaeological remains. The current wording of Policy 44 criterion 2 which seeks to 'maximise' such opportunities which is inconsistent with the provisions of paragraph 211 of the National Planning Policy Framework (NPPF) (2023) which states that '*Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.*'
- 9.4 Therefore, it is recommended that the wording of criterion 2 of Policy 44 is amended as follows:

'2. Opportunities for information gain and investigations as part of proposed development will be **maximised proportionate to the importance of any archaeological interest and the potential impact** and added to the Historic Environment Record.'

### Policy 45: Development Affecting Non-Designated Heritage Assets

- 9.5 Avant Homes North East considers that Policy 45 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 9.6 Avant Homes North East is still concerned that criterion 2 of Policy 45, along with paragraph 12.28 of the supporting text as written, would allow for unidentified non-designated heritage assets to be defined through the development management process.

- 9.7      The Planning Practice Guidance (PPG) at (PPG ID: 18a-040-20190723) through the words '*in some cases*' implies that this would not be the preferred approach to their identification. For consistency with the PPG Avant Homes North East is of the opinion that criterion 2 is not required in the Policy.



## 10. Well Designed Places

- 10.1 This Section of the Representations sets out Avant Homes North East's comments on a policy contained in the 'Well Designed Places' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy 47: Design Principles

- 10.2 Avant Homes North East considers that Policy 47 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 10.3 Avant Homes North East notes the provisions of Policy 47 sub-section 7 iii) seeking to preserve the design quality of proposals prior to completion. Such provisions should not be seen to preclude or discourage scheme amendments which can be appropriate and necessary. Rather they should focus on the design quality of those amendments.
- 10.4 With regards to the reference to the removal of permitted development rights to safeguard against inappropriate extensions and alterations by occupiers the Council should have regard to the government's guidance in the Planning Practice Guidance (PPG). PPG ID: 21a-017-20190723 states that '*Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined...*'
- 10.5 Avant Homes North East notes the reference to future Design Codes in Policy 47 and in supporting text at paragraph 13.10. Given the importance of Design Codes in providing clarity about design expectations for development proposals the Council should set out a timetable for the preparation of the Design Code for the Borough and ensure that it is subject to consultation on its scope and content prior to it being adopted.

## 11. Transport and Infrastructure

- 11.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Transport and Infrastructure' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy SP25: Infrastructure

- 11.2 Avant Homes North East considers that Policy SP25 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 11.3 Reference is made at Policy SP25 sub-section 1 to ensuring that infrastructure required to support new development is delivered as an integral part of the development at the appropriate stage which is accepted. However, it continues to state that *'where appropriate, [it] improves any deficiencies in existing provision.'* It is important that the Council clarifies that any provision of infrastructure in relation to development should only need to mitigate for the effects of the development, rather than be required to improve existing deficiencies in provision.

### Policy SP26: Delivering sustainable transport

- 11.4 Avant Homes North East considers that Policy SP26 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 11.5 Whilst the provisions of Policy SP26 are supported in principle there are a number of elements which Avant Homes North East consider need to be reviewed and revised.
- 11.6 It is important that developments should only be required to promote sustainable transport and accessibility in a proportionate manner to the scale and nature of the development. Therefore, Policy SP26 sub-section 3 should be re-worded as follows:
- '3. New development should promote sustainable transport and accessibility in **an appropriate and proportionate manner to its scale and nature** by:'*
- 11.7 The provisions at sub-section 3 iii) of Policy SP26 state that new development should promote sustainable transport and accessibility by providing or contributing towards the provision of new and/or improved sustainable travel infrastructure where the predicted number of additional trips will lead to a cumulative increase in car-based trips. However, there is no indication of the type, scale or proportionality of such provision, where such improvements would be located, and the mechanisms for delivery. Greater clarity is needed on these points to provide certainty to developers.
- 11.8 As currently drafted sub-section 4 i) of Policy SP26 could be construed to require all development needing to be designed to accommodate bus routes. It is important

that clarity is added and it is recommended that the provisions are re-worded as follows:

'4 i. **that schemes that will include bus routes have** road layouts **that** include direct, convenient, and safe bus routes that are not obstructed by on-street car parking.'

- 11.9 With regards to Policy SP26 sub-section 4 iii) it is important that the principal consideration in the design of layouts for developments is not to ensure that all new dwellings are located no more than 400m from a bus stop. This may not result in desirable designs and layouts and therefore flexibility should be afforded making the 400m a target rather than a hard and fast requirement. It is therefore recommended that the provisions are re-worded as follows:

'4 iii. All new homes and commercial development **are should be** located no more than 400m from a bus stop **wherever possible**

- 11.10 In respect of Policy SP26 sub-section 4 v) the current provisions to maximise opportunities to improve accessibility to Metro stations could involve substantial costs depending on the extent and nature of the potential improvements. It is important that the provisions recognise that there may be physical constraints to delivery and viability considerations that need to be taken into account. Any potential improvements should also be considered in a proportionate manner to the development and not look to address existing shortfalls and issues in an area.

- 11.11 Therefore, it is proposed that sub-section 4 v) is re-worded as follows:

- 11.12 '4 v. Demonstrate how they have sought to ~~maximise~~ **provide appropriate proportionate and viable opportunities to** ~~improvements to the~~ accessibility to Metro stations.'

- 11.13 Given the importance of Highways and Design Standards, and parking standards as considerations in designing developments it would be appreciated if the Council could provide timescales for the anticipated consultation and adoption of these documents referred to at paragraphs 14.18 and 14.19 of the supporting text in the draft Local Plan.

## 12. Implementation and Monitoring

- 12.1 This Section of the Representations sets out Avant Homes North East's comments on a number of policies contained in the 'Implementation and Monitoring' chapter in the South Tyneside Publication Draft Local Plan (2024).

### Policy 58: Implementation and Monitoring

- 12.2 Avant Homes North East considers that Policy 58 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 12.3 Avant Homes North East is generally supportive of Policy 58. Reference to 'reviews'; however, should be significantly strengthened to ensure that once a review has taken place the actions that are identified are implemented promptly.
- 12.4 It is recommended that the Council also considers other alternative measures such as granting planning permission for development on sustainably located unallocated sites. Another alternative is to consider the role of safeguarded land which could be used as a key tool to bring forward additional housing numbers should the Council fall short against its housing requirement or fail to meet the requirements of the Housing Delivery Test (HDT).
- 12.5 The Council should also give full consideration to the relationship between Policy 58 and the HDT and the presumption in favour of sustainable development as provided for in the National Planning Policy Framework (NPPF) (2023).

### Policy 59: Delivering Infrastructure

- 12.6 Avant Homes North East considers that Policy 59 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 12.7 The provisions of Policy 59 are similar in nature to those in Policy SP25: Infrastructure. Therefore, Avant Homes North East would query the necessity for both policies and whether there is unnecessary duplication and repetition.

### Policy 60: Developer Contributions, Infrastructure Funding and Viability

- 12.8 Avant Homes North East considers that Policy 60 is not sound as it is not positively prepared, not justified, not effective, and is not consistent with national policy. This is due to the following reasons.
- 12.9 Policy 60 sub-section 3 states that developer contributions may be secured retrospectively where it has been necessary to forward fund development. The

supporting text at paragraph 16.11 only expands on the need to sometimes forward fund infrastructure projects in advance of anticipated housing growth. However, no specific examples of the types and scale of infrastructure that might be required are set out. Little detail of where s.106 monies are expected to be required for specific infrastructure apart from highways/active travel proposals is included in the 'Infrastructure Delivery Plan' (2024). There is also no specific detail of items that may be forward funded.

- 12.10 It is requested that the Council provides further information about the circumstances where such retrospective s.106 contributions will be sought and how that will relate to the provisions of the current Supplementary Planning Document: Planning Obligations and Agreements which is somewhat dated having been adopted in 2008 prior to the first release of the National Planning Policy Framework (NPPF) in 2012. This could consider further detail/information on whether contributions will be sought based on established costs from delivering infrastructure or derived from formulas and mechanisms in guidance so as to be consistent and fair across types of development, and what triggers for the payments would involve and how that would affect viability assumptions for schemes in the 'Local Plan Viability Testing Report – Update' (2023).

## 13. Conclusions

- 13.1 Avant Homes North East welcomes the opportunity to comment on the South Tyneside Publication Draft Local Plan (2024). Having reviewed the draft Local Plan it is considered that amendments are required in order to make it 'sound' in accordance with the provisions of paragraphs 35 and 36 of the National Planning Policy Framework (NPPF) (2023). We would therefore encourage the Council to review and incorporate the proposed changes set out by Avant Homes North East in these representations in the next iteration of the draft Local Plan.
- 13.2 We will continue to review and comment on the emerging draft Local Plan and respectfully request be involved in the future Public Examination of the draft Local Plan where there will need to be further discussions relating to complex issues.

## Appendices



## Appendix 1

### Additional Representations Information

*Table A2.1: Additional Representations Information*

Policy	Associated Paragraph(s)	Policy Map	Legal Compliance and Duty to Cooperate	Participation at Examination	Reason for Participation at Examination	Being Kept Informed
SP2	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP3	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP4	N/A	Update Extent of Site Ref: H.7 and Introduce Housing Allocation for Cleadon Lane Industrial Estate	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP9	5.41	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP11	5.48	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
1	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
2	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
3	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
4	6.26/6.27	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP15	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes

Policy	Associated Paragraph(s)	Policy Map	Legal Compliance and Duty to Cooperate	Participation at Examination	Reason for Participation at Examination	Being Kept Informed
5	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
6	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
7	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
9	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
11	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP16	8.10/Table 2	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
13	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
14	8.24	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
18	8.54	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
19	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
20	8.68	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
22	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes

Policy	Associated Paragraph(s)	Policy Map	Legal Compliance and Duty to Cooperate	Participation at Examination	Reason for Participation at Examination	Being Kept Informed
SP21	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
34	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
35	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
36	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP22	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
37	11.53/11.54	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP23	N/A	Introduce Harton And Westoe Collieries Welfare Ground at Low Lane in South Shields	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
41	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
44	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
45	12.28	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
47	13.10	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes

<b>Policy</b>	<b>Associated Paragraph(s)</b>	<b>Policy Map</b>	<b>Legal Compliance and Duty to Cooperate</b>	<b>Participation at Examination</b>	<b>Reason for Participation at Examination</b>	<b>Being Kept Informed</b>
SP25	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
SP26	14.18/14.19	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
58	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
59	N/A	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes
60	16.11	N/A	Sound – No	Yes	To be involved in further discussions relating to complex issues.	Yes

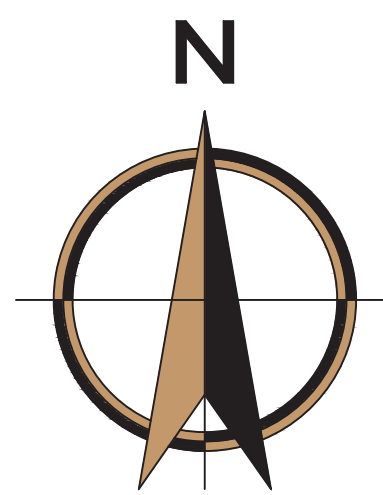
## Appendix 2

### Policy SP4 – Supporting Plans





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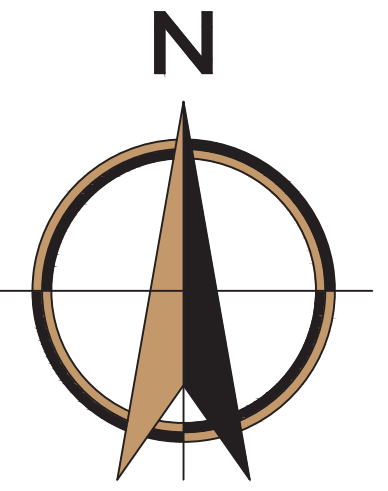
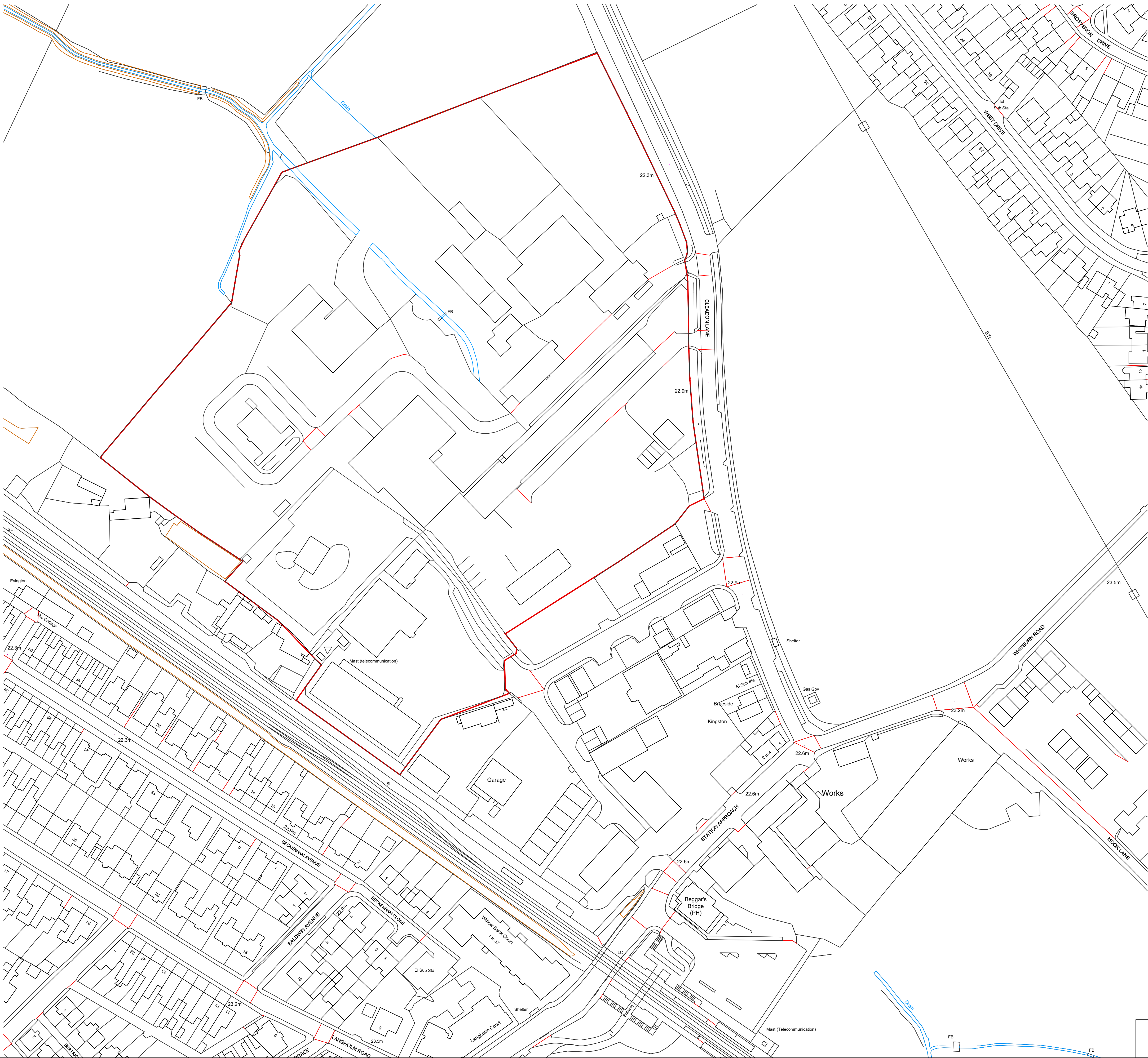


DATE: 19.05.23			SCALE: 1:1000 @ A1			DRAWN BY: ND		
DWG TITLE: SITE LOCATION PLAN								
PROJECT: SOUTH TYNESIDE COLLEGE								
DWG No: 5208/100						REV: .		

**AVANT**  
homes

Investor House, Coling Avenue, Sunderland Enterprise Park, Sunderland, SR6 3AS.  
Tel: 0191 268 9300, Fax: 0191 268 9301, [www.avanthomes.co.uk](http://www.avanthomes.co.uk)





A 31/01/23 ND Amended In Accordance With Comments Received From STC			
<b>AVANT</b> homes			
Investor House, Coling Avenue, Sunderland Enterprise Park, Sunderland, SR6 3XS. Tel: 0191 568 0300 Fax: 0191 568 0301 www.avanthomes.co.uk			
DATE: 03.11.22	SCALE: 1:1000 @A1	DRAWN BY: ND	
DWG TITLE: LOCATION PLAN			
PROJECT: LAND OFF CLEADON LANE			
DWG No: 5206/LP/01	REV: A		



The area to the South of Fellgate Estate has been earmarked for the development of a new 'garden village' with a minimum of 1200 houses, doctors surgeries and schools. However, to build these houses, thousands of acres of GREENBELT LAND will be destroyed. This area was marked as unsuitable for building in 2016 due to the destruction of the greenbelt. However, sadly this area has now been given the go-ahead for development. Nothing has changed, so why is something deemed unsuitable 7 years ago acceptable now? Similar plans have been submitted to build in Whitburn and Cleadon, these have been declined in recent months due to environmental impact. Why is our green space an acceptable alternative? Developing on this land will destroy the habitat of many species, reduce the ability to grow crops and may lead to flooding due to excess water run-off into the already stretched local water outlets of the Dean and the Don. This may overwhelm the flood defences put in place around Fellgate and the surrounding area following the extensive floods of 2012.

The new development will generate an estimated 2000 extra cars. Some of the land is to be taken from West Fellgate Farm, destroying the livelihood of the farmer and his family.

Fellgate is a quiet estate, one which I grew up on and have recently returned to with my young family. However, one of two entrances to the new development will direct traffic onto Durham Drive, with estimates of over 2000 cars potentially using Durham Drive to exit the estate, with the other entrance being directly from the Mill Lane Roundabout. This will add to traffic on the A194 and the Boldon Lad traffic lights. There will be no entrance to the estate onto Testo's roundabout from the A184, this has been confirmed by the Highways Agency.

The local residents of Fellgate Estate and beyond are fighting to halt the development and protect the local greenbelt.

Thank you for reading, sign the petition if you support our cause.

Name	Address	Signature
Margaret Fletcher		
Megan Thomas		
Chris Graham		
Steve K. Gordon		
Brian Wheatman		
MICHAEL COOK		
RAYMOND COOK		
Lisa Finnigan		
Frances Ward		
V. MICALFE		
A. MICALFE		
P. ANDERSON		
JOHN WINTER		
THOMAS WINTER		
E. A. GILHESSY		
J. E. Wilson		

THE COUNCIL ARE PLANNING TO TAKE  
NEARLY ALL OF FELLGATE GREENBELT TO  
BUILD HOUSES / SHOPS / SCHOOL - THIS WILL  
DESTROY OUR GREEN SPACE - PLEASE SIGN  
BELOW IF YOU OBJECT TO THIS PLEASE.  
WE NEED YOUR SUPPORT AS SOON AS POSSIBLE.

DATE	NAME	ADDRESS
25/2/24	M Storey	
25/2/24		
25.2.24.		
25.2.24	M. Cairns	
25.2.24		
25.2.24	L Howter	
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
25/2/24		
26/2/24	M FALCUS.	
26.2.24	SMartin	
26.2.24	GLAMB	
26.2.24	E METZGER	
26.2.24	Jenny	
26.2.24	Jordon	
26.2.24		



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BELOW IF YOU OBJECT TO THIS PLEASE.  
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DATE	NAME
25.2.24	MARIA MELIC
25.2.24	SUSAN TULIP
"	DENNIS ROBINSON
"	
"	GRAHAM TOWARD
25.2.24	Louise Moore
25.2.24	SYLVIA LAING
"	THOMAS LAING
" " "	JOHN WINTER
" " "	Linda Winter
" "	
" "	Rachel Ford
" "	
" "	Erin Phillips
27.2.24	MARGARET MILNE
27/2/24	C. GRIEUSON
" "	S. GRIEUSON
27/2/24	D. INSKIP
" -	
27/2/24	M. L. Allen
"	ANDREA "
28/2/24	KOTM MILLS

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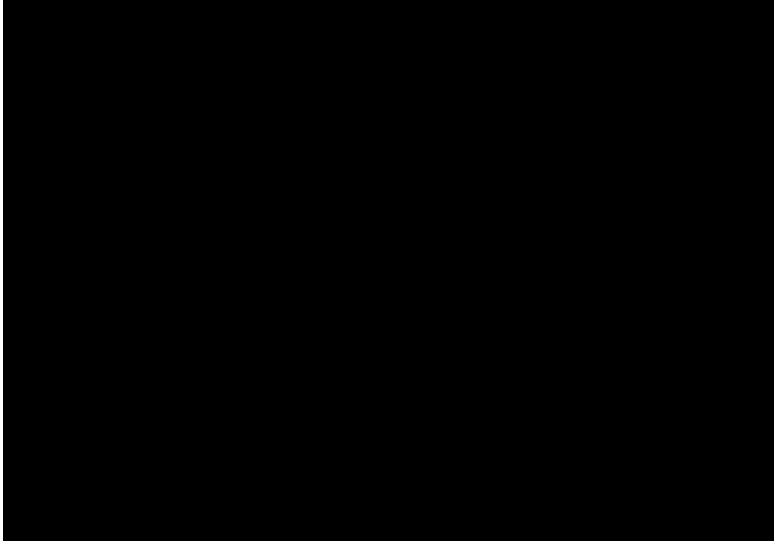
<u>DATE</u>	<u>NAME</u>	<u>ADDRESS</u>
24/2/24	I. CAMPBELL	
24/2/24	J. Campbell	
24/2/24	G. HOPE	
24/2/24	M. ARMSTRONG	
24/2/24	K. How	
25/2/24	J. CARTER	
25/2/24	[REDACTED]	
25/2/24	C. Buckham	
25/02/24	D. TYERMAN	
25/02/24	B. TYERMAN.	
25/02/24	T. McCormack	
25/2/24	D. Angus	
25.2.24	K. Cook	
25/2/24	S. Anderson	
25/2/24	C. Monaghan	
25/2.24	J. RICHMOND	
25/2.24	[REDACTED]	
25/2/24.	S. Barwick.	
25/2/24	D. Dooly	
25/2/24	<del>25.2.24</del> J. BRAY.	
25/2/24	[REDACTED]	
25/2/24	[REDACTED]	
25/2/24	[REDACTED]	
25/2/24	[REDACTED]	



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DATE	NAME	ADDRESS
26/2/2024		
26/2/2024		
26/2/2024	K. McQuillen	
26/02/24	S. Carter	
26/02/24	J. Carter	
26/02/24	C. Smith	
27/2/24	H. Bardwell	
27/2/24	A. Bardwell	
27/2/24	T. HARRISON	

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DATE	NAME	ADDRESS
24.2.2024	G BRABBS	
24.2.2024	A COOK	
24.2.2024	N WRAITH	
24.2.2024	J WOOTTEN	
28/2/2024	C. MILLS	

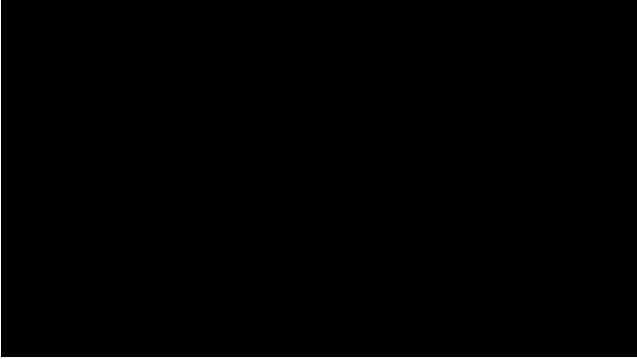
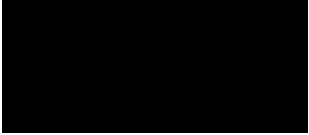


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DATE	NAME	ADDRESS
26/2	mmcintyre	
26/2	D mcIntyre	

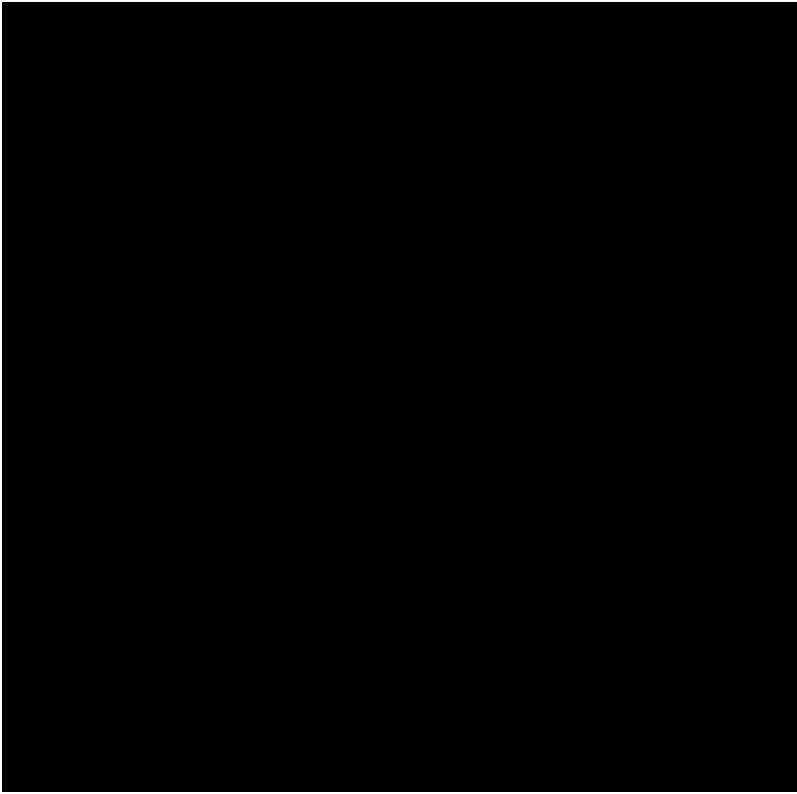

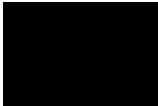


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BELOW IF YOU OBJECT TO THIS PLEASE.  
WE NEED YOUR SUPPORT AS SOON AS POSSIBLE.

DATE	NAME	ADDRESS
2/3/24	A Whitfield	
2/3/24	D Rolfe <sup>1</sup>	
3/3/24		



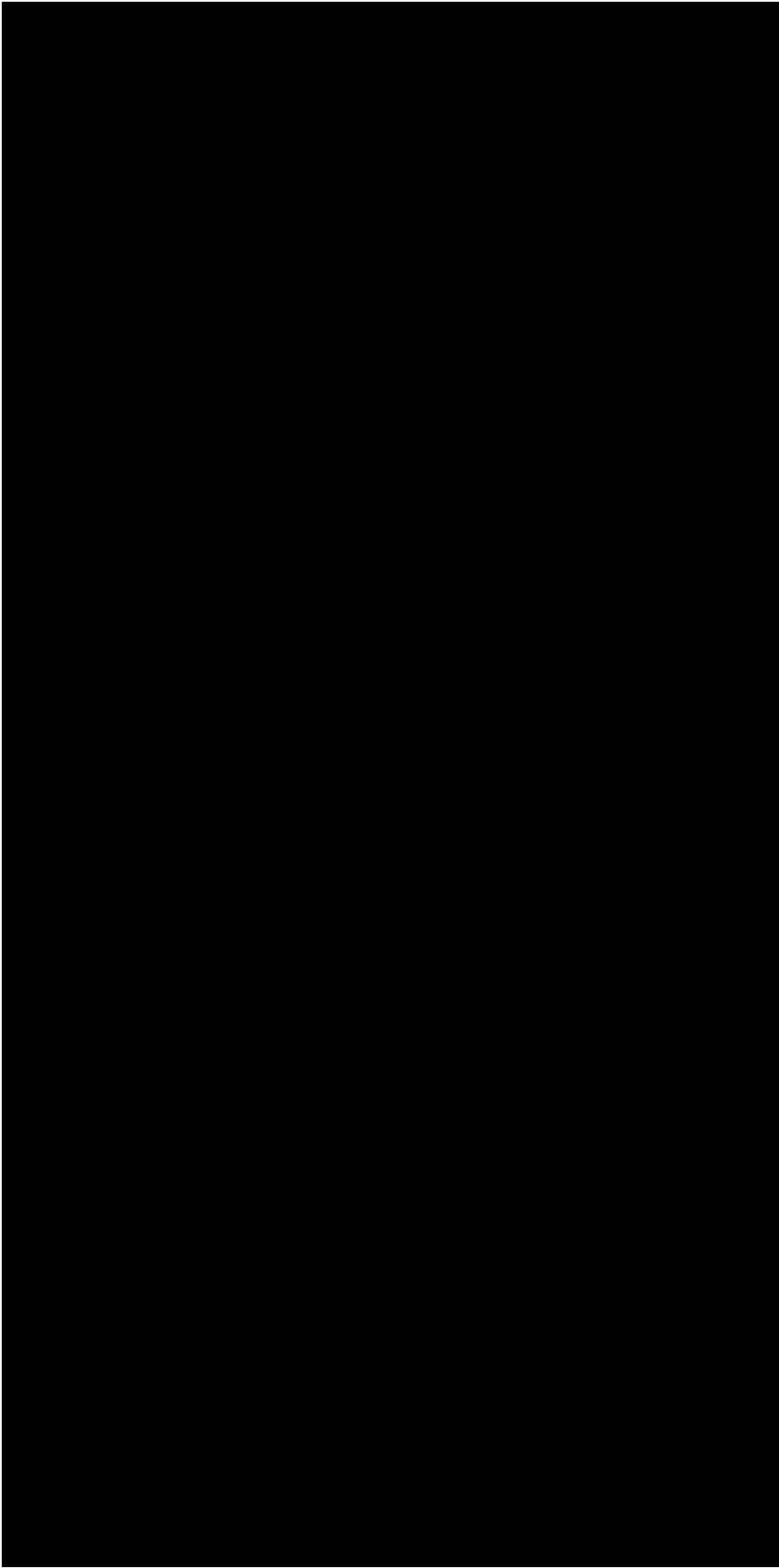
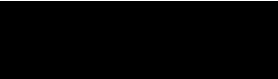
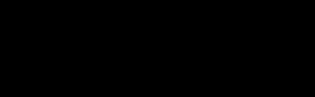



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BELOW IF YOU OBJECT TO THIS PLEASE.  
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DATE	NAME	ADDRESS
27/2/24	F. ARNOTT	
27/2/24	TAREER	
27-2-24		
27-2-24	D Smith	
30-2-24	A PRIME	
30-2-24	R. PRIME	
30 2 24	C. PRIME	
30 2 24	K PRIME	
29. 2. 24		

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BUILD HOUSES | SHOPS | SCHOOL - THIS WILL  
DESTROY OUR GREEN SPACE - PLEASE SIGN  
BELOW IF YOU OBJECT TO THIS PLEASE.  
WE NEED YOUR SUPPORT AS SOON AS POSSIBLE

DATE	NAME	ADDRESS
28.2.24		
"		
"		
"	E. Dolphin	
"	M. Lynn	
"	L Robson	
"	A Johnson	
"		
"		
"		
"	N HAMILTON	
"		
" "	S. Bullha	
"		
"	R. Sehman	
"	L. Rickman	
"		

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BELOW IF YOU OBJECT TO THIS PLEASE.  
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DATE	NAME	ADDRESS
26/2/24	B Lydon	
26/2/24		
27/2/24	M BELL	
27/2/24	X aghmar	
26/2/24		
26/2/24		
26/2/24		
26/2/24	C. GREEN	
26/2/24	L. DOUGLAS	
26/2/24	V. SHIELS	
26/2/24	J. URWIN	
26/2/24	L. GRIERSON	
26/2/24		
26/2/24	G. Emmerson.	
26/2/24	C. Emmerson	
26/2/24	S. DAGG	
26/2/24	L. Malloy	
26/02/24	N. Davies	
26/2/24	BRIND HAWES	
27-2-24	R. Garvin	
27-2-24	J. GARVIN	



[illegible]

Response ID ANON-TJBH-TD5G-V

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-01 14:35:09

## 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.:

These representations have been prepared on behalf of Barratt David Wilson Homes North East (BDW) in response to South Tyneside's Regulation 19 Draft Local Plan consultation.

These representations have been submitted to provide comments on the general approach of the draft Local Plan relating to matters of housing requirement, policy requirements and Green Belt release.

BDW believe the comments raised should be addressed prior to progression of the Local Plan. This will ensure the Plan is found sound when submitted to the Secretary of State for examination. It will also ensure South Tyneside bring forward an ambitious and deliverable plan.

The response comments on specific elements of the Local Plan, making recommendations and suggested amendments.

BDW note 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.

The comments below have been separated as per the consultation pro-forma. We have uploaded each section individually into the pro-forma and provide this complete representation for submission.

Chapter 1: Introduction

We, like you, want to see the adoption of a sound Local Plan for South Tyneside to enhance opportunities in the borough and continue the growth of the wider conurbation for existing and new residents, building a prosperous and successful borough in the North East of England.

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.:

N/A

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

Yes

## Chapter 2: Context

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.:

BDW have no comments to make with regard to this section.

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.:

BDW are generally supportive of the Visions and Objectives set out the draft Local Plan, and strongly support the delivery of new homes within the LPA.

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:

No

Support or Object - Sound:

No

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.:

BDW consider that Sustainable Development is defined through the NPPF, and a definition is not considered to be required as part of the plan. Policy SP1 is not considered to be justified.

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.:

Remove this policy

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

### 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:

No

Support or Object - Sound:

No

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.:

BDW want the plan to be positively prepared, but also justified to ensure it is deliverable.

The Council have identified a requirement for 5,253 new homes (309 homes per annum). This is a reduction in the housing requirement from the previous consultation document which proposed 5,778 net additional dwellings.

BDW would urge the Council to consider a higher housing figure on the basis that this requirement is not ambitious, and should plan for a more ambitious economic strategy, supported by greater housing numbers.

It is important that the Council recognise that the standard method is just the minimum target. The PPG now states that where an alternative approach identifies a need above the local housing need method it will be considered sound, unless there are compelling reasons against this. The Council will not be penalised for going for a higher number, as there is clear justification for an increase in housing to meet economic objectives.

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 NPPF which states that planning policies should seek to address potential barriers to investment, such as housing. Indeed, the SHMA (2023) identified a need for an additional 361 affordable units per year, exceeding the 309 that the LPA have adopted as their total requirement.

As a result, BDW consider that South Tyneside should pursue a higher housing target, pursuing an ambitious economic growth strategy and picking up on the need for affordable houses in the LPA. Policy SP2 is not considered to be sound as a result.

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.:

DW consider that South Tyneside should pursue a higher housing target, pursuing an ambitious economic growth strategy and picking up on the need for affordable houses in the LPA

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

Yes

### 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:

No

Support or Object - Sound:

No

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.:

BDW support the Councils Spatial Strategy, with regard to the main urban areas and villages. BDW also support the Council in amending the Green Belt boundaries, and identifying exceptional circumstances to ensure that the housing need is met. BDW consider that the Council should provide further safeguarded land for residential development, should any of the allocated sites not come forward within the anticipated timescales. Policy SP3 is not considered to be sound as a result.

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.:

Identification of Safeguarded Land to provide a buffer to meet housing requirement.

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

Yes

### Policy SP4: Housing Allocations in the Main Urban 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:

No

Support or Object - Sound:

No

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.:

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.

It is considered that there is a shortfall in the allocated number of sites against the housing target. BDW consider that the Council should allocate additional land for residential development to at least meet this shortfall, though it would be preferable if the total number of allocations exceeded the target, so as to provide a buffer, this is discussed further in our response to Policy SP16. Said buffer would account for 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. Policy SP4 is not considered to be sound as a result.

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.:

BDW consider that the Council should allocate additional land for residential development to at least meet this shortfall, though it would be preferable if the total number of allocations exceeded the target, so as to provide a buffer, this is discussed further in our response to Policy SP16. Said buffer would account for 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.

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

Yes

#### Policy SP5: Former Brinkburn Comprehensive School

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.:

BDW have no comments to make with regard to this section.

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 SP6: Land at former Chuter Ede Education Centre

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.:

BDW have no comments to make with regard to this section.

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:

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.:

BDW have no comments to make with regard to this section.

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

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.:

BDW have no comments to make with regard to this section.

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 SP9: Strategic Vision for South Shields Town Centre Regeneration

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.:

BDW have no comments to make with regard to this section.

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 SP10: South Shields Riverside Regeneration 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

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.:

BDW have no comments to make with regard to this section.

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 SP11: South Shields Town Centre College Regeneration Site

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.:

BDW have no comments to make with regard to this section.

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 SP12: Fowler Street Improvement 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

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.:

BDW have no comments to make with regard to this section.

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 SP13: Foreshore Improvement 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

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.:

BDW have no comments to make with regard to this section.

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:

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.:

BDW have no comments to make with regard to this section.

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 1: Promoting Healthy Communities

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.:

BDW have no comments to make with regard to this section.

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 2: Air Quality

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.:

BDW have no comments to make with regard to this section.

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 3: Pollution

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.:

BDW have no comments to make with regard to this section.

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 4: Contaminated Land and Ground Stability

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.:

BDW have no comments to make with regard to this section.

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 SP15: Climate Change

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:

No

Support or Object - Sound:

No

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.:

While BDW are an industry leader with regard to sustainable construction, it is considered that the Council should not be seeking to introduce new standard through planning, and should adhere to Government stipulated Building Regulations.

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.:



Adhere to government standards

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

## Policy 5: Reducing energy consumption and carbon emissions

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:

No

Support or Object - Sound:

No

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.:

While BDW are an industry leader with regard to sustainable construction, it is considered that the Council should not be seeking to introduce new standard through planning, and should adhere to Government stipulated Building Regulations.

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.:

adhere to Government stipulated Building Regulations.

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

## Policy 6: Renewables and Low Carbon Energy Generation

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:

No

Support or Object - Sound:

No

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.:

While BDW are an industry leader with regard to sustainable construction, it is considered that the Council should not be seeking to introduce new standard through planning, and should adhere to Government stipulated Building Regulations.

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.:

adhere to Government stipulated Building Regulations.

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

## Policy 7: Flood Risk and Water Management

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.:

BDW have no comments to make with regard to this section.

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 8: Flood Risk Assessment and Drainage Strategy

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.:

BDW have no comments to make with regard to this section.

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 9: Sustainable Drainage Systems

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.:

BDW have no comments to make with regard to this section.

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 10: Disposal of Foul Water

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.:

BDW have no comments to make with regard to this section.

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 11: Protecting Water Quality

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.:

BDW have no comments to make with regard to this section.

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 12: Coastal Change

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.:

BDW have no comments to make with regard to this section.

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:

No

Support or Object - Sound:

No

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.:

As set out, BDW have reviewed the residual housing requirement calculation and would suggest that the figure needs to be higher. BDW do not support including commitments and brownfield register (small sites) in the residual housing requirement. There is a risk of non-delivery of these and we would argue that the Council should plan for a higher residual target and therefore a higher supply need, to deliver a more ambitious housing number.

The Plan aims to hit their housing requirement by allocating sites, making provision for homes in the East Boldon Neighbourhood Forum Area, windfall development, small sites, conversions and change of use.

The Plan sets out a lapse rate of 10%, we would welcome sight of what has informed the lapse rate, as there are a number of factors that can impact upon and explain why sites with planning permission lapse.

BDW believe the lapse rate needs to be higher. We encourage the Council to review the levels of lapse rate applied to the residual housing requirement figure or further evidence must be prepared to justify the current approach.

We support the introduction of Policy 13 and would welcome the introduction of text pursuant to allowing for flexibility and pragmatic approaches being employed when applying the Policy to ensure housing need is met in the borough.

To ensure the Council meet their housing requirement they should:

- Identify a short and long-term supply of sites, with both strategic and non-strategic allocations for residential development;
- Identify at least 10% of its housing requirement on sites no larger than one hectare;
- Provide some headroom between its minimum housing requirement and overall housing land supply by allocating more sites to give some flexibility; and
- Consider Safeguarding land, to ensure that further amendments to the Green Belt boundary are not required following this Plan period.

Policy SP16 is not considered to be sound as a result.

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.:

To ensure the Council meet their housing requirement they should:

- Identify a short and long-term supply of sites, with both strategic and non-strategic allocations for residential development;
- Identify at least 10% of its housing requirement on sites no larger than one hectare;
- Provide some headroom between its minimum housing requirement and overall housing land supply by allocating more sites to give some flexibility; and
- Consider Safeguarding land, to ensure that further amendments to the Green Belt boundary are not required following this Plan period.

Policy SP16 is not considered to be sound as a result.

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

### Policy 13: Windfall and Backland Sites

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.:

We support the introduction of Policy 13 and would welcome the introduction of text pursuant to allowing flexibility and pragmatic approaches being employed when applying the Policy to ensure housing need is met in the borough.

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 14: Housing Density

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:

No

Support or Object - Sound:

No

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.:

BDW agree with the principle of this policy, but consider that flexibility should be incorporated into the policy to allow for deviations to the requirements on viability grounds.

Policy 14 is not considered to be sound as a result.

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 15: Existing Homes

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.:

BDW have no comments to make with regard to this section.

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 16: Houses in Multiple Occupation

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.:

BDW have no comments to make with regard to this section.

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 17: Specialist Housing - Extra Care and Supported Housing

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.:

BDW have no comments to make with regard to this section.

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 18: Affordable Housing

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:

No

Support or Object - Sound:

No

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.:

Policy 18 sets out the proposed affordable housing requirements across the LPA, further broken down by sub-area.

The supporting text sets out that:

Affordable housing is informed by need and is identified in the SHMA (2023) which found that there was a need for an additional 361 affordable units per year, including social/affordable units or intermediate tenure. The need for affordable homes is assessed using Planning Practice Guidance (PPG).

Occasionally the number is higher than the overall housing need which means there is a considerable need for affordable housing. The fact that the affordable housing need exceeds the stated housing requirement is clear evidence that the housing target for the LPA is too low, and will only serve to constrict the economic regeneration of the LPA. BDW has set out the approach to this in our response to Policy SP2. Policy 18 is not considered to be sound as a result.

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 19: Housing Mix

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:

No

Support or Object - Sound:

No

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.:

BDW agree that housing development shall deliver an appropriate mix of housing types, sizes, and tenures to meet identified needs. We object to point 5 'encouraging the inclusion of self-build and custom housebuilding plots as part of larger housing developments, where it is viable and where there is an identified need'. The delivery of the proposed sites identified in the 5 year land supply, with the assumed yields and build out rates proposed, is based on the assumption that sites are built out by developers - the introduction of self-build elements to new schemes will add complexity and delay to the delivery of new homes. This will slow down the delivery of new dwellings and add uncertainty into the delivery of schemes.

Self-build homes by their very nature also have a negative implication on the number of deliverable homes on site.

Policy 19 is not considered to be sound as a result.

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 20: Technical Design Standards for New Homes

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:

No

Support or Object - Sound:

No

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.:

BDW support the provision of this housing to meet a need and BDW have a specific housetype range for M4(2) and M4(3) housing. However, we would urge the Council to consider whether the supply and demand would align with 100% M4(2) provision. It is important to note the implications of M4(2) on site yield, they are much bigger and have to be placed at an additional distance from one another, with a resulting viability impact from the reduced coverage and increased cost of building them. The Council have not provided evidence that the anticipated yields from the site allocations have been calculated with the increased footprint caused by the 100% M4(2) requirement, this should be confirmed as incorporated, or the yields reduced if not. 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. This should be accounted for in the wording of the policy to ensure deliverability of schemes in certain circumstances set out.

BDW consider that overall percentage of 100% M4(2) is too high. The policy represents a blunt approach to address a nuanced topic - in simple terms

evidence of an ageing population does not, in itself, represent sufficient justified for 100% of all new homes to be built to M4(2) requirements. We would welcome some flexibility on the 5% M4(3) on schemes above 50 units, as it can have a huge financial impact on schemes. The Council must also provide evidence for this need. This policy is another cumulative burden being added to development and which will seriously undermine deliverability. BDW do not consider that the scale of the M4(2) requirement has been justified, nor has the impact on deliverability across the County been fully assessed, nor the impact on yields been evidenced. Policy 20 is not considered to be sound as a result.

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 21: Gypsies, Travellers and Travelling Showpeople

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.:

BDW have no comments to make with regard to this section.

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 SP17: Strategic Economic Assessment

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.:

BDW have no comments to make with regard to this section.

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 SP18: Employment Land for General Economic 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.:

BDW have no comments to make with regard to this section.

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 SP19: Provision of Land for Port and River-Related 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.:

BDW have no comments to make with regard to this section.

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 22: Protecting Employment Uses

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.:

BDW have no comments to make with regard to this section.

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 23: Employment Development beyond Employment Allocations

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.:

BDW have no comments to make with regard to this section.

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 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

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.:

BDW have no comments to make with regard to this section.

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 25: Leisure and Tourism

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.:

BDW have no comments to make with regard to this section.

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 SP20: The Hierarchy of Centres

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.:

BDW have no comments to make with regard to this section.

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 26: Ensuring Vitality and Viability in Town, District and Local Centres

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.:

BDW have no comments to make with regard to this section.

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 27: Prioritising Centres Sequentially

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.:

BDW have no comments to make with regard to this section.

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 28: Impact Assessment

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.:

BDW have no comments to make with regard to this section.

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 29: Local Neighbourhood Hubs

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.:

BDW have no comments to make with regard to this section.

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 30: South Shields Market

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.:

BDW have no comments to make with regard to this section.

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 31: Evening and Night-time Economy in South Shields Town Centre

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.:

BDW have no comments to make with regard to this section.

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 32: Hot Food Takeaways

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.:

BDW have no comments to make with regard to this section.

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 SP21: Natural Environment

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.:

BDW have no comments to make with regard to this section.

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 33: Biodiversity, Geodiversity and Ecological Networks

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.:

BDW have no comments to make with regard to this section.

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 34: Internationally, Nationally and Locally Important Sites

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.:

BDW have no comments to make with regard to this section.

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

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.:

BDW agree that this policy should seek to accord with the statutory framework. Part 2, 3 and 4 of this policy sets a hierarchy for offsite BNG provision, this is a departure from the framework and should be removed. The proposed sections are too restrictive and will inhibit development, with a great burden of proof placed on developers to accord with the restrictive hierarchy.

Policy 35 is not considered to be sound as a result.

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 36: Protecting Trees, Woodland and Hedgerows

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.:

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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 SP22: Green and Blue 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:

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.:

BDW have no comments to make with regard to this section.

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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 37: Protecting and Enhancing Open Spaces

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.:

BDW have no comments to make with regard to this section.

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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 SP23: Sports Provision and Playing Pitches

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.:

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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 38: Providing for Cemeteries

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.:

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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 39: Areas of High Landscape Value

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.:

BDW have no comments to make with regard to this section.

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 40: Agricultural Land

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.:

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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 41: Green Belt

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.:

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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 SP24: Heritage Assets

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.:

BDW have no comments to make with regard to this section.

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 42: World Heritage Sites

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.:

BDW have no comments to make with regard to this section.

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 43: Development Affecting Designated Heritage Assets

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.:

BDW have no comments to make with regard to this section.

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 44: Archaeology

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.:

BDW have no comments to make with regard to this section.

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 45: Development Affecting Non-Designated Heritage Assets

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.:

BDW have no comments to make with regard to this section.

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 46: Heritage At Risk

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.:

BDW have no comments to make with regard to this section.

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 47: Design Principles

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.:

BDW have no comments to make with regard to this section.

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 48: Shopfronts

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.:

BDW have no comments to make with regard to this section.

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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 49: Advertisements

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.:

BDW have no comments to make with regard to this section.

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:

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.:

BDW have no comments to make with regard to this section.

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 50: Social and Community 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:

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.:

BDW have no comments to make with regard to this section.

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 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:

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.:

BDW have no comments to make with regard to this section.

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 51: Improving capacity on the road network

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.:

BDW have no comments to make with regard to this section.

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 52: Safeguarding Land for Metro and Rail 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.:

BDW have no comments to make with regard to this section.

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 53: Airport and Aircraft Safety

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.:

BDW have no comments to make with regard to this section.

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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 54: Waste Facilities

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.:

BDW have no comments to make with regard to this section.

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 55: Existing Waste Facilities

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.:

BDW have no comments to make with regard to this section.

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 56: Minerals Safeguarding

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.:

BDW have no comments to make with regard to this section.

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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 57: Development Management Considerations for Minerals Extraction

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.:

BDW have no comments to make with regard to this section.

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 58: Implementation and Monitoring

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.:

BDW have no comments to make with regard to this section.

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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 59: Delivering 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:

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.:

BDW have no comments to make with regard to this section.

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 60: Developer Contributions, Infrastructure Funding and Viability

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.:

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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?:

## Your personal details

What is your name?

Name:

John Aynsley

What is your email address?

Email address:

[REDACTED]

Who are you responding as?

Other Organisation (please specify)

Organisation:

Housebuilder

What is your postal address?

Address:

[REDACTED]

Response ID ANON-TJBH-TD56-B

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-01 19:22:01

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:

Support or Object - Sound:

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.:

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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 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:

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.:

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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 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:

Yes

Support or Object - Sound:

No

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.:

Criterion 2 of policy SP2 states that the Plan will deliver at least 5,243 new homes and create sustainable mixed communities by 2040, which equates to 309 dwellings every year. Our client supports the inclusion of the wording 'at least', which they requested in the representations at regulation 18 stage.

Paragraph 4.9 of the supporting text confirms that the household projections that inform the housing baseline are the 2014-based household projections, which could change upwards or downwards based on new data. Therefore the housing requirement will not be 'locked in' until the Plan is submitted for examination.

The most recent Strategic Housing Market Assessment (SHMA – November 2023) confirms that the 309 annual housing requirement that has been established by the standard method does not incorporate any uplift in relation to growth strategy, infrastructure improvements, or job growth (circumstances are listed under Paragraph: 010 Reference ID: 2a-010-20201216 of the Planning Practice Guidance). Neither does it include any uplift to help meet the chronic need for affordable housing, which will be discussed later.

In Story's previous regulation 18 submission, concerns were raised with how the Local Plan would meet previously unmet housing need for the years prior to the plan period. In this context, the Council has continuously failed to deliver enough homes in 2018/19, 2019/20, 2020/21, collectively amounting to a shortfall of 236 homes. Since then, the 2022 measurement has been published, which confirmed the Council failed to deliver 114 of the required homes in 2021/22. This means that the Council has failed the Housing Delivery Test for six consecutive years. This totals 350 homes, which is greater than a planned year's housing delivery.

The SHMA (2023) confirms that over the past 9 years (2014/15 to 2022/23) the net housing delivery rate has been 303 each year, compared with an average housing target of 348 over this period. It is unclear how this pent-up demand and anticipated under delivery within the first year of the plan period is being addressed.

The regulation 18 version of the Local Plan proposed a 15% buffer to the calculated housing requirement, with the following justification set out in the Council's Green Belt Review Exceptional Circumstances report (2022):

"At this early stage of plan preparation, the Council is proposing to factor in a 15% buffer so that it can ensure there is sufficient flexibility for site options to be explored, and to ensure that enough sites have been allocated. Providing this level of headroom above the requirement provides the Plan with flexibility and ensures that if there is a degree of slippage over the Plan period, then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This ensures the plan is both positively prepared and effective (as required by the NPPF) and as such amounts to an exceptional circumstance that justifies amending the Green Belt."

However, the regulation 19 version has removed any reference or discussion around the need for a buffer. This is despite the continued need for flexibility and ensuring that if there is a degree of slippage (past housing delivering record clearly suggests that there will) then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This concern is considered in further detail below in relation to draft policy SP16.

Whilst there is no reference to the buffer in the draft Local Plan, prior to the opening of the current regulation 19 consultation, a report was taken to the Council's Executive committee seeking approval of the draft local plan so that it could be consulted upon thereafter. The report includes a discussion on the removal of the 15% buffer, where it states,

"At Regulation 18 Consultation we proposed that a 15% buffer be applied to the housing requirement to provide flexibility. The effect of applying any buffer (whether 15% or less) is to increase the amount of land within the Green Belt which would be required to be allocated for development, as there are no alternative nonGreen Belt brownfield sites in South Tyneside which could otherwise be allocated. This would require exceptional circumstances to be demonstrated to facilitate the additional housing requirement generated by the buffer. Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes. It is considered unlikely that exceptional circumstances for Green Belt release of land to provide a buffer could be demonstrated in these circumstances. Accordingly, we propose to no longer apply the buffer. In addition, proposals to safeguard and remove from the Green Belt land at South of Fellgate beyond the land to be allocated as a Sustainable Growth Area, are not now being taken forward.

Within the context of the proposed NPPF amendments, Officers consider that the amendments proposed within the Regulation-19 Publication draft Local Plan represents a sufficient level of Green Belt release to meet our Objectively Assessed Need. The further inclusion of a Buffer and Safeguarded land would result in the further alteration of Green Belt boundaries which would go beyond meeting our identified needs for the plan period."

This approach appears to be introducing an additional test following the meeting of the exceptional circumstances test. Such an approach is unjustified. There can be no doubt that the exceptional circumstances required to justify changes to the Green Belt have been demonstrated. It is unclear why the Council is then using the Green Belt to try and justify the removal of their previously stated need for a buffer. Arguably, the existence of the Green Belt and its inherent inflexibility, increases the justification for a buffer, noting paragraph 145 of the NPPF, which states that "strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period."

Rather than removing the 15% buffer, the evidence would support the need to increase the buffer to 20%, given the chronic historic under-delivery and reliance on a large strategic allocation to deliver a significant part of the planned housing supply over the plan period.

As currently drafted policy SP2 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

Include 20% buffer to housing requirement given the chronic historic under-delivery and reliance on a large strategic allocation to deliver a significant part of the planned housing supply over the plan period.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification for the draft policy.

### 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:

No

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.:

Criterion 2 of this draft policy states that in order to meet the identified strategic needs of the Borough and to facilitate sustainable growth the Plan will (amongst others) 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. This is consistent with paragraph 83 of the NPPF, which requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services.

The supporting text states that constraints have limited the amount of land available for allocation. However, this not a reflection of the fact that there is additional land available, including land south of Kitchener Road and east of Lizard Lane.

The supporting text also states that the distribution of housing reflects the availability of suitable land for new housing in the borough. Again, this is not a reflection of the fact that land is available for development, including land south of Kitchener Road and east of Lizard Lane, which is not only able to deliver housing promptly, but in way that can make a positive contribution to key issues in the borough, most notably the need for affordable housing and ability to provide an ideal opportunity to deliver expansion of the adjacent Marsden Primary School.

As set out in Story's previous representations at regulation 18 stage, there was no amendment to the Green Belt boundary when the current Development Plan was adopted and the only notable developments in Whitburn in recent years have come forward on the Rifle Range site (42 dwellings, including 11 affordable housing units) and the former Bath House and Canteen site (Thill Stone Mews) (9 dwellings, with no affordable housing (based on the supporting Planning Statement)).

The spatial distribution strategy therefore needs updating to provide greater clarity on how it will help deliver the plan's strategic aims, including the securing of the sustainability and vitality of the village of Whitburn.

Criterion 4 of the draft policy acknowledges the need to amend the Green Belt boundary to allocate Urban and Village sustainable growth areas. The supporting text notes that there is an acute shortage of available, suitable, and deliverable brownfield land in South Tyneside. It goes on to conclude that exceptional circumstances for amending the Green Belt exist. Story Homes supports this Council on this conclusion.

However, due to the earlier concerns, draft policy SP2 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

The supporting text states that constraints have limited the amount of land available for allocation. However, this not a reflection of the fact that there is additional land available, including land south of Kitchener Road and east of Lizard Lane. Needs to recognise that there is additional land available.

The spatial distribution strategy needs updating to provide greater clarity on how it will help deliver the plan's strategic aims, including the securing of the sustainability and vitality of the village of Whitburn.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification for the draft policy.

### Policy SP4: Housing Allocations in the Main Urban 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:

No

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 indicative capacities of the sites allocated under policy SP4 are taken from the SHLAA (2023) Site Assessments. The SHLAA confirms that it has estimated the housing potential of each site assessed by applying the densities included in the South Tyneside Density Study (2023), which range from 35 dwellings per hectare up to 60 dwellings per hectare. This is unless there is other known information on site capacity available (e.g. planning application).

The SHLAA Site Assessments have also included the Estimated Developable Area (i.e. net developable area) when calculating the indicative capacities.

The majority of the 25 sites allocated in the Main Urban Area include an indicative capacity that is well in excess of 30 dwellings per hectare, as set out in the revised version of the table below.

See table in attached pdf version of submitted representations.

Considering the numerous demands and requirements that are now placed on housing sites, which include biodiversity net gain, national space standards, private amenity space standards, parking (cycle and car), accessibility standards, and building efficiency standards, we have doubts that the indicative capacities will actually be delivered.

In forming this view, we note that the Council's South Tyneside Site Framework (2023) document, which provide a relatively detailed indicative layout based on an appraisal of constraints and opportunities for the proposed Urban and Village Growth Areas, includes indicative capacities, the majority of which are well below 30 dwellings per hectare.

The table below also summarises the estimated density of development for the proposed SP5 and SP6 allocations. These would appear to be more realistic when compared with the policy SP4 sites.

As highlighted in the submissions at regulation 18 stage, our client maintains their concerns about the delivery and viability of some of the sites that have been included as proposed allocations in policies SP4, SP5 and SP6. These concerns include:

- The vast majority (all but 2-3 of the 27) of proposed allocations under policies SP4, SP5 and SP6 are owned or controlled by South Tyneside Council. It needs to be demonstrated that proposed sites are deliverable, or at the very least, developable. There is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council's procedure and timescales for site disposal may impact on the rate that these sites can be delivered within the plan period.
- The proposed allocations (SP5 and SP6) continue to include land which are existing playing fields. Both policies require the loss of playing fields to be mitigated, however this has yet to be agreed. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields. Sport England objected to the allocations at regulation 18 stage, and will undoubtedly object again at this stage.
- The majority of the dwellings allocated by these sites are identified to come forwards after the first five years of the plan period. Therefore, most of the sites only satisfy the lower bar 'developable' test.

As the Council cannot be confident in the immediate delivery, we consider that there is a clear need to release more land from the Green Belt and allocate more sites for housing in order to meet the housing requirement and to maintain a sufficient supply of housing.

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.:

Apply more realistic indicative densities to proposed housing allocations.

Increase the amount of proposed housing allocations to meet the housing requirement and to maintain a sufficient supply of housing.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

**Policy SP5: Former Brinkburn Comprehensive School**

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:

No

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 indicative capacities of the sites allocated under policy SP4 are taken from the SHLAA (2023) Site Assessments. The SHLAA confirms that it has estimated the housing potential of each site assessed by applying the densities included in the South Tyneside Density Study (2023), which range from 35 dwellings per hectare up to 60 dwellings per hectare. This is unless there is other known information on site capacity available (e.g. planning application).

The SHLAA Site Assessments have also included the Estimated Developable Area (i.e. net developable area) when calculating the indicative capacities.

The majority of the 25 sites allocated in the Main Urban Area include an indicative capacity that is well in excess of 30 dwellings per hectare, as set out in the revised version of the table below.

See table in attached pdf version of submitted representations.

Considering the numerous demands and requirements that are now placed on housing sites, which include biodiversity net gain, national space standards, private amenity space standards, parking (cycle and car), accessibility standards, and building efficiency standards, we have doubts that the indicative capacities will actually be delivered.

In forming this view, we note that the Council's South Tyneside Site Framework (2023) document, which provide a relatively detailed indicative layout based on an appraisal of constraints and opportunities for the proposed Urban and Village Growth Areas, includes indicative capacities, the majority of which are well below 30 dwellings per hectare.

The table below also summarises the estimated density of development for the proposed SP5 and SP6 allocations. These would appear to be more realistic when compared with the policy SP4 sites.

As highlighted in the submissions at regulation 18 stage, our client maintains their concerns about the delivery and viability of some of the sites that have been included as proposed allocations in policies SP4, SP5 and SP6. These concerns include:

- The vast majority (all but 2-3 of the 27) of proposed allocations under policies SP4, SP5 and SP6 are owned or controlled by South Tyneside Council. It needs to be demonstrated that proposed sites are deliverable, or at the very least, developable. There is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council's procedure and timescales for site disposal may impact on the rate that these sites can be delivered within the plan period.
- The proposed allocations (SP5 and SP6) continue to include land which are existing playing fields. Both policies require the loss of playing fields to be mitigated, however this has yet to be agreed. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields. Sport England objected to the allocations at regulation 18 stage, and will undoubtedly object again at this stage.
- The majority of the dwellings allocated by these sites are identified to come forwards after the first five years of the plan period. Therefore, most of the sites only satisfy the lower bar 'developable' test.

As the Council cannot be confident in the immediate delivery, we consider that there is a clear need to release more land from the Green Belt and allocate more sites for housing in order to meet the housing requirement and to maintain a sufficient supply of housing.

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.:

Apply more realistic indicative densities to proposed housing allocations.

Increase the amount of proposed housing allocations to meet the housing requirement and to maintain a sufficient supply of housing.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

**Policy SP6: Land at former Chuter Ede Education Centre**

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:

No

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 indicative capacities of the sites allocated under policy SP4 are taken from the SHLAA (2023) Site Assessments. The SHLAA confirms that it has estimated the housing potential of each site assessed by applying the densities included in the South Tyneside Density Study (2023), which range from 35 dwellings per hectare up to 60 dwellings per hectare. This is unless there is other known information on site capacity available (e.g. planning application).

The SHLAA Site Assessments have also included the Estimated Developable Area (i.e. net developable area) when calculating the indicative capacities.

The majority of the 25 sites allocated in the Main Urban Area include an indicative capacity that is well in excess of 30 dwellings per hectare, as set out in the revised version of the table below.

See table in attached pdf version of submitted representations.

Considering the numerous demands and requirements that are now placed on housing sites, which include biodiversity net gain, national space standards, private amenity space standards, parking (cycle and car), accessibility standards, and building efficiency standards, we have doubts that the indicative capacities will actually be delivered.

In forming this view, we note that the Council's South Tyneside Site Framework (2023) document, which provide a relatively detailed indicative layout based on an appraisal of constraints and opportunities for the proposed Urban and Village Growth Areas, includes indicative capacities, the majority of which are well below 30 dwellings per hectare.

The table below also summarises the estimated density of development for the proposed SP5 and SP6 allocations. These would appear to be more realistic when compared with the policy SP4 sites.

As highlighted in the submissions at regulation 18 stage, our client maintains their concerns about the delivery and viability of some of the sites that have been included as proposed allocations in policies SP4, SP5 and SP6. These concerns include:

- The vast majority (all but 2-3 of the 27) of proposed allocations under policies SP4, SP5 and SP6 are owned or controlled by South Tyneside Council. It needs to be demonstrated that proposed sites are deliverable, or at the very least, developable. There is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council's procedure and timescales for site disposal may impact on the rate that these sites can be delivered within the plan period.
- The proposed allocations (SP5 and SP6) continue to include land which are existing playing fields. Both policies require the loss of playing fields to be mitigated, however this has yet to be agreed. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields. Sport England objected to the allocations at regulation 18 stage, and will undoubtedly object again at this stage.
- The majority of the dwellings allocated by these sites are identified to come forwards after the first five years of the plan period. Therefore, most of the sites only satisfy the lower bar 'developable' test.

As the Council cannot be confident in the immediate delivery, we consider that there is a clear need to release more land from the Green Belt and allocate more sites for housing in order to meet the housing requirement and to maintain a sufficient supply of housing.

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.:

Apply more realistic indicative densities to proposed housing allocations.

Increase the amount of proposed housing allocations to meet the housing requirement and to maintain a sufficient supply of housing.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## 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:

Yes



Support or Object - Sound:

No

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.:

Beyond the whole urban area, it is proposed to allocate a total of 6 sites (indicative capacity of 1,108 dwellings) within the whole of South Tyneside. The previous regulation 18 version proposed a total of 12 sites (indicative capacity of 1,862 dwellings), so a reduction by 6.

The strategic spatial policy (i.e. policy SP3) does not include a specific number or percentage of development that needs to be delivered at each of the South Tyneside settlements (e.g. 5% of overall housing requirement to be delivered at Cleadon), therefore it is unclear what criteria have been used to inform the distribution of allocations under this policy. Whilst the Local Plan and supporting evidence base does not appear to discuss this matter, the report that was taken to the Council's Executive committee seeking approval of the draft local plan included the following extract:

"Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes."

This would suggest that the SP7 allocations were wholly/largely determined on the outcome of the most recent (2023) Green Belt study and the view that any sites that were considered to have high/very high harm to the Green Belt cannot be allocated, irrespective of any other important planning benefits they may deliver (e.g. support for services in settlements as required by paragraph 83 of the NPPF, greater ability to deliver a higher proposed of affordable housing to meet the chronic need).

The findings from the 2023 Green Belt Review Site Assessment differ to the findings of the 2022 Green Belt Review Site Assessment as set out in the table below.

See table in attached pdf version of submitted representations.

The 2022 Assessment of land south of Kitchener Road and east of Lizard Lane (southern parcel) concluded that the development of the site would only have a 'moderate impact, mitigation feasible'.

The supporting notes to the 2022 assessment stated,

"It is considered that part of the parcel has the potential to be developed subject to ensuring a substantial landscape buffer to the north to preserve long distance views and retain a wildlife corridor in this location. The intensification of landscaping along boundaries, and the appropriate design and layout of development on this site would act to minimise impacts. The design and in particular massing of development on the allocated land would need to be complimentary to the landscape to ensure the harm arising from development on this site is minimised. With regards to biodiversity the scheme must be designed following the mitigation hierarchy of avoid, mitigate, compensate, and ultimately deliver net gains for wildlife."

The 2022 Assessment of land south of Kitchener Road and east of Lizard Lane (northern parcel) concluded that the northern parcel would have slightly more harmful impact when compared with the southern parcel, concluding 'Adverse impact/some mitigation possible'.

However, the supporting notes to the 2022 assessments stated,

"It is considered that part of the parcel has the potential to be developed subject to ensuring a substantial landscape buffer to the north to preserve long distance views and retain a wildlife corridor in this location. The intensification of landscaping along boundaries, and the appropriate design and layout of development on this site would act to minimise impacts. The design and in particular massing of development on the allocated land would need to be complimentary to the landscape to ensure the harm arising from development on this site is minimised. With regards to biodiversity the scheme must be designed following the mitigation hierarchy of avoid, mitigate, compensate, and ultimately deliver net gains for wildlife."

This perhaps acknowledges our client's proposal to bring development forward on both parcels of land, with the built form focused on the southern parcel, and habitat improvements, buffer planting and green space focused on the northern parcel.

The 2023 Green Belt study appears to have picked up on the fact that it is proposed to develop the two parcels as a single development, which has allowed the assessment to conclude a moderate impact for the combined parcels of land that form land south of Kitchener Road and east of Lizard Lane.

This conclusion is identical to the harm applied to the two sites (GA5 & GA6) that are proposed to be allocated in Whitburn.

Despite this, there have appears to have been a fundamental flaw in how the findings of the 2023 Green Belt study have then been applied allocating housing sites, as is discussed further below.

Site Selection Topic Paper (2024)

The purpose of this paper is to provide clarity and transparency on why sites have been allocated and why reasonable alternatives have not been selected. It builds upon (and references) the previous Site Selection Topic Paper that was prepared to support the regulation 18 version of the Local Plan.

Appendix 7 of the 2024 study relates to sites in Whitburn. The following assessment is included for land south of Kitchener Road and east of Lizard Lane.

See table in attached pdf version of submitted representations.

This helpfully highlights the contrast between the 2022 conclusion and downgraded impact on Green Belt harm. However, it also reports that “the site is not considered to be suitable of achievable in the SHLAA”.

A review of the SHLAA (2023) confirms that the site is not considered suitable, entirely due to the conclusions formed in the Green Belt study. No other reasons are provided.

See table in attached pdf version of submitted representations.

This is despite the Green Belt study concluding that the Green Belt harm is no different to the proposed sites (GA5 and GA6). The two Whitburn sites (SWH025 & SWH026) that are proposed to be allocated as sites GA5 and GA6 simply include the following comments in their Site Selection Topic Paper (2024) assessments.:

“The site was assessed as falling within in an area of moderate harm in the Green Belt Study (2023).”

See table in attached pdf version of submitted representations.

Unlike the assessment for land south of Kitchener Road and east of Lizard Lane, the above assessment makes no reference to the sites’ significant negative effects in the 2024 update column. In reality, there is no greater harm that would be caused between the sites that are proposed to be allocated and our client’s site. Indeed the site has greater benefits, including the ability to deliver more affordable housing and an ideal opportunity to deliver expansion of the adjacent Marsden Primary School.

The above supports the view that the site selection process has been very significantly influenced by the unambitious housing targets and the amended findings in the 2023 Green Belt Study, which the Council has used as justification for not including any uplift in the housing need requirements and limiting the number of allocations. Indeed, even where the Green Belt study has identified sites where only moderate harm has been identified, like land south of Kitchener Road and east of Lizard Lane, the Council has still not decided to allocate them, without any sound justification.

We make this point in the context of the following statement that was included in the report that was taken to the Council’s Executive committee seeking approval of the draft local plan so that it could be consulted upon thereafter,

“Secondly, at Regulation 18 Consultation we proposed that a 15% buffer be applied to the housing requirement to provide flexibility. The effect of applying any buffer (whether 15% or less) is to increase the amount of land within the Green Belt which would be required to be allocated for development, as there are no alternative nonGreen Belt brownfield sites in South Tyneside which could otherwise be allocated. This would require exceptional circumstances to be demonstrated to facilitate the additional housing requirement generated by the buffer. Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt’s purposes. It is considered unlikely that exceptional circumstances for Green Belt release of land to provide a buffer could be demonstrated in these circumstances.” (our emphasis)

Whilst we have already previously stated that this does not provide justification to remove the buffer, it is also evident that it is possible to allocate additional sites that would not result in high or very high harm in the Green Belt, as based on the Council’s 2023 Green Belt study.

This focus on keeping housing numbers down and avoiding Green Belt release means very little consideration has been given to other important matters, including the chronic need for affordable housing, growth and support for local services in villages to allow them to thrive, and current/past significant under delivery of housing.

As currently drafted policy SP7 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

Review the Green Belt Study and how this has influenced the assessment of housing need and approach to site selection, including the SHLAA and Site Selection Topic Paper.

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

Yes, to take part in the discussion in trying to understand the Council’s approach and justification to the draft policy.

Include additional site allocations, including land south of Kitchener Road and east of Lizard Lane, Whitburn.

## 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:

No

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.:

This draft allocation is proposing to remove additional land from the Green Belt, to deliver up to 1200 homes on land south of Fellgate as a sustainable urban extension. The policy states that the development is required to be comprehensively master planned through the Fellgate Sustainable Growth Area Supplementary Planning Document. The supporting text describes the strategic allocation as “representing a unique opportunity within South Tyneside to deliver an exemplary new community”.

In order to support the proposed capacity, the Council’s evidence base includes the Fellgate Sustainable Growth Area Supplementary Planning Document (Fellgate SPD): Site Capacity and Opportunities Paper (2024).

A large proportion of this report reviews existing densities in several wards across South Tyneside before considering development scenarios based on a range of densities. The report then goes on to include some very high-level opportunity and constraints analysis, and an indicative block plan. The report concludes by referring to the importance of placemaking and referencing design guidance.

We are concerned that the report lacks any real substance. It includes no reference to detailed supporting studies, such as drainage, highways, viability, ground investigations and ecology (including habitat). It is also unclear how the Local Plan’s requirement for the development to be ‘exemplary’ will be met. We would assume that this would be applied to all elements of the scheme, including the approach to biodiversity net gain, design, sustainable drainage, etc.

Many of the terms used within the report lack certainty. For example:

- The Site Capacity Calculator at section 3.2 of the report used to determine the “approximate” site capacity, the “approximate” number of units, and the “Indicative Site Capacity”.

- The table used to calculate the net developable area at section 3.2.2 estimates the size of the required Strategic Road Network as “approx. 10% site area”, suggests that “Additional SUDS could be provided within the open space provision..”.

This lack of certainty in the terminology used is a recurring theme throughout the Fellgate SPD and policy SP8. This is a concern when considering its strategic importance in meeting the housing need. Any minor deviation from the very optimistic and relatively uninformed assumptions is going to result in the plan failing.

No allowance appears to have been made to address the requirements for meeting biodiversity net gain on-site., with no reduction being applied to the net developable area.

There is also limited information on phasing and delivery. It is known that the site involves several landowners, which will all have separate requirements that will have changed since the removal of the previously proposed safeguarded land. The Fellgate SPD makes no reference to any legal agreement between the various landowners to deliver the development. Indeed, it would appear that any attempt to masterplan the site is being driven forward by the Council, with it being unclear as to the level of input from others.

The Fellgate SPD also fails to address viability. For example, it is reliant on delivering 5 hectares of development at 50 dwellings per hectare, and 20 hectares of development at 35 dwellings per hectare. However, it is unclear how the market area would support these densities. The reality is that the density is going to be lower, with densities more likely to be in line with the sites allocated under policies SP5 and SP6 (i.e. up to approximately 30 dwellings per hectare).

Whilst a 40m buffer has been used to account for the power line extending throughout the site, there is no consideration of its impact on the wider layout (noting the requirement for it to be exemplary) and value/attractiveness of properties that will still look onto it. We would also query the quality of the open space that runs alongside and underneath the line. The image used in section 3.3.5 of the Fellgate SPD does not inspire confidence of the envisaged quality of space that it is being considered.

There is clearly going to be a significant amount of infrastructure required to deliver housing on the proposed Fellgate site. Alongside this, there is a requirement to deliver 25% affordable housing in a relatively low value area, alongside other pressures on viability highlighted previously (e.g. biodiversity net gain, achieving an ‘exemplary’ development). This adds to the concern over deliverability.

The Fellgate SPD makes very little reference to the important consideration of highway impact. The only reference is to indicate the indicative locations of the vehicular access points. However, there is no consideration of the significant investment that will be required to increase the capacity of the wider strategic road network (e.g. White Mare Pool junction). We have reviewed other documents in the supporting evidence base and these also fail to provide any certainty on this matter. For example, the Infrastructure Delivery Plan (2024) notes that,

“As part of the Local Plan process, National Highways has modelled the impact of the Local Plan development to 2040 and has established that the highway infrastructure is insufficient to accommodate the anticipated increase in traffic on the strategic road network (SRN). Therefore, the following

additional schemes will be required to adequately mitigate the impact of the plan to 2040:

- Southbound A19 Lane Gain / Lane Drop between Southern Portal of Tyne Tunnel and Lindisfarne junctions.
- Major Scheme Improvements to A194(M) / A184 / White Mare Pool junction.

With respect to the proposed strategic housing allocation: Fellgate Sustainable Growth Area, the Council, working in partnership with National Highways, is also seeking to encourage modal transfer to active travel and public transport modes in order to minimise trip generation by the private car.

The Council and National Highways are working together to further develop a delivery plan for the implementation of these measures and any further schemes which may be required to mitigate the plan. Details of this will be included in a Memorandum of Understanding between the two parties”.

An understanding of how, and when, to address this significant highway impact is a basic requirement of informing the deliverability of the proposed development. The fact that this key consideration has not been addressed is another example of uncertainty with the allocation.

Following the removal of several other allocations since the regulation 18 version of the plan, the Council is now very reliant on delivery from this large strategic allocation. This reduction in the number of sites and greater focus on a single market location, significantly reduces flexibility and increases the risk that the plan will fail.

As currently drafted policy SP8 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

Following the removal of several other allocations since the regulation 18 version of the plan, the Council is now very reliant on delivery from this large strategic allocation. This reduction in the number of sites and greater focus on a single market location, significantly reduces flexibility and increases the risk that the plan will fail.

Due to the lack of certainty, the approximate amount of housing that is envisaged to come forward through this allocation needs to be significantly reduced.

As a consequence, additional housing sites will need to be allocated elsewhere.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy SP15: Climate Change

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:

No

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.:

Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment.

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.:

Ensure that the policy is consistent with national policy and guidance unless clear and up to date evidence justifies otherwise.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 5: Reducing energy consumption and carbon emissions

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:

No

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.:

Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment

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.:

Ensure that the policy is consistent with national policy and guidance unless clear and up to date evidence justifies otherwise.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 6: Renewables and Low Carbon Energy Generation

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:

No

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.:

Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment.

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.:

Ensure that the policy is consistent with national policy and guidance unless clear and up to date evidence justifies otherwise.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## 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:

Yes

Support or Object - Sound:

No

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.:

There is significant concern that the Council is not doing enough to identify and allocate housing sites to meet the minimum housing needs over the plan period.

Much greater flexibility needs to be incorporated into the plan, alongside an increase to the housing requirement. As currently drafted, the Council is heading towards the situation they currently find themselves in, which is a chronic under supply and failure to deliver a sufficient amount of housing.

The Competition and Market Authority's (CMA) recently published Housebuilding Market Study (February 2024) supports this point. Appendix H of the report reviews 'further evidence from 26 local areas', including South Tyneside, which states,

"In South Tyneside, the evidence shows that the internal documents mention different competitor developments that have been live/are live in this area. However, recent new-build developments have been limited because of a lack of developable land (CMA's analysis of the land use data from ONS finds that 38 per cent the land in the LA area is green belt land) and due to a lack of planning applications being granted in some areas. Based on this information, we do not find there to be local competition concerns due to lack of different competitors being present. The local concentration concerns appear in part due to a lack of available developable and permissioned land."

The above goes to reinforce the need for flexibility.

Of significant concern is criterion 9 of this policy, which relates to the contingency measures where supply or delivery is projected to fall below the housing requirements. The supporting text expands on this at paragraph 8.16, where it states,

"If it becomes apparent that a five-year deliverable supply cannot be evidenced or that housing delivery is falling below the thresholds prescribed by the Housing Delivery Test over a rolling three year period, the Council will implement remedial action(s) to address any shortfalls. Depending upon the scale and nature of either under supply or under delivery, actions may include:

- Formally implementing those measures as required by the Housing Delivery Test.
- Drawing upon more up to date supply information from the SHLAA, Brownfield Register and Employment Land Review to identify additional housing sites that are consistent with the Plan's policies.
- A partial and early review of the Plan to release additional land for new homes. This may include further consideration of releasing additional land from the Green Belt, should exceptional circumstances be met." (our emphasis).

This is an acknowledgment that there is a very realistic chance that the constrained supply of housing will require further release from the Green Belt in order to provide a deliverable supply of housing. If the Council was confident that the plan currently under preparation was sufficiently flexibly enough to meet the identified housing requirement, there would not be a requirement to introduce such a drastic contingency measure, which runs counter to the requirement of paragraph 145 of the NPPF, which states that "strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period."

As currently drafted policy SP9 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

As currently drafted, the Council is heading towards the situation they currently find themselves in, which is a chronic under supply and failure to deliver a sufficient amount of housing.

Much greater flexibility needs to be incorporated into the plan, alongside an increase to the housing requirement.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

### Policy 13: Windfall and Backland Sites

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:

No

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 wording of this policy restricts windfall development to sites that are previously developed or "is a small infill site within the main urban area". This would potentially restrict any windfall development in the areas of Boldons, Cleadon and Whitburn village. We make the point noting that there are varying descriptions and references to the 'main urban area' throughout the draft Local Plan. For example, paragraph 2.5 states, "The area of Boldons, Cleadon and Whitburn village are separated from the main urban areas, and each other, by farmland..". In contrast, the Main Urban Area shown on Map 3 includes the built areas of the Boldons, Cleadon and Whitburn village as the 'main urban area'. Clarity is therefore required.

The supporting text to the policy focuses on the negative impacts of windfall development, rather than the benefits. It includes a cautious tone towards windfall development, noting that 'spacious nature and low density of some of South Tyneside's suburbs has led to development pressure for the intensification of existing housing areas through development of backland plots. This can have a significant impact on local distinctiveness and heritage significance by eroding the unique character that makes these places special, particularly if the principles of good design are not considered'.

We highlight this point, as we note that the Council is reliant upon the delivery of windfall sites in meeting the housing need, alongside a proposal to increase the density of development throughout the Borough (we assume this would include housing allocations). Draft policy 14 (Housing Density) requires minimum densities to be applied to housing schemes dependent on their proximity to defined town, district and local centres or Metro stations. The densities listed range from 35 dwellings per hectares up to 60 dwellings per hectare.

The cautious tone towards windfall sites in the draft Local Plan infers that there is recognition that there is a conflict in approach to the delivery of higher densities within urban areas, and recognition that in reality there will be significant pressures at planning application stage to lower the density of development in the majority of sites that come forward for development. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

The draft South Tyneside Density Study (2023) has been used by the Council to support their approach to density requirements, however we do not consider that it provides confidence that the required densities will be delivered. This is based on the following reasons:

- The findings in the density study are based on a sample of 24 sites that received planning permission between 2015-2023, which is a relatively small sample and short period of time. This small sample combined with the recent lack of housing delivery means that the results can be skewed.
- The study also compares this sample to the Council's previous 2018 study, which identified an overall average density of 40 dwellings per hectare. This is significantly lower than the overall average density of 66 dwellings per hectare in the 2018 study. The density study suggests that this comparison shows that there is "clear trend is present that the new developments in the borough have a higher average density than those in 2018". However, this is not necessarily a trend, it is simply a difference between the two periods of time that could have been influenced by any number of factors. In reality, there has not been any significant change in planning policy context in relation to housing density between 2018 and 2023. There is no justification to simply discount the average density of development achieved up to 2018.
- The densities used to assess the 24 sample sites included in the density study are based on 'net' site areas. However, draft policy 13 makes no reference to 'net' site areas. It simply requires the densities to be applied to sites for housing development.

This reinforces our earlier concerns that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations.

As currently drafted policies 13 and 14 are not considered to be sound because they are not justified or consistent with the requirements of national policy.

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.:

Clarify the approach to windfall housing in the main urban area.

There is concern that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 14: Housing Density

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:

No

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 wording of this policy restricts windfall development to sites that are previously developed or "is a small infill site within the main urban area". This would potentially restrict any windfall development in the areas of Boldons, Cleadon and Whitburn village. We make the point noting that there are varying descriptions and references to the 'main urban area' throughout the draft Local Plan. For example, paragraph 2.5 states, "The area of Boldons, Cleadon and Whitburn village are separated from the main urban areas, and each other, by farmland...". In contrast, the Main Urban Area shown on Map 3 includes the built areas of the Boldons, Cleadon and Whitburn village as the 'main urban area'. Clarity is therefore required.

The supporting text to the policy focuses on the negative impacts of windfall development, rather than the benefits. It includes a cautious tone towards windfall development, noting that 'spacious nature and low density of some of South Tyneside's suburbs has led to development pressure for the intensification of existing housing areas through development of backland plots. This can have a significant impact on local distinctiveness and heritage significance by eroding the unique character that makes these places special, particularly if the principles of good design are not considered'.

We highlight this point, as we note that the Council is reliant upon the delivery of windfall sites in meeting the housing need, alongside a proposal to increase the density of development throughout the Borough (we assume this would include housing allocations). Draft policy 14 (Housing Density) requires minimum densities to be applied to housing schemes dependent on their proximity to defined town, district and local centres or Metro stations. The densities listed range from 35 dwellings per hectares up to 60 dwellings per hectare.

The cautious tone towards windfall sites in the draft Local Plan infers that there is recognition that there is a conflict in approach to the delivery of higher densities within urban areas, and recognition that in reality there will be significant pressures at planning application stage to lower the density of development in the majority of sites that come forward for development. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

The draft South Tyneside Density Study (2023) has been used by the Council to support their approach to density requirements, however we do not consider that it provides confidence that the required densities will be delivered. This is based on the following reasons:

- The findings in the density study are based on a sample of 24 sites that received planning permission between 2015-2023, which is a relatively small sample and short period of time. This small sample combined with the recent lack of housing delivery means that the results can be skewed.
- The study also compares this sample to the Council's previous 2018 study, which identified an overall average density of 40 dwellings per hectare. This is significantly lower than the overall average density of 66 dwellings per hectare in the 2018 study. The density study suggests that this comparison shows that there is "clear trend is present that the new developments in the borough have a higher average density than those in 2018". However, this is not necessarily a trend, it is simply a difference between the two periods of time that could have been influenced by any number of factors. In reality, there has not been any significant change in planning policy context in relation to housing density between 2018 and 2023. There is no justification to simply discount the average density of development achieved up to 2018.
- The densities used to assess the 24 sample sites included in the density study are based on 'net' site areas. However, draft policy 13 makes no reference to 'net' site areas. It simply requires the densities to be applied to sites for housing development.

This reinforces our earlier concerns that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations.

As currently drafted policies 13 and 14 are not considered to be sound because they are not justified or consistent with the requirements of national policy.

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.:

There is concern that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

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



Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 18: Affordable Housing

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:

No

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 SHMA identifies a "considerable need for affordable housing which reflects an increase in homelessness, interest rates rises affecting households and the overall cost of living crisis". This 'considerable' need equates to 362 affordable houses each year, which has increased from the 209 affordable houses identified in the previous SHMA (2021). This now exceeds the standard method calculation of 309 houses required each year.

The Government's recently published Local Authority Housing Return 2022-2023 further supports this chronic need for affordable housing, reporting a current waiting list of 9,749 households against a total of 25 new affordable homes being granted planning permission during the year 2022-23.

The SHMA proposes a target mix for sites to deliver 75% market housing and 25% affordable housing. Policy 18 includes a range of target thresholds for affordable housing, ranging from 10% in South Shields and Jarrow, 15% in Hebburn, 20% in Boldon and Boldon Colliery, 25% in East Boldon and Whitburn Village, and 30% in Cleadon.

Paragraph 8.50 in the supporting text to policy 18 refers to the SHMA, and states that it does not recommend an uplift to the total housing requirement as it recognises the Council is taking positive steps towards increasing the affordable housing offer in the borough, such as delivering affordable homes through South Tyneside Homes.

There is clearly a significant amount of hope and expectation that South Tyneside Homes will make a meaningful contribution towards going a small way towards meeting the desperate need for affordable housing, however we are not able to find any reference to any form of strategy by South Tyneside Homes to deliver this.

To get an understanding of how the Local Plan as drafted will contribute towards the delivery of affordable housing, we have applied the affordable housing thresholds (e.g. 10%) to the proposed housing allocations in the table below.

See table in attached pdf version of submitted representations.

The above table demonstrates the following:

- The sites allocated in the main urban area (policy SP4) will only deliver a small amount of affordable dwellings (86) over the plan period. This equates to meeting the affordable housing need that will be generated over a 3-month period (based on an annual affordable need of 362 dwellings per year). This is also on the assumption that the very high densities and indicative capacities are delivered and the amount of affordable housing is not reduced following viability arguments. In reality, a smaller amount of the 86 units will be delivered.
- The SP5 and SP6 allocations are also located within the main urban area where the affordable housing threshold is 10%. Whilst the allocations are relatively large, the sites would only deliver 34 units based on the indicative thresholds.
- The Urban and Village Sustainable Growth Area allocations (GA1 – GA6) would deliver a much greater amount of affordable units (258). The main reason for this is the higher affordable housing thresholds. These six allocations would deliver approximately 40% of the affordable housing, even when taking into account the Fellgate allocation.
- The Fellgate allocation is estimated to deliver 300 affordable units, based on an indicative capacity of 1200 dwellings.
- If all the allocated sites were to be delivered in line with their indicative capacities, they could deliver to 678 affordable dwellings. This would equate to meeting the affordable housing need that will be generated over a 20-month period.
- Viability continues to be tight and increasingly challenging, as confirmed in the supporting Viability Assessment Update 2023, when compared with the earlier 2021 version.
- The 648 affordable dwellings equates to approximately 18% of the total amount of housing allocation (3,498). In comparison the SHMA recommends that an overall target of 25% affordable housing should be applied.

The above analysis supports the view that the most effective way to deliver much needed additional affordable housing would be to allocate additional sites in the Urban and Village Sustainable Growth Area.

It is essential that this is done to deliver affordable housing. The Council must increase its annual housing requirement to be more effective in meeting this need, which is specified by the Planning Practice Guidance (PPG Reference ID: 67-008-20190722 and Reference ID: 2a-024-20190220) as being a mechanism to help deliver affordable homes. It is not enough to simply rely upon South Tyneside Homes.

As currently drafted policy 18 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the

requirements of national policy.

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.:

Our analysis supports the view that the most effective way to deliver much needed additional affordable housing would be to allocate additional sites in the Urban and Village Sustainable Growth Area. It is essential that this is done to deliver affordable housing.

The Council must also increase its annual housing requirement to be more effective in meeting this need.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 20: Technical Design Standards for New Homes

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:

No

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.:

Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment.

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.:

Ensure that the policy is consistent with national policy and guidance unless clear and up to date evidence justifies otherwise.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## 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:

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.:

The policy states that biodiversity net gain shall be secured and delivered in accordance with the statutory framework. Only where ecologically appropriate biodiversity net gain is demonstrated not to be deliverable on-site, applicants shall prioritise the delivery of Biodiversity Net Gain off-site in accordance with the Council's locational hierarchy.

Whilst biodiversity net gain has only recently become a mandatory requirement, many local authorities had already started to apply its requirements to housing developments. Our experience has seen a pressure from local authorities to request that schemes are amended to deliver as much of the net gain requirement on-site as possible. This has subsequently had impacts on density, viability and deliverability. It is therefore inevitable that the

requirement to deliver biodiversity net gain will impact on the anticipated housing numbers (e.g. indicative thresholds used by the local authority in their housing allocations, and minimum densities required on allocated and windfall sites), thereby creating significant uncertainty on the plan's effectiveness to meet the standard method's minimum housing need, and another reason to allocate additional housing sites.

As currently drafted policy 35 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

The plan needs a more realistic acknowledgment of the impact of biodiversity net gain on meeting the housing need, in terms of density of development, viability and deliverability.

Allocate additional housing sites.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Your personal details

What is your name?

Name:

Kevin Ayrton - ELG Planning (on behalf of Story Homes)

What is your email address?

Email address:

[REDACTED]

Who are you responding as?

Agent

Organisation:

on behalf of Story Homes

What is your postal address?

Address:

[REDACTED]

## Response ID ANON-TJBH-TDS2-5

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-01 18:53:39

### 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:

Yes

Support or Object - Sound:

No

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.:

Criterion 2 of policy SP2 states that the Plan will deliver at least 5,243 new homes and create sustainable mixed communities by 2040, which equates to 309 dwellings every year. Our client supports the inclusion of the wording 'at least', which they requested in the representations at regulation 18 stage.

Paragraph 4.9 of the supporting text confirms that the household projections that inform the housing baseline are the 2014-based household projections, which could change upwards or downwards based on new data. Therefore the housing requirement will not be 'locked in' until the Plan is submitted for examination.

The most recent Strategic Housing Market Assessment (SHMA – November 2023) confirms that the 309 annual housing requirement that has been established by the standard method does not incorporate any uplift in relation to growth strategy, infrastructure improvements, or job growth (circumstances are listed under Paragraph: 010 Reference ID: 2a-010-20201216 of the Planning Practice Guidance). Neither does it include any uplift to help meet the chronic need for affordable housing, which will be discussed later.

In Story's previous regulation 18 submission, concerns were raised with how the Local Plan would meet previously unmet housing need for the years prior to the plan period. In this context, the Council has continuously failed to deliver enough homes in 2018/19, 2019/20, 2020/21, collectively amounting to a shortfall of 236 homes. Since then, the 2022 measurement has been published, which confirmed the Council failed to deliver 114 of the required homes in 2021/22. This means that the Council has failed the Housing Delivery Test for six consecutive years. This totals 350 homes, which is greater than a planned year's housing delivery.

The SHMA (2023) confirms that over the past 9 years (2014/15 to 2022/23) the net housing delivery rate has been 303 each year, compared with an average housing target of 348 over this period. It is unclear how this pent-up demand and anticipated under delivery within the first year of the plan period is being addressed.

The regulation 18 version of the Local Plan proposed a 15% buffer to the calculated housing requirement, with the following justification set out in the Council's Green Belt Review Exceptional Circumstances report (2022):

"At this early stage of plan preparation, the Council is proposing to factor in a 15% buffer so that it can ensure there is sufficient flexibility for site options to be explored, and to ensure that enough sites have been allocated. Providing this level of headroom above the requirement provides the Plan with flexibility and ensures that if there is a degree of slippage over the Plan period, then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This ensures the plan is both positively prepared and effective (as required by the NPPF) and as such amounts to an exceptional circumstance that justifies amending the Green Belt."

However, the regulation 19 version has removed any reference or discussion around the need for a buffer. This is despite the continued need for flexibility and ensuring that if there is a degree of slippage (past housing delivering record clearly suggests that there will) then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This concern is considered in further detail below in relation to draft policy SP16.

Whilst there is no reference to the buffer in the draft Local Plan, prior to the opening of the current regulation 19 consultation, a report was taken to the Council's Executive committee seeking approval of the draft local plan so that it could be consulted upon thereafter. The report includes a discussion on the removal of the 15% buffer, where it states,

"At Regulation 18 Consultation we proposed that a 15% buffer be applied to the housing requirement to provide flexibility. The effect of applying any buffer (whether 15% or less) is to increase the amount of land within the Green Belt which would be required to be allocated for development, as there are no alternative nonGreen Belt brownfield sites in South Tyneside which could otherwise be allocated. This would require exceptional circumstances to be demonstrated to facilitate the additional housing requirement generated by the buffer. Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes. It is considered unlikely that exceptional circumstances for Green Belt release of land to provide a buffer could be demonstrated in these circumstances. Accordingly, we propose to no longer apply the buffer. In addition, proposals to safeguard and remove from the Green Belt land at South

of Fellgate beyond the land to be allocated as a Sustainable Growth Area, are not now being taken forward.

Within the context of the proposed NPPF amendments, Officers consider that the amendments proposed within the Regulation-19 Publication draft Local Plan represents a sufficient level of Green Belt release to meet our Objectively Assessed Need. The further inclusion of a Buffer and Safeguarded land would result in the further alteration of Green Belt boundaries which would go beyond meeting our identified needs for the plan period."

This approach appears to be introducing an additional test following the meeting of the exceptional circumstances test. Such an approach is unjustified. There can be no doubt that the exceptional circumstances required to justify changes to the Green Belt have been demonstrated. It is unclear why the Council is then using the Green Belt to try and justify the removal of their previously stated need for a buffer. Arguably, the existence of the Green Belt and its inherent inflexibility, increases the justification for a buffer, noting paragraph 145 of the NPPF, which states that "strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period."

Rather than removing the 15% buffer, the evidence would support the need to increase the buffer to 20%, given the chronic historic under-delivery and reliance on a large strategic allocation to deliver a significant part of the planned housing supply over the plan period.

As currently drafted policy SP2 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

Include 20% buffer to housing requirement given the chronic historic under-delivery and reliance on a large strategic allocation to deliver a significant part of the planned housing supply over the plan period.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification for the draft policy.

### 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:

No

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.:

Criterion 2 of this draft policy states that in order to meet the identified strategic needs of the Borough and to facilitate sustainable growth the Plan will (amongst others) 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. This is consistent with paragraph 83 of the NPPF, which requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services.

The supporting text states that constraints have limited the amount of land available for allocation. However, this not a reflection of the fact that there is additional land available, including land north of Cleadon Lane. This is supported by the fact that the regulation 18 version of the Local Plan included more allocations, which the Council considered to be sound at the time of allocating them.

The supporting text also states that the distribution of housing reflects the availability of suitable land for new housing in the borough. Again, this is not a reflection of the fact that land is available for development, including land north of Cleadon Lane, which is not only able to deliver housing promptly, but in way that can make a positive contribution to key issues in the borough, most notably the need for affordable housing.

As set out in Story's previous representations at regulation 18 stage, there was no amendment to the Green Belt boundary when the current Development Plan was adopted and the only notable developments in Whitburn in recent years have come forward on the Rifle Range site (42 dwellings, including 11 affordable housing units) and the former Bath House and Canteen site (Thill Stone Mews) (9 dwellings, with no affordable housing (based on the supporting Planning Statement)).

The spatial distribution strategy therefore needs updating to provide greater clarity on how it will help deliver the plan's strategic aims, including the securing of the sustainability and vitality of the village of Whitburn.

Criterion 4 of the draft policy acknowledges the need to amend the Green Belt boundary to allocate Urban and Village sustainable growth areas. The

supporting text notes that there is an acute shortage of available, suitable, and deliverable brownfield land in South Tyneside. It goes on to conclude that exceptional circumstances for amending the Green Belt exist. Story Homes supports this Council on this conclusion.

However, due to the earlier concerns, draft policy SP2 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

The supporting text states that constraints have limited the amount of land available for allocation. However, this not a reflection of the fact that there is additional land available, including land north of Celadon Lane. Needs to recognise that there is additional land available.

The spatial distribution strategy needs updating to provide greater clarity on how it will help deliver the plan’s strategic aims, including the securing of the sustainability and vitality of the village of Whitburn.

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

Yes, to take part in the discussion in trying to understand the Council’s approach and justification for the draft policy.

Policy SP4: Housing Allocations in the Main Urban 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:  
No

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 indicative capacities of the sites allocated under policy SP4 are taken from the SHLAA (2023) Site Assessments. The SHLAA confirms that it has estimated the housing potential of each site assessed by applying the densities included in the South Tyneside Density Study (2023), which range from 35 dwellings per hectare up to 60 dwellings per hectare. This is unless there is other known information on site capacity available (e.g. planning application).

The SHLAA Site Assessments have also included the Estimated Developable Area (i.e. net developable area) when calculating the indicative capacities.

The majority of the 25 sites allocated in the Main Urban Area include an indicative capacity that is well in excess of 30 dwellings per hectare, as set out in the revised version of the table below.

See table in attached pdf version of submitted representations.

Considering the numerous demands and requirements that are now placed on housing sites, which include biodiversity net gain, national space standards, private amenity space standards, parking (cycle and car), accessibility standards, and building efficiency standards, we have doubts that the indicative capacities will actually be delivered.

In forming this view, we note that the Council’s South Tyneside Site Framework (2023) document, which provide a relatively detailed indicative layout based on an appraisal of constraints and opportunities for the proposed Urban and Village Growth Areas, includes indicative capacities, the majority of which are well below 30 dwellings per hectare.

The table below also summarises the estimated density of development for the proposed SP5 and SP6 allocations. These would appear to be more realistic when compared with the policy SP4 sites.

See table in attached pdf version of submitted representations.

As highlighted in the submissions at regulation 18 stage, our client maintains their concerns about the delivery and viability of some of the sites that have been included as proposed allocations in policies SP4, SP5 and SP6. These concerns include:

- The vast majority (all but 2-3 of the 27) of proposed allocations under policies SP4, SP5 and SP6 are owned or controlled by South Tyneside Council. It needs to be demonstrated that proposed sites are deliverable, or at the very least, developable. There is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council’s procedure and timescales for site disposal may impact on the rate that these sites can be delivered within the plan period.



- The proposed allocations (SP5 and SP6) continue to include land which are existing playing fields. Both policies require the loss of playing fields to be mitigated, however this has yet to be agreed. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields. Sport England objected to the allocations at regulation 18 stage, and will undoubtedly object again at this stage.

- The majority of the dwellings allocated by these sites are identified to come forwards after the first five years of the plan period. Therefore, most of the sites only satisfy the lower bar 'developable' test.

As the Council cannot be confident in the immediate delivery, we consider that there is a clear need to release more land from the Green Belt and allocate more sites for housing in order to meet the housing requirement and to maintain a sufficient supply of housing.

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.:

Apply more realistic indicative densities to proposed housing allocations.

Increase the amount of proposed housing allocations to meet the housing requirement and to maintain a sufficient supply of housing.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

### Policy SP5: Former Brinkburn Comprehensive School

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:

No

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 indicative capacities of the sites allocated under policy SP4 are taken from the SHLAA (2023) Site Assessments. The SHLAA confirms that it has estimated the housing potential of each site assessed by applying the densities included in the South Tyneside Density Study (2023), which range from 35 dwellings per hectare up to 60 dwellings per hectare. This is unless there is other known information on site capacity available (e.g. planning application).

The SHLAA Site Assessments have also included the Estimated Developable Area (i.e. net developable area) when calculating the indicative capacities.

The majority of the 25 sites allocated in the Main Urban Area include an indicative capacity that is well in excess of 30 dwellings per hectare, as set out in the revised version of the table below.

See table in attached pdf version of submitted representations.

Considering the numerous demands and requirements that are now placed on housing sites, which include biodiversity net gain, national space standards, private amenity space standards, parking (cycle and car), accessibility standards, and building efficiency standards, we have doubts that the indicative capacities will actually be delivered.

In forming this view, we note that the Council's South Tyneside Site Framework (2023) document, which provide a relatively detailed indicative layout based on an appraisal of constraints and opportunities for the proposed Urban and Village Growth Areas, includes indicative capacities, the majority of which are well below 30 dwellings per hectare.

The table below also summarises the estimated density of development for the proposed SP5 and SP6 allocations. These would appear to be more realistic when compared with the policy SP4 sites.

See table in attached pdf version of submitted representations.

As highlighted in the submissions at regulation 18 stage, our client maintains their concerns about the delivery and viability of some of the sites that have been included as proposed allocations in policies SP4, SP5 and SP6. These concerns include:

- The vast majority (all but 2-3 of the 27) of proposed allocations under policies SP4, SP5 and SP6 are owned or controlled by South Tyneside Council. It needs to be demonstrated that proposed sites are deliverable, or at the very least, developable. There is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council's procedure and timescales for site disposal may impact on the rate that these sites can be delivered

within the plan period.

- The proposed allocations (SP5 and SP6) continue to include land which are existing playing fields. Both policies require the loss of playing fields to be mitigated, however this has yet to be agreed. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields. Sport England objected to the allocations at regulation 18 stage, and will undoubtedly object again at this stage.
- The majority of the dwellings allocated by these sites are identified to come forwards after the first five years of the plan period. Therefore, most of the sites only satisfy the lower bar 'developable' test.

As the Council cannot be confident in the immediate delivery, we consider that there is a clear need to release more land from the Green Belt and allocate more sites for housing in order to meet the housing requirement and to maintain a sufficient supply of housing.

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.:

Apply more realistic indicative densities to proposed housing allocations.

Increase the amount of proposed housing allocations to meet the housing requirement and to maintain a sufficient supply of housing.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

### Policy SP6: Land at former Chuter Ede Education Centre

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:

No

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 indicative capacities of the sites allocated under policy SP4 are taken from the SHLAA (2023) Site Assessments. The SHLAA confirms that it has estimated the housing potential of each site assessed by applying the densities included in the South Tyneside Density Study (2023), which range from 35 dwellings per hectare up to 60 dwellings per hectare. This is unless there is other known information on site capacity available (e.g. planning application).

The SHLAA Site Assessments have also included the Estimated Developable Area (i.e. net developable area) when calculating the indicative capacities.

The majority of the 25 sites allocated in the Main Urban Area include an indicative capacity that is well in excess of 30 dwellings per hectare, as set out in the revised version of the table below.

See table in attached pdf version of submitted representations.

Considering the numerous demands and requirements that are now placed on housing sites, which include biodiversity net gain, national space standards, private amenity space standards, parking (cycle and car), accessibility standards, and building efficiency standards, we have doubts that the indicative capacities will actually be delivered.

In forming this view, we note that the Council's South Tyneside Site Framework (2023) document, which provide a relatively detailed indicative layout based on an appraisal of constraints and opportunities for the proposed Urban and Village Growth Areas, includes indicative capacities, the majority of which are well below 30 dwellings per hectare.

The table below also summarises the estimated density of development for the proposed SP5 and SP6 allocations. These would appear to be more realistic when compared with the policy SP4 sites.

See table in attached pdf version of submitted representations.

As highlighted in the submissions at regulation 18 stage, our client maintains their concerns about the delivery and viability of some of the sites that have been included as proposed allocations in policies SP4, SP5 and SP6. These concerns include:

- The vast majority (all but 2-3 of the 27) of proposed allocations under policies SP4, SP5 and SP6 are owned or controlled by South Tyneside Council. It

needs to be demonstrated that proposed sites are deliverable, or at the very least, developable. There is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council's procedure and timescales for site disposal may impact on the rate that these sites can be delivered within the plan period.

- The proposed allocations (SP5 and SP6) continue to include land which are existing playing fields. Both policies require the loss of playing fields to be mitigated, however this has yet to be agreed. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields. Sport England objected to the allocations at regulation 18 stage, and will undoubtedly object again at this stage.

- The majority of the dwellings allocated by these sites are identified to come forwards after the first five years of the plan period. Therefore, most of the sites only satisfy the lower bar 'developable' test.

As the Council cannot be confident in the immediate delivery, we consider that there is a clear need to release more land from the Green Belt and allocate more sites for housing in order to meet the housing requirement and to maintain a sufficient supply of housing.

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.:

Apply more realistic indicative densities to proposed housing allocations.

Increase the amount of proposed housing allocations to meet the housing requirement and to maintain a sufficient supply of housing.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

#### 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:

Yes

Support or Object - Sound:

No

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.:

Beyond the whole urban area, it is proposed to allocate a total of 6 sites (indicative capacity of 1,108 dwellings) within the whole of South Tyneside. The previous regulation 18 version proposed a total of 12 sites (indicative capacity of 1,862 dwellings), so a reduction by 6.

The strategic spatial policy (i.e. policy SP3) does not include a specific number or percentage of development that needs to be delivered at each of the South Tyneside settlements (e.g. 5% of overall housing requirement to be delivered at Cleadon), therefore it is unclear what criteria have been used to inform the distribution of allocations under this policy. Whilst the Local Plan and supporting evidence base does not appear to discuss this matter, the report that was taken to the Council's Executive committee seeking approval of the draft local plan included the following extract:

"Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes."

This would suggest that the SP7 allocations were wholly/largely determined on the outcome of the most recent (2023) Green Belt study and the view that any sites that were considered to have high/very high harm to the Green Belt cannot be allocated, irrespective of any other important planning benefits they may deliver (e.g. support for services in settlements as required by paragraph 83 of the NPPF, greater ability to deliver a higher proposed of affordable housing to meet the chronic need).

The findings from the 2023 Green Belt Review Site Assessment differ to the findings of the 2022 Green Belt Review Site Assessment as set out in the table below.

See table in attached pdf version of submitted representations.

The 2022 Assessment of land north of Cleadon Lane concluded that the development of the site would only have a 'moderate impact, which can be mitigated'.

The supporting notes to the 2022 assessment stated,

“Whilst this parcel is part of the western approach to the main historic core of the settlement of Whitburn, this has been somewhat eroded by mid-20th Century housing which lines the eastern boundary of the parcel. Views are further limited as the parcel is largely contained by tree belts and well established hedgerows. The boundary to the south is also contained by a main road. As such, the harm of development in relation to urban sprawl is largely contained. Whilst there are no biodiversity designations associated with this parcel, the open land and its associated hedgerows in this area support a wide range of farmland birds, many of which are priority species and/or high on the list of conservation concern. Lying within a green infrastructure corridor, this parcel contains a number of disused sports playing fields. However, the site is not in community use, and therefore it is considered that there would not be a loss in community sports provision.”

In contrast, the 2023 Green Belt study has increased the level of harm in relation to purposes 2 and 3, which is now considered to be high.

It is noted that the methodology in the 2022 Green Belt study confirmed that site visits were undertaken to assess all sites. In comparison, the methodology for the 2023 study confirms that the assessments were principally a desktop study, with site visits made to inform the general understanding of the spatial relationship between the settlements and countryside, and to assist with some specific judgements. This is fundamentally flawed as an approach.

The starting point for assessing sites in the 2023 Green Belt study also focus on larger parcels of land, rather than individual sites. In this instance, land north of Cleadon Lane forms part of parcel ref: WH5. Based on this initial assessment, it is understood that the study then went to assess harm that would result from the release of specific SHLAA sites within each parcel.

We are concerned that the findings between the 2022 and 2023 assessment have changed so significantly, when the only variable that has changed appears to be the inclusion of larger parcels of land in the assessment methodology and reduction in individual site visits. This concern with the findings is enhanced when considering that this report has heavily influenced site selection and the approach to housing need.

As set out in Story's previous representations at regulation 18 stage, it was considered that the findings of the 2022 Green Belt study could be amended to further reduce the considered level of harm against the purposes of the Green Belt. Therefore for the assessments to move in the other direction is a concern.

#### Site Selection Topic Paper (2024)

The purpose of this paper is to provide clarity and transparency on why sites have been allocated and why reasonable alternatives have not been selected. It builds upon (and references) the previous Site Selection Topic Paper that was prepared to support the regulation 18 version of the Local Plan.

Appendix 7 of the 2024 study relates to sites in Whitburn. The following assessment is included for land north of Cleadon Lane.

See table in attached pdf version of submitted representations.

This helpfully highlights the contrast between the 2022 conclusion, where the Council considered the site to have a moderate effect against the Green Belt objectives; and suitable, available and achievable as set out in the supporting SHLAA (2022). This allowed the conclusion to be formed that the site was considered to be a suitable site in a sustainable location.

In stark contrast, and despite and no material physical changes to the site and its relationship with Whitburn and the surrounding countryside, the updated Site Selection Topic Paper (2024) now concludes that the site is no longer considered suitable according to the SHLAA, and is considered to fall within an area of high harm in the Green Belt. A review of the SHLAA (2023) confirms that the site is not considered suitable, entirely due to the conclusions formed in a fundamentally flawed Green Belt study.

See table in attached pdf version of submitted representations.

No further explanation is provided for such a significant change in conclusion. Neither is there any discussion about the benefits of allocating the site, such as a minimum 25% contribution towards meeting the affordable housing need, and additional support in securing the sustainability and vitality of the village, which is a spatial strategic requirement of policy SP3.

As confirmed in the supporting Sustainability Appraisal, the village of Whitburn is a popular and accessible settlement, which:

- Is within 5km of Sunderland town centre;
- Accessible via bus networks, helping to reduce the need to travel by private motor vehicle; and
- Has a wider range of key community facilities.

The two Whitburn sites (SWH025 & SWH026) that are proposed to be allocated as sites GA5 and GA6 simply include the following comments in their Site Selection Topic Paper (2024) assessments.:

“The site was assessed as falling within an area of moderate harm in the Green Belt Study (2023).”

See table in attached pdf version of submitted representations.

Unlike land north of Cleadon Lane, which had no significant negative effects identified, the 2022 justifications for allocating the above sites (SWH025 & SWH026) noted that the Sustainability Appraisal identified ‘significant negative effects against SA (Sustainability Appraisal) objectives including biodiversity, landscape, source protection zone and mineral resources’. The updated Sustainability Appraisal (2024) continues to identify the significant negative effects associated with these sites, however there is no reference to this in the Site Selection Topic Paper (2024) assessments.

In comparison, the only negative effect included in the Sustainability Appraisal (2024) in relation to land north of Cleadon Road is based on the loss of Grade 3 agricultural land. However, Story's previous representations at regulation 18 stage confirmed that this was not an insurmountable constraint to developing the site, and noting that the site has not had an agricultural use for an extended period of time.

The above supports the view that the site selection process has been very significantly influenced by the unambitious housing targets and the amended findings in the 2023 Green Belt Study, which the Council has used as justification for not including any uplift in the housing need requirements and limiting the number of allocations. Very little consideration has been given to other important matters, including the chronic need for affordable housing, growth and support for local services in villages to allow them to thrive, and current/past significant under delivery of housing.

As currently drafted policy SP7 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

Review the Green Belt Study and how this has influenced the assessment of housing need and approach to site selection, including the SHLAA and Site Selection Topic Paper.

Include additional site allocations, including land north of Cleadon Lane, Whitburn.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

### 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:

No

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.:

This draft allocation is proposing to remove additional land from the Green Belt, to deliver up to 1200 homes on land south of Fellgate as a sustainable urban extension. The policy states that the development is required to be comprehensively master planned through the Fellgate Sustainable Growth Area Supplementary Planning Document. The supporting text describes the strategic allocation as "representing a unique opportunity within South Tyneside to deliver an exemplary new community".

In order to support the proposed capacity, the Council's evidence base includes the Fellgate Sustainable Growth Area Supplementary Planning Document (Fellgate SPD): Site Capacity and Opportunities Paper (2024).

A large proportion of this report reviews existing densities in several wards across South Tyneside before considering development scenarios based on a range of densities. The report then goes on to include some very high-level opportunity and constraints analysis, and an indicative block plan. The report concludes by referring to the importance of placemaking and referencing design guidance.

We are concerned that the report lacks any real substance. It includes no reference to detailed supporting studies, such as drainage, highways, viability, ground investigations and ecology (including habitat). It is also unclear how the Local Plan's requirement for the development to be 'exemplary' will be met. We would assume that this would be applied to all elements of the scheme, including the approach to biodiversity net gain, design, sustainable drainage, etc.

Many of the terms used within the report lack certainty. For example:

- The Site Capacity Calculator at section 3.2 of the report used to determine the "approximate" site capacity, the "approximate" number of units, and the "Indicative Site Capacity".
- The table used to calculate the net developable area at section 3.2.2 estimates the size of the required Strategic Road Network as "approx. 10% site area", suggests that "Additional SUDS could be provided within the open space provision..".

This lack of certainty in the terminology used is a recurring theme throughout the Fellgate SPD and policy SP8. This is a concern when considering its

strategic importance in meeting the housing need. Any minor deviation from the very optimistic and relatively uninformed assumptions is going result in the plan failing.

No allowance appears to have been made to address the requirements for meeting biodiversity net gain on-site., with no reduction being applied to the net developable area.

There is also limited information on phasing and delivery. It is known that the site involves several landowners, which will all have separate requirements that will have changed since the removal of the previously proposed safeguarded land. The Fellgate SPD makes no reference to any legal agreement between the various landowners to deliver the development. Indeed, it would appear that any attempt to masterplan the site is being driven forward by the Council, with it being unclear as to the level of input and cooperation from others.

The Fellgate SPD also fails to address viability. For example, it is reliant on delivering 5 hectares of development at 50 dwelling per hectare, and 20 hectares of development at 35 dwellings per hectare. However, it is unclear how the market area would support these densities. The reality is that the density is going to be lower, with densities more likely to be in line with the sites allocated under policies SP5 and SP6 (i.e. up to approximately 30 dwellings per hectare).

Whilst a 40m buffer has been used to account for the power line extending throughout the site, there is no consideration of its impact on the wider layout (noting the requirement for it to be exemplary) and value/attractiveness of properties that will still look onto it. We would also query the quality of the open space that runs alongside and underneath the line. The image used in section 3.3.5 of the Fellgate SPD does not inspire confidence of the envisaged quality of space that it being considered.

There is clearly going to be a significant amount of infrastructure required to deliver housing on the proposed Fellgate site. Alongside this, there is a requirement to deliver 25% affordable housing in a relatively low value area, alongside other pressures on viability highlighted previously (e.g. biodiversity net gain, achieving an 'exemplary' development). This adds to the concern over deliverability.

The Fellgate SPD makes very little reference to the important consideration of highway impact. The only reference is to indicate the indicative locations of the vehicular access points. However, there is no consideration of the significant investment that will be required to increase the capacity of the wider strategic road network (e.g. White Mare Pool junction). We have reviewed other documents in the supporting evidence base and these also fail to provide any certainty on this matter. For example, the Infrastructure Delivery Plan (2024) notes that,

"As part of the Local Plan process, National Highways has modelled the impact of the Local Plan development to 2040 and has established that the highway infrastructure is insufficient to accommodate the anticipated increase in traffic on the strategic road network (SRN). Therefore, the following additional schemes will be required to adequately mitigate the impact of the plan to 2040:

- Southbound A19 Lane Gain / Lane Drop between Southern Portal of Tyne Tunnel and Lindisfarne junctions.
- Major Scheme Improvements to A194(M) / A184 / White Mare Pool junction.

With respect to the proposed strategic housing allocation: Fellgate Sustainable Growth Area, the Council, working in partnership with National Highways, is also seeking to encourage modal transfer to active travel and public transport modes in order to minimise trip generation by the private car.

The Council and National Highways are working together to further develop a delivery plan for the implementation of these measures and any further schemes which may be required to mitigate the plan. Details of this will be included in a Memorandum of Understanding between the two parties".

An understanding of how, and when, to address this significant highway impact is a basic requirement of informing the deliverability of the proposed development. The fact that this key consideration has not been addressed is another example of uncertainty with the allocation.

Following the removal of several other allocations since the regulation 18 version of the plan, the Council is now very reliant on delivery from this large strategic allocation. This reduction in the number of sites and greater focus on a single market location, significantly reduces flexibility and increases the risk that the plan will fail.

As currently drafted policy SP8 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

Following the removal of several other allocations since the regulation 18 version of the plan, the Council is now very reliant on delivery from this large strategic allocation. This reduction in the number of sites and greater focus on a single market location, significantly reduces flexibility and increases the risk that the plan will fail.

Due to the lack of certainty, the approximate amount of housing that is envisaged to come forward through this allocation needs to be significantly reduced.

As a consequence, additional housing sites will need to be allocated elsewhere.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy SP15: Climate Change

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:

No

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.:

Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment.

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.:

Ensure that the policy is consistent with national policy and guidance unless clear and up to date evidence justifies otherwise.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 5: Reducing energy consumption and carbon emissions

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:

No

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.:

Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment

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.:

Ensure that the policy is consistent with national policy and guidance unless clear and up to date evidence justifies otherwise.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 6: Renewables and Low Carbon Energy Generation

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:

No

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.:

Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment.

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.:

Ensure that the policy is consistent with national policy and guidance unless clear and up to date evidence justifies otherwise.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## 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:

Yes

Support or Object - Sound:

No

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.:

There is significant concern that the Council is not doing enough to identify and allocate housing sites to meet the minimum housing needs over the plan period.

Much greater flexibility needs to be incorporated into the plan, alongside an increase to the housing requirement. As currently drafted, the Council is heading towards the situation they currently find themselves in, which is a chronic under supply and failure to deliver a sufficient amount of housing.

The Competition and Market Authority's (CMA) recently published Housebuilding Market Study (February 2024) supports this point. Appendix H of the report reviews 'further evidence from 26 local areas', including South Tyneside, which states,

"In South Tyneside, the evidence shows that the internal documents mention different competitor developments that have been live/are live in this area. However, recent new-build developments have been limited because of a lack of developable land (CMA's analysis of the land use data from ONS finds that 38 per cent the land in the LA area is green belt land) and due to a lack of planning applications being granted in some areas. Based on this information, we do not find there to be local competition concerns due to lack of different competitors being present. The local concentration concerns appear in part due to a lack of available developable and permissioned land."

The above goes to reinforce the need for flexibility.

Of significant concern is criterion 9 of this policy, which relates to the contingency measures where supply or delivery is projected to fall below the housing requirements. The supporting text expands on this at paragraph 8.16, where it states,

"If it becomes apparent that a five-year deliverable supply cannot be evidenced or that housing delivery is falling below the thresholds prescribed by the Housing Delivery Test over a rolling three year period, the Council will implement remedial action(s) to address any shortfalls. Depending upon the scale and nature of either under supply or under delivery, actions may include:

- Formally implementing those measures as required by the Housing Delivery Test.
- Drawing upon more up to date supply information from the SHLAA, Brownfield Register and Employment Land Review to identify additional housing sites that are consistent with the Plan's policies.

- A partial and early review of the Plan to release additional land for new homes. This may include further consideration of releasing additional land from the Green Belt, should exceptional circumstances be met.” (our emphasis).

This is an acknowledgment that there is a very realistic chance that the constrained supply of housing will require further release from the Green Belt in order to provide a deliverable supply of housing. If the Council was confident that the plan currently under preparation was sufficiently flexibly enough to meet the identified housing requirement, there would not be a requirement to introduce such a drastic contingency measure, which runs counter to the requirement of paragraph 145 of the NPPF, which states that “strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.”

As currently drafted policy SP9 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

As currently drafted, the Council is heading towards the situation they currently find themselves in, which is a chronic under supply and failure to deliver a sufficient amount of housing.

Much greater flexibility needs to be incorporated into the plan, alongside an increase to the housing requirement.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

### Policy 13: Windfall and Backland Sites

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:

No

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 wording of this policy restricts windfall development to sites that are previously developed or “is a small infill site within the main urban area”. This would potentially restrict any windfall development in the areas of Boldons, Cleadon and Whitburn village. We make the point noting that there are varying descriptions and references to the ‘main urban area’ throughout the draft Local Plan. For example, paragraph 2.5 states, “The area of Boldons, Cleadon and Whitburn village are separated from the main urban areas, and each other, by farmland...”. In contrast, the Main Urban Area shown on Map 3 includes the built areas of the Boldons, Cleason and Whitburn village as the ‘main urban area’. Clarity is therefore required.

The supporting text to the policy focuses on the negative impacts of windfall development, rather than the benefits. It includes a cautious tone towards windfall development, noting that ‘spacious nature and low density of some of South Tyneside’s suburbs has led to development pressure for the intensification of existing housing areas through development of backland plots. This can have a significant impact on local distinctiveness and heritage significance by eroding the unique character that makes these places special, particularly if the principles of good design are not considered’.

We highlight this point, as we note that the Council is reliant upon the delivery of windfall sites in meeting the housing need, alongside a proposal to increase the density of development throughout the Borough (we assume this would include housing allocations). Draft policy 14 (Housing Density) requires minimum densities to be applied to housing schemes dependent on their proximity to defined town, district and local centres or Metro stations. The densities listed range from 35 dwellings per hectares up to 60 dwellings per hectare.

The cautious tone towards windfall sites in the draft Local Plan infers that there is recognition that there is a conflict in approach to the delivery of higher densities within urban areas, and recognition that in reality there will be significant pressures at planning application stage to lower the density of development in the majority of sites that come forward for development. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

The draft South Tyneside Density Study (2023) has been used by the Council to support their approach to density requirements, however we do not consider that it provides confidence that the required densities will be delivered. This is based on the following reasons:

- The findings in the density study are based on a sample of 24 sites that received planning permission between 2015-2023, which is a relatively small sample and short period of time. This small sample combined with the recent lack of housing delivery means that the results can be skewed.

• The study also compares this sample to the Council's previous 2018 study, which identified an overall average density of 40 dwellings per hectare. This is significantly lower than the overall average density of 66 dwellings per hectare in the 2018 study. The density study suggests that this comparison shows that there is "clear trend is present that the new developments in the borough have a higher average density than those in 2018". However, this is not necessarily a trend, it is simply a difference between the two periods of time that could have been influenced by any number of factors. In reality, there has not been any significant change in planning policy context in relation to housing density between 2018 and 2023. There is no justification to simply discount the average density of development achieved up to 2018.

• The densities used to assess the 24 sample sites included in the density study are based on 'net' site areas. However, draft policy 13 makes no reference to 'net' site areas. It simply requires the densities to be applied to sites for housing development.

This reinforces our earlier concerns that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations.

As currently drafted policies 13 and 14 are not considered to be sound because they are not justified or consistent with the requirements of national policy.

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.:

Clarify the approach to windfall housing in the main urban area.

There is concern that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

#### Policy 14: Housing Density

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:

No

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 wording of this policy restricts windfall development to sites that are previously developed or "is a small infill site within the main urban area". This would potentially restrict any windfall development in the areas of Boldons, Cleadon and Whitburn village. We make the point noting that there are varying descriptions and references to the 'main urban area' throughout the draft Local Plan. For example, paragraph 2.5 states, "The area of Boldons, Cleadon and Whitburn village are separated from the main urban areas, and each other, by farmland..". In contrast, the Main Urban Area shown on Map 3 includes the built areas of the Boldons, Cleason and Whitburn village as the 'main urban area'. Clarity is therefore required.

The supporting text to the policy focuses on the negative impacts of windfall development, rather than the benefits. It includes a cautious tone towards windfall development, noting that 'spacious nature and low density of some of South Tyneside's suburbs has led to development pressure for the intensification of existing housing areas through development of backland plots. This can have a significant impact on local distinctiveness and heritage significance by eroding the unique character that makes these places special, particularly if the principles of good design are not considered'.

We highlight this point, as we note that the Council is reliant upon the delivery of windfall sites in meeting the housing need, alongside a proposal to increase the density of development throughout the Borough (we assume this would include housing allocations). Draft policy 14 (Housing Density) requires minimum densities to be applied to housing schemes dependent on their proximity to defined town, district and local centres or Metro stations. The densities listed range from 35 dwellings per hectares up to 60 dwellings per hectare.

The cautious tone towards windfall sites in the draft Local Plan infers that there is recognition that there is a conflict in approach to the delivery of higher densities within urban areas, and recognition that in reality there will be significant pressures at planning application stage to lower the density of development in the majority of sites that come forward for development. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

The draft South Tyneside Density Study (2023) has been used by the Council to support their approach to density requirements, however we do not

consider that it provides confidence that the required densities will be delivered. This is based on the following reasons:

- The findings in the density study are based on a sample of 24 sites that received planning permission between 2015-2023, which is a relatively small sample and short period of time. This small sample combined with the recent lack of housing delivery means that the results can be skewed.
- The study also compares this sample to the Council's previous 2018 study, which identified an overall average density of 40 dwellings per hectare. This is significantly lower than the overall average density of 66 dwellings per hectare in the 2018 study. The density study suggests that this comparison shows that there is "clear trend is present that the new developments in the borough have a higher average density than those in 2018". However, this is not necessarily a trend, it is simply a difference between the two periods of time that could have been influenced by any number of factors. In reality, there has not been any significant change in planning policy context in relation to housing density between 2018 and 2023. There is no justification to simply discount the average density of development achieved up to 2018.
- The densities used to assess the 24 sample sites included in the density study are based on 'net' site areas. However, draft policy 13 makes no reference to 'net' site areas. It simply requires the densities to be applied to sites for housing development.

This reinforces our earlier concerns that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations.

As currently drafted policies 13 and 14 are not considered to be sound because they are not justified or consistent with the requirements of national policy.

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.:

There is concern that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 18: Affordable Housing

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:

No

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 SHMA identifies a "considerable need for affordable housing which reflects an increase in homelessness, interest rates rises affecting households and the overall cost of living crisis". This 'considerable' need equates to 362 affordable houses each year, which has increased from the 209 affordable houses identified in the previous SHMA (2021). This now exceeds the standard method calculation of 309 houses required each year.

The Government's recently published Local Authority Housing Return 2022-2023 further supports this chronic need for affordable housing, reporting a current waiting list of 9,749 households against a total of 25 new affordable homes being granted planning permission during the year 2022-23.

The SHMA proposes a target mix for sites to deliver 75% market housing and 25% affordable housing. Policy 18 includes a range of target thresholds for affordable housing, ranging from 10% in South Shields and Jarrow, 15% in Hebburn, 20% in Boldon and Boldon Colliery, 25% in East Boldon and Whitburn Village, and 30% in Cleadon.

Paragraph 8.50 in the supporting text to policy 18 refers to the SHMA, and states that it does not recommend an uplift to the total housing requirement as it recognises the Council is taking positive steps towards increasing the affordable housing offer in the borough, such as delivering affordable homes through South Tyneside Homes.

There is clearly a significant amount of hope and expectation that South Tyneside Homes will make a meaningful contribution towards going a small way towards meeting the desperate need for affordable housing, however we are not able to find any reference to any form of strategy by South Tyneside Homes to deliver this.

To get an understanding of how the Local Plan as drafted will contribute towards the delivery of affordable housing, we have applied the affordable housing thresholds (e.g. 10%) to the proposed housing allocations in the table below.

See table in attached pdf version of submitted representations.

The above table demonstrates the following:

- The sites allocated in the main urban area (policy SP4) will only deliver a small amount of affordable dwellings (86) over the plan period. This equates to meeting the affordable housing need that will be generated over a 3-month period (based on an annual affordable need of 362 dwellings per year). This is also on the assumption that the very high densities and indicative capacities are delivered and the amount of affordable housing is not reduced following viability arguments. In reality, a smaller amount of the 86 units will be delivered.
- The SP5 and SP6 allocations are also located within the main urban area where the affordable housing threshold is 10%. Whilst the allocations are relatively large, the sites would only deliver 34 units based on the indicative thresholds.
- The Urban and Village Sustainable Growth Area allocations (GA1 – GA6) would deliver a much greater amount of affordable units (258). The main reason for this is the higher affordable housing thresholds. These six allocations would deliver approximately 40% of the affordable housing, even when taking into account the Fellgate allocation.
- The Fellgate allocation is estimated to deliver 300 affordable units, based on an indicative capacity of 1200 dwellings.
- If all the allocated sites were to be delivered in line with their indicative capacities, they could deliver to 678 affordable dwellings. This would equate to meeting the affordable housing need that will be generated over a 20-month period.
- Viability continues to be tight and increasingly challenging, as confirmed in the supporting Viability Assessment Update 2023, when compared with the earlier 2021 version.
- The 648 affordable dwellings equates to approximately 18% of the total amount of housing allocation (3,498). In comparison the SHMA recommends that an overall target of 25% affordable housing should be applied.

The above analysis supports the view that the most effective way to deliver much needed additional affordable housing would be to allocate additional sites in the Urban and Village Sustainable Growth Area.

It is essential that this is done to deliver affordable housing. The Council must increase its annual housing requirement to be more effective in meeting this need, which is specified by the Planning Practice Guidance (PPG Reference ID: 67-008-20190722 and Reference ID: 2a-024-20190220) as being a mechanism to help deliver affordable homes. It is not enough to simply rely upon South Tyneside Homes.

As currently drafted policy 18 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

Our analysis supports the view that the most effective way to deliver much needed additional affordable housing would be to allocate additional sites in the Urban and Village Sustainable Growth Area. It is essential that this is done to deliver affordable housing.

The Council must also increase its annual housing requirement to be more effective in meeting this need.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

## Policy 20: Technical Design Standards for New Homes

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:

No

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.:

Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment.

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.:

Ensure that the policy is consistent with national policy and guidance unless clear and up to date evidence justifies otherwise.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

### 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:

No

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 policy states that biodiversity net gain shall be secured and delivered in accordance with the statutory framework. Only where ecologically appropriate biodiversity net gain is demonstrated not to be deliverable on-site, applicants shall prioritise the delivery of Biodiversity Net Gain off-site in accordance with the Council's locational hierarchy.

Whilst biodiversity net gain has only recently become a mandatory requirement, many local authorities had already started to apply its requirements to housing developments. Our experience has seen a pressure from local authorities to request that schemes are amended to deliver as much of the net gain requirement on-site as possible. This has subsequently had impacts on density, viability and deliverability. It is therefore inevitable that the requirement to deliver biodiversity net gain will impact on the anticipated housing numbers (e.g. indicative thresholds used by the local authority in their housing allocations, and minimum densities required on allocated and windfall sites), thereby creating significant uncertainty on the plan's effectiveness to meet the standard method's minimum housing need, and another reason to allocate additional housing sites.

As currently drafted policy 35 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

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.:

The plan needs a more realistic acknowledgment of the impact of biodiversity net gain on meeting the housing need, in terms of density of development, viability and deliverability.

Allocate additional housing sites.

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

Yes, to take part in the discussion in trying to understand the Council's approach and justification to the draft policy.

### Your personal details

What is your name?

Name:

Kevin Ayrton - ELG Planning (on behalf of Story Homes)

What is your email address?

Email address:

[REDACTED]

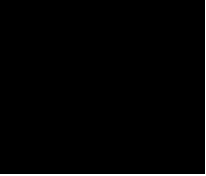
Who are you responding as?

Agent

Organisation:  
on behalf of Story Homes

What is your postal address?

Address:






## Local Plan Regulation 19 - Submission in relation to land south of Kitchener Road and east of Lizard Lane, Whitburn

Kevin Ayrton [REDACTED]

Fri 3/1/2024 7:28 PM

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

 2 attachments (5 MB)

Response received - Response ID: ANON-TJBH-TD56-B; 2024.03.01 - Response to Submission Version - Land south of Kitchener Road - FINAL.pdf;

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Dear Sir / Madam,

We have submitted representations in relation to the above stie via the Council's consultation portal (Response ID: ANON-TJBH-TD56-B). These have been submitted on behalf of Story Homes.

As requested in the 'attachments' option of the on-line forms, please find attached a document, which is referred to in the submitted representations. This is a pdf version of the submitted comments, which includes information (e.g. tables), which could not be added to the comment boxes.

I would be grateful if you could confirm receipt in due course.

Kind regards

Kevin

Kevin Ayrton, MRTPI  
Associate



[REDACTED]  
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# South Tyneside Local Plan (Regulation 19) Publication Draft

**Site:** Land south of Kitchener Road and east of Lizard Lane, Whitburn

**Date:** March 2024

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## Introduction

- 1.1 This statement has been prepared on behalf of Story Homes in response to South Tyneside Council's consultation on their Publication Draft (regulation 19) of their new Local Plan. Previous representations were made in response to the Council's regulation 18 consultation in August 2022. A copy of these has been attached as Appendix 1. Prior to this, a detailed response was also submitted in August 2021 to answer site specific queries that had been raised by South Tyneside Council. A copy of the response has been attached as Appendix 2.

## Site Location

- 1.2 The site area lies within a rectangular area of land, bound on the southern edge by the existing residential edge and on the remaining sides by Lizard Lane to the west, the A183 Mill Lane to the east and Kitchener Road to the north. Inset within the rectangle formed by the road layout and existing residential development is, to the south east Marsden Primary School, to the north east a playground and small residential development, (within the site of the former Bath House and Canteen associated with the former Whitburn Colliery) and to the northwest a triangular area formed from the earlier realignment of Kitchener Road.

- 1.3 The majority of the site area is arable farmland. The boundaries of the site are defined by a combination of stone walls and post and wire fences. There are no trees within the site, with hedgerows on the north west and south west boundaries. The site area is visually contained by a combination of landform, vegetation and existing built form.



#### SITE LOCATION

**Above:** Aerial Image of Whitburn. Site outlined with dashed red line.

## Development Proposals

- 1.4 An illustrative Landscape Framework Plan has previously been prepared in support of earlier representations, which has been attached as Appendix 2. This demonstrates that the site can accommodate approximately 165 dwellings.
- 1.5 The plan has been shaped by landscape, heritage, ecological and other technical considerations. We would specifically highlight the following:
- The site has been the subject of a field survey and data search, which has informed the baseline habitat value, allowing the ecologist to confirm that the site would be able to achieve in excess of 10% net gain.
  - The site was one of several sites that was the subject of a Wader Survey commissioned by the Council in April 2020. The survey identified the site as comprising one of six fields where peaks counts of Curlews were recorded. It is understood that this previously influenced the Council's decision not to include the site as an allocation. As set out in further detail in Story Home's regulation 18 submission, the Council's survey results differ considerably to the work undertaken by the client's ecologist on various occasions and it is important to recognise that the Council's Wader Survey notes that the assessment is only based on a single season's survey and that the management of farmland will vary from year to year. It also acknowledges that Autumn 2019 was wet, resulting in many farmers being unable to establish autumn sown crops and a greater proportion of fields being fallow or stubble than is likely to be usually the case. Therefore, the circumstances may have exaggerated the suitability of the site to Curlew than may otherwise normally be the case. Notwithstanding this point, the landowner for the site owns additional farmland land around the submission

site, thereby providing ample opportunity to mitigate any impact that may arise from developing the site.

- The site has been assessed in terms of landscape impact, with a supporting Landscape and Visual Note allowing the landscape consultant to confirm that the proposed development can be accommodated in the surrounding landscape and townscape, by a close consideration of the underlying landscape opportunities and constraints. The proposed development would be underpinned by a strong landscape framework, delivering onsite and offsite benefits, (within the remaining Green Belt) and would be sympathetic to the visual and historic setting of Whitburn.
- Development of the site would not introduce residential uses any closer to Marsden Quarry to the north of the site, when compared with development that already exists in this location.
- The development has been the subject of a Traffic Impact Statement, which confirmed that the proposed residential development can be accessed from the Mill Lane frontage safely and efficiently; the site is accessible by a range of non-car travel modes; and the traffic impact can be accommodated on the existing highway network with minimal impact at key junctions in the area or a contribution to an already agreed level of mitigation.





1.8 The Council's main justification for this updated approach has been based on the following:

- Housing need reduced to 309 dwellings per annum, down from 321 at regulation 18 stage. The Council does not consider there to be any justification for an uplift in this requirement.
- Removal of the previously proposed 15% buffer to housing requirement.
- Proposals to safeguard and remove from the Green Belt land at South of Fellgate beyond the land to be allocated as a Sustainable Growth Area, are not now being taken forward.

1.9 As a consequence, and in combination with a number of sites having been granted planning permission (or a resolution to grant planning permission) since the regulation 18 version, the Council consider that the residual housing requirement has fallen, such that the number of new homes they need to plan for has decreased from 4,471 (321 dwelling per annum) to 3,443 (309 dwellings per annum). At the same time, the annual requirement for affordable housing has increased to 361. However, whilst this need for affordable housing has continued to grow since the regulation 18 consultation, its priority appears to have fallen away. Such an approach is unjustified.

1.10 In contrast, the desire to avoid allocating additional sites in the Green Belt has dominated the approach to housing need and allocating sites. This is despite the Council accepting that the exceptional circumstances to release land from the Green Belt has clearly been met.

1.11 Whilst it is accepted that the Green Belt is an important consideration, we have concerns with the approach taken by the Council, as will be set out throughout this submission.



## **SP2 – Strategy for Sustainable Development to meet identified needs**

- 1.12 Criterion 2 of policy SP2 states that the Plan will deliver at least 5,243 new homes and create sustainable mixed communities by 2040, which equates to 309 dwellings every year. Our client supports the inclusion of the wording 'at least', which they requested in the representations at regulation 18 stage.
- 1.13 Paragraph 4.9 of the supporting text confirms that the household projections that inform the housing baseline are the 2014-based household projections, which could change upwards or downwards based on new data. Therefore the housing requirement will not be 'locked in' until the Plan is submitted for examination.
- 1.14 The most recent Strategic Housing Market Assessment (SHMA – November 2023) confirms that the 309 annual housing requirement that has been established by the standard method does not incorporate any uplift in relation to growth strategy, infrastructure improvements, or job growth (circumstances are listed under Paragraph: 010 Reference ID: 2a-010-20201216 of the Planning Practice Guidance). Neither does it include any uplift to help meet the chronic need for affordable housing, which will be discussed later.
- 1.15 In Story's previous regulation 18 submission, concerns were raised with how the Local Plan would meet previously unmet housing need for the years prior to the plan period. In this context, the Council has continuously failed to deliver enough homes in 2018/19, 2019/20, 2020/21, collectively amounting to a shortfall of 236 homes. Since then, the 2022 measurement has been published, which confirmed the Council failed to deliver 114 of the required homes in 2021/22. This means that the Council has failed the Housing Delivery Test for six consecutive years. This totals 350 homes, which is greater than a planned year's housing delivery.

1.16 The SHMA (2023) confirms that over the past 9 years (2014/15 to 2022/23) the net housing delivery rate has been 303 each year, compared with an average housing target of 348 over this period. It is unclear how this pent-up demand and anticipated under delivery within the first year of the plan period is being addressed.

1.17 The regulation 18 version of the Local Plan proposed a 15% buffer to the calculated housing requirement, with the following justification set out in the Council's Green Belt Review Exceptional Circumstances report (2022):

*"At this early stage of plan preparation, the Council is proposing to factor in a 15% buffer so that it can ensure there is sufficient flexibility for site options to be explored, and to ensure that enough sites have been allocated. Providing this level of headroom above the requirement provides the Plan with flexibility and ensures that if there is a degree of slippage over the Plan period, then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This ensures the plan is both positively prepared and effective (as required by the NPPF) and as such amounts to an exceptional circumstance that justifies amending the Green Belt."*

1.18 However, the regulation 19 version has removed any reference or discussion around the need for a buffer. This is despite the continued need for flexibility and ensuring that if there is a degree of slippage (past housing delivering record clearly suggests that there will) then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This concern is considered in further detail below in relation to draft policy SP16.

1.19 Whilst there is no reference to the buffer in the draft Local Plan, prior to the opening of the current regulation 19 consultation, a report was taken to the Council's Executive committee

seeking approval of the draft local plan so that it could be consulted upon thereafter. The report includes a discussion on the removal of the 15% buffer, where it states,

*"At Regulation 18 Consultation we proposed that a 15% buffer be applied to the housing requirement to provide flexibility. The effect of applying any buffer (whether 15% or less) is to increase the amount of land within the Green Belt which would be required to be allocated for development, as there are no alternative nonGreen Belt brownfield sites in South Tyneside which could otherwise be allocated. This would require exceptional circumstances to be demonstrated to facilitate the additional housing requirement generated by the buffer. Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes. It is considered unlikely that exceptional circumstances for Green Belt release of land to provide a buffer could be demonstrated in these circumstances. Accordingly, we propose to no longer apply the buffer. In addition, proposals to safeguard and remove from the Green Belt land at South of Fellgate beyond the land to be allocated as a Sustainable Growth Area, are not now being taken forward.*

*Within the context of the proposed NPPF amendments, Officers consider that the amendments proposed within the Regulation-19 Publication draft Local Plan represents a sufficient level of Green Belt release to meet our Objectively Assessed Need. The further inclusion of a Buffer and Safeguarded land would result in the further alteration of Green Belt boundaries which would go beyond meeting our identified needs for the plan period."*

- 1.20 This approach appears to be introducing an additional test following the meeting of the exceptional circumstances test. Such an approach is unjustified. There can be no doubt that the exceptional circumstances required to justify changes to the Green Belt have been

demonstrated. It is unclear why the Council is then using the Green Belt to try and justify the removal of their previously stated need for a buffer. Arguably, the existence of the Green Belt and its inherent inflexibility, increases the justification for a buffer, noting paragraph 145 of the NPPF, which states that "*strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.*"

- 1.21 Rather than removing the 15% buffer, the evidence would support the need to increase the buffer to 20%, given the chronic historic under-delivery and reliance on a large strategic allocation to deliver a significant part of the planned housing supply over the plan period.
- 1.22 As currently drafted policy SP2 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

### **SP3: Spatial Strategy for sustainable development**

- 1.23 Criterion 2 of this draft policy states that in order to meet the identified strategic needs of the Borough and to facilitate sustainable growth the Plan will (amongst others) 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. This is consistent with paragraph 83 of the NPPF, which requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services.
- 1.24 The supporting text states that constraints have limited the amount of land available for allocation. However, this not a reflection of the fact that there is additional land available, including land south of Kitchener Road and east of Lizard Lane.
- 1.25 The supporting text also states that the distribution of housing reflects the availability of suitable land for new housing in the borough. Again, this is not a reflection of the fact that land is available for development, including land south of Kitchener Road and east of Lizard Lane, which is not only able to deliver housing promptly, but in way that can make a positive contribution to key issues in the borough, most notably the need for affordable housing and ability to provide an ideal opportunity to deliver expansion of the adjacent Marsden Primary School.
- 1.26 As set out in Story's previous representations at regulation 18 stage, there was no amendment to the Green Belt boundary when the current Development Plan was adopted and the only notable developments in Whitburn in recent years have come forward on the Rifle Range site (42 dwellings, including 11 affordable housing units) and the former Bath House and Canteen site (Thill Stone Mews) (9 dwellings, with no affordable housing (based on the supporting Planning Statement)).

- 1.27 The spatial distribution strategy therefore needs updating to provide greater clarity on how it will help deliver the plan's strategic aims, including the securing of the sustainability and vitality of the village of Whitburn.
- 1.28 Criterion 4 of the draft policy acknowledges the need to amend the Green Belt boundary to allocate Urban and Village sustainable growth areas. The supporting text notes that there is an acute shortage of available, suitable, and deliverable brownfield land in South Tyneside. It goes on to conclude that exceptional circumstances for amending the Green Belt exist. Story Homes supports this Council on this conclusion.
- 1.29 However, due to the earlier concerns, draft policy SP2 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

**SP4: Housing Allocations in the Main Urban Area, Policy SP5: Former Brinkburn Comprehensive School, and Policy SP6: Land at former Chuter Ede Education Centre**

- 1.30 The indicative capacities of the sites allocated under policy SP4 are taken from the SHLAA (2023) Site Assessments. The SHLAA confirms that it has estimated the housing potential of each site assessed by applying the densities included in the South Tyneside Density Study (2023), which range from 35 dwellings per hectare up to 60 dwellings per hectare. This is unless there is other known information on site capacity available (e.g. planning application).
- 1.31 The SHLAA Site Assessments have also included the Estimated Developable Area (i.e. net developable area) when calculating the indicative capacities.
- 1.32 The majority of the 25 sites allocated in the Main Urban Area include an indicative capacity that is well in excess of 30 dwellings per hectare, as set out in the revised version of the table below.

Site Ref	Site Name	Size (ha)	SHLAA's Estimated Developable Area (ha)	Indicative Capacity	Density (Dwellings per Hectare)
H.1	Land at Chatsworth Cory	0.08	0.08	15	187.5
H.2	Land at Salem Street	0.3	0.3	18	60
H.3	Land at Queen Street	0.33	0.33	20	60
H.4	Winchester Street	0.80	0.60	35	44
H.5	Land to the rear of Fowler Street	0.80	0.60	40	50
H.6	Site of Former St Aidans Church	0.17	0.17	14	121
H.7	Site of former South Tyneside College – South Shields Campus	6.72	5.10	163	24
H.8	Land at Associated Creameries	0.7	0.29	30	43
H.9	Former Temple Park Infant School	0.7	0.63	22	31



H.10	Connolly House, Reynolds Avenue	0.4	0.38	18	45
H.11	Tyne Dock housing-led Regeneration Site	1.4	1.26	69	49
H.12	Land at Biddick Hall Drive	0.13	0.13	6	46
H.13	Land behind Ryedale Court	0.48	0.48	15	32
H.14	Land at Horton Avenue	0.13	0.13	4	32
H.15	Land at Cheviot Road	0.4	0.4	25	62
H.16	Land at Bonsall Court	0.05	0.05	16	320
H.17	Land at Lizard Lane	0.35	0.35	12	29
H.18	Land at Dean Road	0.42	0.31	62	147
H.19	Land at Trent Drive	0.32	0.32	8	25
H.20	Perth Green Youth Centre, Perth Avenue	1.20	1.08	44	37
H.21	Land at previously Martin Hall, Prince Consort Road	0.40	0.40	15	37
H.22	Land at Falmouth Drive	1.30	1.17	40	31
H.23	Land at Kirkstone Avenue	0.10	0.10	2	20
H.24	Hebburn New Town	2.20	1.7	110	50
H.25	Land south-west of Prince Consort Road	1.13	1.02	46	41
<b>Total</b>				<b>849</b>	

1.33 Considering the numerous demands and requirements that are now placed on housing sites, which include biodiversity net gain, national space standards, private amenity space standards, parking (cycle and car), accessibility standards, and building efficiency standards, we have doubts that the indicative capacities will actually be delivered.

1.34 In forming this view, we note that the Council's South Tyneside Site Framework (2023) document, which provide a relatively detailed indicative layout based on an appraisal of constraints and opportunities for the proposed Urban and Village Growth Areas, includes indicative capacities, the majority of which are well below 30 dwellings per hectare.

1.35 The table below also summarises the estimated density of development for the proposed SP5 and SP6 allocations. These would appear to be more realistic when compared with the policy SP4 sites.

Site Ref	Site Name	Size (ha)	SHLAA's Estimated Developable Area (ha)	Indicative Capacity	Density (Dwellings per Hectare)
SP5	Former Brinkburn Comprehensive School	7.82	5.80	151	19
SP6	Land at former Chuter Ede Education Centre	5.85	5.85	190	32
<b>Total</b>				<b>341</b>	

1.36 As highlighted in the submissions at regulation 18 stage, our client maintains their concerns about the delivery and viability of some of the sites that have been included as proposed allocations in policies SP4, SP5 and SP6. These concerns include:

- The vast majority (all but 2-3 of the 27) of proposed allocations under policies SP4, SP5 and SP6 are owned or controlled by South Tyneside Council. It needs to be demonstrated that proposed sites are deliverable, or at the very least, developable. There is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council's procedure and timescales for site disposal may impact on the rate that these sites can be delivered within the plan period.
- The proposed allocations (SP5 and SP6) continue to include land which are existing playing fields. Both policies require the loss of playing fields to be mitigated, however this has yet to be agreed. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields. Sport England objected to the allocations at regulation 18 stage, and will undoubtedly object again at this stage.

- The majority of the dwellings allocated by these sites are identified to come forwards after the first five years of the plan period. Therefore, most of the sites only satisfy the lower bar 'developable' test.

1.37 As the Council cannot be confident in the immediate delivery, we consider that there is a clear need to release more land from the Green Belt and allocate more sites for housing in order to meet the housing requirement and to maintain a sufficient supply of housing.

## SP7: Urban and Village Sustainable Growth Areas

- 1.39 Beyond the whole urban area, it is proposed to allocate a total of 6 sites (indicative capacity of 1,108 dwellings) within the whole of South Tyneside. The previous regulation 18 version proposed a total of 12 sites (indicative capacity of 1,862 dwellings), so a reduction by 6.
- 1.40 The strategic spatial policy (i.e. policy SP3) does not include a specific number or percentage of development that needs to be delivered at each of the South Tyneside settlements (e.g. 5% of overall housing requirement to be delivered at Cleadon), therefore it is unclear what criteria have been used to inform the distribution of allocations under this policy. Whilst the Local Plan and supporting evidence base does not appear to discuss this matter, the report that was taken to the Council's Executive committee seeking approval of the draft local plan included the following extract:

*"Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes."*

- 1.41 This would suggest that the SP7 allocations were wholly/largely determined on the outcome of the most recent (2023) Green Belt study and the view that any sites that were considered to have high/very high harm to the Green Belt cannot be allocated, irrespective of any other important planning benefits they may deliver (e.g. support for services in settlements as required by paragraph 83 of the NPPF, greater ability to deliver a higher proposed of affordable housing to meet the chronic need).

- 1.42 The findings from the 2023 Green Belt Review Site Assessment differ to the findings of the 2022 Green Belt Review Site Assessment as set out in the table below.

Purpose	Council's 2022 Assessment (southern parcel)	Council's 2022 Assessment (northern parcel)	Council's 2023 Assessment (combined parcel)	Comment
1	C (Moderate)	D (Adverse)	Moderate	No change/reduction
2	C (Moderate)	C (Moderate)	Moderate	No change
3	C (Moderate)	D (Adverse)	Moderate	No change/reduction
4	A (Zero)	A (Zero)	Low/No	No change
5	C (Moderate)	C (Moderate)	Equal	Accepted need for greenfield sites.

**Above:** Land south of Kitchener Road, east of Lizard Lane. Comparison of findings from 2022 and 2023 Green Belt studies

- 1.43 The 2022 Assessment of land south of Kitchener Road and east of Lizard Lane (southern parcel) concluded that the development of the site would only have a '*moderate impact, mitigation feasible*'.

- 1.44 The supporting notes to the 2022 assessment stated,

*"It is considered that part of the parcel has the potential to be developed subject to ensuring a substantial landscape buffer to the north to preserve long distance views and retain a wildlife corridor in this location. The intensification of landscaping along boundaries, and the appropriate design and layout of development on this site would act to minimise impacts. The design and in particular massing of development on the allocated land would need to be complimentary to the landscape to ensure the harm arising from development on this site is minimised. With regards to biodiversity the scheme must be designed following the mitigation hierarchy of avoid, mitigate, compensate, and ultimately deliver net gains for wildlife."*

1.45 The 2022 Assessment of land south of Kitchener Road and east of Lizard Lane (northern parcel) concluded that the northern parcel would have slightly more harmful impact when compared with the southern parcel, concluding 'Adverse impact/some mitigation possible'.

1.46 However, the supporting notes to the 2022 assessments stated,

*"It is considered that part of the parcel has the potential to be developed subject to ensuring a substantial landscape buffer to the north to preserve long distance views and retain a wildlife corridor in this location. The intensification of landscaping along boundaries, and the appropriate design and layout of development on this site would act to minimise impacts. The design and in particular massing of development on the allocated land would need to be complimentary to the landscape to ensure the harm arising from development on this site is minimised. With regards to biodiversity the scheme must be designed following the mitigation hierarchy of avoid, mitigate, compensate, and ultimately deliver net gains for wildlife."*

1.47 This perhaps acknowledges our client's proposal to bring development forward on both parcels of land, with the built form focused on the southern parcel, and habitat improvements, buffer planting and green space focused on the northern parcel.

1.48 The 2023 Green Belt study appears to have picked up on the fact that it is proposed to develop the two parcels as a single development, which has allowed the assessment to conclude a moderate impact for the combined parcels of land that form land south of Kitchener Road and east of Lizard Lane.

1.49 This conclusion is identical to the harm applied to the two sites (GA5 & GA6) that are proposed to be allocated in Whitburn.

- 1.50 Despite this, there have appears to have been a fundamental flaw in how the findings of the 2023 Green Belt study have then been applied allocating housing sites, as is discussed further below.

### Site Selection Topic Paper (2024)

- 1.51 The purpose of this paper is to provide clarity and transparency on why sites have been allocated and why reasonable alternatives have not been selected. It builds upon (and references) the previous Site Selection Topic Paper that was prepared to support the regulation 18 version of the Local Plan.
- 1.52 Appendix 7 of the 2024 study relates to sites in Whitburn. The following assessment is included for land south of Kitchener Road and east of Lizard Lane.

SHLAA Ref.	Site Name	Brownfield/ Greenfield	Justification	Decision	2024 Update	2024 Decision
SWH006	Land south of Kitchener Road, Lizard Lane	Greenfield	This site is a prominent agricultural field in Whitburn village. The site falls within the Green Belt and is considered to perform relatively strongly against the Green Belt objectives. The site is in close proximity to biodiversity designations, an Area of High Landscape Value and also forms part of the local wildlife corridor. The 2019/2020 Wading Bird Survey identified the site as being a key site for Curlew. The sustainability appraisal identifies a number of significant negative effects against SA objectives including biodiversity, landscape, source protection zone, mineral workings, green infrastructure and efficient land use. The site is considered to be suitable and available in the SHLAA. The site has not been allocated due to potential significant impacts upon biodiversity.	Reject site	The site was assessed as falling within in an area of moderate harm in the Green Belt Study (2023). The Wading Bird Survey 2023 identifies the site as a key area for wading birds. The Whitburn Neighbourhood Plan identifies the site as falling within the Lower slopes of Cleadon Hills and the wildlife corridor. The site is not considered to be suitable or achievable in the SHLAA. The site has not been allocated due to potential significant impacts upon biodiversity.	Reject site

**Above:** Extract from Appendix 7 of Site Selection Topic Paper (2024)

- 1.53 This helpfully highlights the contrast between the 2022 conclusion and downgraded impact on Green Belt harm. However, it also reports that *"the site is not considered to be suitable of achievable in the SHLAA"*.

- 1.54 A review of the SHLAA (2023) confirms that the site is not considered suitable, entirely due to the conclusions formed in the Green Belt study. No other reasons are provided.

<b>Assessment Information</b>		
<b>Suitability:</b>	Not Suitable	The site is not considered to be suitable due to Green Belt impacts - see the Green Belt Study
<b>Availability:</b>	Available	The site was submitted through the call for sites
<b>Achievability:</b>	Achievable	There are no known constraints to achievability.
<b>Deliverability:</b>	Not deliverable	The site is not deliverable.

**Above:** Extract from SHLAA (2023)

- 1.55 This is despite the Green Belt study concluding that the Green Belt harm is no different to the proposed sites (GA5 and GA6). The two Whitburn sites (SWH025 & SWH026) that are proposed to be allocated as sites GA5 and GA6 simply include the following comments in their Site Selection Topic Paper (2024) assessments.:

- 1.56 *"The site was assessed as falling within in an area of moderate harm in the Green Belt Study (2023)."*



SHLAA Ref.	Site Name	Brownfield/ Greenfield	Justification	Decision	2024 Update	2024 Decision
SWH025	Land at Whitburn Lodge	Brownfield	This site is a vacant former public house and associated car parking. The site is situated in the Green Belt and performs moderately against the objectives of the Green Belt. The site is in close proximity to the European Coastal Designations and areas of high landscape value. The sustainability appraisal identifies significant negative effects against SA objectives including biodiversity, landscape, source protection zone and mineral resources. Positive effects are identified due to its proximity to existing services and the potential re-use of brownfield land. The site is considered to be suitable, available and achievable in the SHLAA. The site has been allocated as it is a suitable site in a sustainable location.	Allocate site GA12	The site was assessed as falling within in an area of moderate harm in the Green Belt Study (2023).	Allocate site GA5
SWH026 (includes SWH027 )	Land to North of Shearwater	Greenfield	This site is a pasture field adjacent to the former Whitburn Lodge public house and a residential housing estate. The site is an open field which is used for horse grazing. The site is in the Green Belt and performs moderately against the objectives of the Green Belt. The site is in close proximity to the European Coastal Designations and areas of high landscape value. The sustainability appraisal identifies significant negative effects against SA objectives including biodiversity, landscape, source protection zone and mineral resources. The site is considered to be suitable, available and achievable in the SHLAA. The site has been allocated as it is a suitable site in a sustainable location.	Allocate site GA13	The site was assessed as falling within in an area of moderate harm in the Green Belt Study (2023).	Allocate site GA6

**Above:** Extract from Appendix 7 of Site Selection Topic Paper (2024)

- 1.57 Unlike the assessment for land south of Kitchener Road and east of Lizard Lane, the above assessment makes no reference to the sites' significant negative effects in the 2024 update column. In reality, there is no greater harm that would be caused between the sites that are proposed to be allocated and our client's site. Indeed the site has greater benefits, including the ability to deliver more affordable housing and an ideal opportunity to deliver expansion of the adjacent Marsden Primary School.
- 1.58 The above supports the view that the site selection process has been very significantly influenced by the unambitious housing targets and the amended findings in the 2023 Green Belt Study, which the Council has used as justification for not including any uplift in the housing need requirements and limiting the number of allocations. Indeed, even where the

Green Belt study has identified sites where only moderate harm has been identified, like land south of Kitchener Road and east of Lizard Lane, the Council has still not decided to allocate them, without any sound justification.

- 1.59 We make this point in the context of the following statement that was included in the report that was taken to the Council's Executive committee seeking approval of the draft local plan so that it could be consulted upon thereafter,

*"Secondly, at Regulation 18 Consultation we proposed that a 15% buffer be applied to the housing requirement to provide flexibility. The effect of applying any buffer (whether 15% or less) is to increase the amount of land within the Green Belt which would be required to be allocated for development, as there are no alternative nonGreen Belt brownfield sites in South Tyneside which could otherwise be allocated. This would require exceptional circumstances to be demonstrated to facilitate the additional housing requirement generated by the buffer. Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes. It is considered unlikely that exceptional circumstances for Green Belt release of land to provide a buffer could be demonstrated in these circumstances."* (our emphasis)

- 1.60 Whilst we have already previously stated that this does not provide justification to remove the buffer, it is also evident that it is possible to allocate additional sites that would not result in high or very high harm in the Grfeen Belt, as based on the Council's 2023 Green Belt study.

- 1.61 This focus on keeping housing numbers down and avoiding Green Belt release means very little consideration has been given to other important matters, including the chronic need for affordable housing, growth and support for local services in villages to allow them to thrive, and current/past significant under delivery of housing.
- 1.62 As currently drafted policy SP7 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

## SP8: Fellgate Sustainable Growth Area

- 1.63 This draft allocation is proposing to remove additional land from the Green Belt, to deliver up to 1200 homes on land south of Fellgate as a sustainable urban extension. The policy states that the development is required to be comprehensively master planned through the Fellgate Sustainable Growth Area Supplementary Planning Document. The supporting text describes the strategic allocation as *“representing a unique opportunity within South Tyneside to deliver an exemplary new community”*.
- 1.64 In order to support the proposed capacity, the Council’s evidence base includes the Fellgate Sustainable Growth Area Supplementary Planning Document (Fellgate SPD): Site Capacity and Opportunities Paper (2024).
- 1.65 A large proportion of this report reviews existing densities in several wards across South Tyneside before considering development scenarios based on a range of densities. The report then goes on to include some very high-level opportunity and constraints analysis, and an indicative block plan. The report concludes by referring to the importance of placemaking and referencing design guidance.
- 1.66 We are concerned that the report lacks any real substance. It includes no reference to detailed supporting studies, such as drainage, highways, viability, ground investigations and ecology (including habitat). It is also unclear how the Local Plan’s requirement for the development to be ‘exemplary’ will be met. We would assume that this would be applied to all elements of the scheme, including the approach to biodiversity net gain, design, sustainable drainage, etc.
- 1.67 Many of the terms used within the report lack certainty. For example:

- The Site Capacity Calculator at section 3.2 of the report used to determine the “approximate” site capacity, the “approximate” number of units, and the “Indicative Site Capacity”.
- The table used to calculate the net developable area at section 3.2.2 estimates the size of the required Strategic Road Network as “approx. 10% site area”, suggests that “Additional SUDS could be provided within the open space provision...”.

1.68 This lack of certainty in the terminology used is a recurring theme throughout the Fellgate SPD and policy SP8. This is a concern when considering its strategic importance in meeting the housing need. Any minor deviation from the very optimistic and relatively uninformed assumptions is going to result in the plan failing.

1.69 No allowance appears to have been made to address the requirements for meeting biodiversity net gain on-site, with no reduction being applied to the net developable area.

1.70 There is also limited information on phasing and delivery. It is known that the site involves several landowners, which will all have separate requirements that will have changed since the removal of the previously proposed safeguarded land. The Fellgate SPD makes no reference to any legal agreement between the various landowners to deliver the development. Indeed, it would appear that any attempt to masterplan the site is being driven forward by the Council, with it being unclear as to the level of input from others.

1.71 The Fellgate SPD also fails to address viability. For example, it is reliant on delivering 5 hectares of development at 50 dwellings per hectare, and 20 hectares of development at 35 dwellings per hectare. However, it is unclear how the market area would support these densities. The reality is that the density is going to be lower, with densities more likely to be in line with the sites allocated under policies SP5 and SP6 (i.e. up to approximately 30 dwellings per hectare).

- 1.72 Whilst a 40m buffer has been used to account for the power line extending throughout the site, there is no consideration of its impact on the wider layout (noting the requirement for it to be exemplary) and value/attractiveness of properties that will still look onto it. We would also query the quality of the open space that runs alongside and underneath the line. The image used in section 3.3.5 of the Fellgate SPD does not inspire confidence of the envisaged quality of space that it being considered.
- 1.73 There is clearly going to be a significant amount of infrastructure required to deliver housing on the proposed Fellgate site. Alongside this, there is a requirement to deliver 25% affordable housing in a relatively low value area, alongside other pressures on viability highlighted previously (e.g. biodiversity net gain, achieving an 'exemplary' development). This adds to the concern over deliverability.
- 1.74 The Fellgate SPD makes very little reference to the important consideration of highway impact. The only reference is to indicate the indicative locations of the vehicular access points. However, there is no consideration of the significant investment that will be required to increase the capacity of the wider strategic road network (e.g. White Mare Pool junction). We have reviewed other documents in the supporting evidence base and these also fail to provide any certainty on this matter. For example, the Infrastructure Delivery Plan (2024) notes that,

*"As part of the Local Plan process, National Highways has modelled the impact of the Local Plan development to 2040 and has established that the highway infrastructure is insufficient to accommodate the anticipated increase in traffic on the strategic road*

*network (SRN). Therefore, the following additional schemes will be required to adequately mitigate the impact of the plan to 2040:*

- *Southbound A19 Lane Gain / Lane Drop between Southern Portal of Tyne Tunnel and Lindisfarne junctions.*
- *Major Scheme Improvements to A194(M) / A184 / White Mare Pool junction.*

*With respect to the proposed strategic housing allocation: Fellgate Sustainable Growth Area, the Council, working in partnership with National Highways, is also seeking to encourage modal transfer to active travel and public transport modes in order to minimise trip generation by the private car.*

*The Council and National Highways are working together to further develop a delivery plan for the implementation of these measures and any further schemes which may be required to mitigate the plan. Details of this will be included in a Memorandum of Understanding between the two parties”.*

1.75 An understanding of how, and when, to address this significant highway impact is a basic requirement of informing the deliverability of the proposed development. The fact that this key consideration has not been addressed is another example of uncertainty with the allocation.

1.76 Following the removal of several other allocations since the regulation 18 version of the plan, the Council is now very reliant on delivery from this large strategic allocation. This reduction in the number of sites and greater focus on a single market location, significantly reduces flexibility and increases the risk that the plan will fail.

- 1.77 As currently drafted policy SP8 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.



## SP16: Housing Supply and Delivery

- 1.78 There is significant concern that the Council is not doing enough to identify and allocate housing sites to meet the minimum housing needs over the plan period.
- 1.79 Much greater flexibility needs to be incorporated into the plan, alongside an increase to the housing requirement. As currently drafted, the Council is heading towards the situation they currently find themselves in, which is a chronic under supply and failure to deliver a sufficient amount of housing.
- 1.80 The Competition and Market Authority's (CMA) recently published Housebuilding Market Study (February 2024) supports this point. Appendix H of the report reviews 'further evidence from 26 local areas', including South Tyneside, which states,

*"In South Tyneside, the evidence shows that the internal documents mention different competitor developments that have been live/are live in this area. However, recent new-build developments have been limited because of a lack of developable land (CMA's analysis of the land use data from ONS finds that 38 per cent the land in the LA area is green belt land) and due to a lack of planning applications being granted in some areas. Based on this information, we do not find there to be local competition concerns due to lack of different competitors being present. The local concentration concerns appear in part due to a lack of available developable and permissioned land."*

- 1.81 The above goes to reinforce the need for flexibility.
- 1.82 Of significant concern is criterion 9 of this policy, which relates to the contingency measures where supply or delivery is projected to fall below the housing requirements. The supporting text expands on this at paragraph 8.16, where it states,

*"If it becomes apparent that a five-year deliverable supply cannot be evidenced or that housing delivery is falling below the thresholds prescribed by the Housing Delivery Test over a rolling three year period, the Council will implement remedial action(s) to address any shortfalls. Depending upon the scale and nature of either under supply or under delivery, actions may include:*

- *Formally implementing those measures as required by the Housing Delivery Test.*
- *Drawing upon more up to date supply information from the SHLAA, Brownfield Register and Employment Land Review to identify additional housing sites that are consistent with the Plan's policies.*
- *A partial and early review of the Plan to release additional land for new homes. This may include further consideration of releasing additional land from the Green Belt, should exceptional circumstances be met." (our emphasis).*

1.83 This is an acknowledgment that there is a very realistic chance that the constrained supply of housing will require further release from the Green Belt in order to provide a deliverable supply of housing. If the Council was confident that the plan currently under preparation was sufficiently flexibly enough to meet the identified housing requirement, there would not be a requirement to introduce such a drastic contingency measure, which runs counter to the requirement of paragraph 145 of the NPPF, which states that *"strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period."*

1.84 As currently drafted policy SP9 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

## Policy 13: Windfall and Backland Sites and Policy 14: Housing Density

- 1.85 The wording of this policy restricts windfall development to sites that are previously developed or *"is a small infill site within the main urban area"*. This would potentially restrict any windfall development in the areas of Boldons, Cleadon and Whitburn village. We make the point noting that there are varying descriptions and references to the 'main urban area' throughout the draft Local Plan. For example, paragraph 2.5 states, *"The area of Boldons, Cleadon and Whitburn village are separated from the main urban areas, and each other, by farmland..."*. In contrast, the Main Urban Area shown on Map 3 includes the built areas of the Boldons, Cleason and Whitburn village as the 'main urban area'. Clarity is therefore required.
- 1.86 The supporting text to the policy focuses on the negative impacts of windfall development, rather than the benefits. It includes a cautious tone towards windfall development, noting that *'spacious nature and low density of some of South Tyneside's suburbs has led to development pressure for the intensification of existing housing areas through development of backland plots. This can have a significant impact on local distinctiveness and heritage significance by eroding the unique character that makes these places special, particularly if the principles of good design are not considered'*.
- 1.87 We highlight this point, as we note that the Council is reliant upon the delivery of windfall sites in meeting the housing need, alongside a proposal to increase the density of development throughout the Borough (we assume this would include housing allocations). Draft policy 14 (Housing Density) requires minimum densities to be applied to housing schemes dependent on their proximity to defined town, district and local centres or Metro stations. The densities listed range from 35 dwellings per hectares up to 60 dwellings per hectare.

1.88 The cautious tone towards windfall sites in the draft Local Plan infers that there is recognition that there is a conflict in approach to the delivery of higher densities within urban areas, and recognition that in reality there will be significant pressures at planning application stage to lower the density of development in the majority of sites that come forward for development. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

1.89 The draft South Tyneside Density Study (2023) has been used by the Council to support their approach to density requirements, however we do not consider that it provides confidence that the required densities will be delivered. This is based on the following reasons:

- The findings in the density study are based on a sample of 24 sites that received planning permission between 2015-2023, which is a relatively small sample and short period of time. This small sample combined with the recent lack of housing delivery means that the results can be skewed.
- The study also compares this sample to the Council's previous 2018 study, which identified an overall average density of 40 dwellings per hectare. This is significantly lower than the overall average density of 66 dwellings per hectare in the 2018 study. The density study suggests that this comparison shows that there is *"clear trend is present that the new developments in the borough have a higher average density than those in 2018"*. However, this is not necessarily a trend, it is simply a difference between the two periods of time that could have been influenced by any number of factors. In reality, there has not been any significant change in planning policy context in relation to housing density between 2018 and 2023. There is no justification to simply discount the average density of development achieved up to 2018.

- The densities used to assess the 24 sample sites included in the density study are based on 'net' site areas. However, draft policy 13 makes no reference to 'net' site areas. It simply requires the densities to be applied to sites for housing development.

1.90 This reinforces our earlier concerns that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations.

1.91 As currently drafted policies 13 and 14 are not considered to be sound because they are not justified or consistent with the requirements of national policy.

## Policy 18: Affordable Housing

- 1.92 The SHMA identifies a *“considerable need for affordable housing which reflects an increase in homelessness, interest rates rises affecting households and the overall cost of living crisis”*. This ‘considerable’ need equates to 362 affordable houses each year, which has increased from the 209 affordable houses identified in the previous SHMA (2021). This now exceeds the standard method calculation of 309 houses required each year.
- 1.93 The Government’s recently published Local Authority Housing Return 2022-2023 further supports this chronic need for affordable housing, reporting a current waiting list of 9,749 households against a total of 25 new affordable homes being granted planning permission during the year 2022-23.
- 1.94 The SHMA proposes a target mix for sites to deliver 75% market housing and 25% affordable housing. Policy 18 includes a range of target thresholds for affordable housing, ranging from 10% in South Shields and Jarrow, 15% in Hebburn, 20% in Boldon and Boldon Colliery, 25% in East Boldon and Whitburn Village, and 30% in Cleadon.
- 1.95 Paragraph 8.50 in the supporting text to policy 18 refers to the SHMA, and states that it does not recommend an uplift to the total housing requirement as it recognises the Council is taking positive steps towards increasing the affordable housing offer in the borough, such as delivering affordable homes through South Tyneside Homes.
- 1.96 There is clearly a significant amount of hope and expectation that South Tyneside Homes will make a meaningful contribution towards going a small way towards meeting the desperate need for affordable housing, however we are not able to find any reference to any form of strategy by South Tyneside Homes to deliver this.

1.97 To get an understanding of how the Local Plan as drafted will contribute towards the delivery of affordable housing, we have applied the affordable housing thresholds (e.g. 10%) to the proposed housing allocations in the table below.

Site Ref	Site Name	Size (ha)	Indicative Capacity	Affordable Housing Requirement	Potential Affordable Housing
H.1	Land at Chatsworth Cory	0.08	15	10%	1
H.2	Land at Salem Street	0.3	18	10%	1
H.3	Land at Queen Street	0.33	20	10%	2
H.4	Winchester Street	0.80	35	10%	3
H.5	Land to the rear of Fowler Street	0.80	40	10%	4
H.6	Site of Former St Aidans Church	0.17	14	10%	1
H.7	Site of former South Tyneside College – South Shields Campus	6.72	163	10%	16
H.8	Land at Associated Creameries	0.7	30	10%	3
H.9	Former Temple Park Infant School	0.7	22	10%	2
H.10	Connolly House, Reynolds Avenue	0.4	18	10%	1
H.11	Tyne Dock housing-led Regeneration Site	1.4	69	10%	7
H.12	Land at Biddick Hall Drive	0.13	6	10%	0
H.13	Land behind Ryedale Court	0.48	15	10%	1
H.14	Land at Horton Avenue	0.13	4	10%	0
H.15	Land at Cheviot Road	0.4	25	10%	2

H.16	Land at Bosnall Court	0.05	16	10%	1
H.17	Land at Lizard Lane	0.35	12	10%	1
H.18	Land at Dean Road	0.42	62	10%	6
H.19	Land at Trent Drive	0.32	8	10%	0
H.20	Perth Green Youth Centre, Perth Avenue	1.20	44	10%	4
H.21	Land at previously Marton Hall, Prince Consort Road	0.40	15	10%	1
H.22	Land at Falmouth Drive	1.30	40	10%	4
H.23	Land at Kirkstone Avenue	0.10	2	10%	0
H.24	Hebburn New Town	2.20	110	15%	16
H.25	Land south-west of Prince Consort Road	1.13	46	15%	9
<b>Total</b>			<b>849</b>		<b>86</b>
SP5	Former Brinkburn Comprehensive School	7.82	151	10%	15
SP6	Land at former Chuter Edge Education Centre	5.85	190	10%	19
<b>Total</b>					<b>34</b>
GA1	Land at South Tyneside College, Hebburn Campus	5.7	115	15%	17
GA2	Land at North Farm		263	25%	66
GA3	Land to North of Town End Farm	22.40	400	20%	80
GA4	Land at West Hall Farm	10.27	259	30%	78
GA5	Land at Whitburn Lodge	1.0	30	25%	7
GA6	Land to North of Shearwater	1.65	41	25%	10
<b>Total</b>					<b>258</b>
SP8	Fellgate Sustainable Growth Area	56.3	1200	25%	300



<b>Total</b>					<b>300</b>
<b>Overall Total</b>					<b>678</b>

1.98 The above table demonstrates the following:

- The sites allocated in the main urban area (policy SP4) will only deliver a small amount of affordable dwellings (86) over the plan period. This equates to meeting the affordable housing need that will be generated over a 3-month period (based on an annual affordable need of 362 dwellings per year). This is also on the assumption that the very high densities and indicative capacities are delivered and the amount of affordable housing is not reduced following viability arguments. In reality, a smaller amount of the 86 units will be delivered.
- The SP5 and SP6 allocations are also located within the main urban area where the affordable housing threshold is 10%. Whilst the allocations are relatively large, the sites would only deliver 34 units based on the indicative thresholds.
- The Urban and Village Sustainable Growth Area allocations (GA1 – GA6) would deliver a much greater amount of affordable units (258). The main reason for this is the higher affordable housing thresholds. These six allocations would deliver approximately 40% of the affordable housing, even when taking into account the Fellgate allocation.
- The Fellgate allocation is estimated to deliver 300 affordable units, based on an indicative capacity of 1200 dwellings.
- If all the allocated sites were to be delivered in line with their indicative capacities, they could deliver to 678 affordable dwellings. This would equate to meeting the affordable housing need that will be generated over a 20-month period.
- Viability continues to be tight and increasingly challenging, as confirmed in the supporting Viability Assessment Update 2023, when compared with the earlier 2021 version.

- The 648 affordable dwellings equates to approximately 18% of the total amount of housing allocation (3,498). In comparison the SHMA recommends that an overall target of 25% affordable housing should be applied.

- 1.99 The above analysis supports the view that the most effective way to deliver much needed additional affordable housing would be to allocate additional sites in the Urban and Village Sustainable Growth Area.
- 1.100 It is essential that this is done to deliver affordable housing. The Council must increase its annual housing requirement to be more effective in meeting this need, which is specified by the Planning Practice Guidance (PPG Reference ID: 67-008-20190722 and Reference ID: 2a-024-20190220) as being a mechanism to help deliver affordable homes. It is not enough to simply rely upon South Tyneside Homes.
- 1.101 As currently drafted policy 18 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

## **Policy 35: Delivering Biodiversity Net Gain**

- 1.102 The policy states that biodiversity net gain shall be secured and delivered in accordance with the statutory framework. Only where ecologically appropriate biodiversity net gain is demonstrated not to be deliverable on-site, applicants shall prioritise the delivery of Biodiversity Net Gain off-site in accordance with the Council's locational hierarchy.
- 1.103 Whilst biodiversity net gain has only recently become a mandatory requirement, many local authorities had already started to apply its requirements to housing developments. Our experience has seen a pressure from local authorities to request that schemes are amended to deliver as much of the net gain requirement on-site as possible. This has subsequently had impacts on density, viability and deliverability. It is therefore inevitable that the requirement to deliver biodiversity net gain will impact on the anticipated housing numbers (e.g. indicative thresholds used by the local authority in their housing allocations, and minimum densities required on allocated and windfall sites), thereby creating significant uncertainty on the plan's effectiveness to meet the standard method's minimum housing need, and another reason to allocate additional housing sites.
- 1.104 As currently drafted policy 35 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

**Policy SP15 (Climate Change), Policy 5 (Reducing Consumption and Carbon Emissions), Policy 6 (Renewables and Low Carbon Energy Generation), and Policy 20 (Technical Design Standards for New Homes)**

- 1.105 Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment.

## Conclusion

- 1.106 The Council's approach to the regulation 19 version of the Local Plan has taken a significant backwards step with its ambitions for housing growth and delivery in South Tyneside. As currently drafted it is not considered to be sound.
- 1.107 The approach has led to the buffer being removed from the calculated housing requirement, and an overly optimistic reliance on the delivery of very high densities in the majority of the proposed allocations. Alongside a reduction in the number of sites, concerns with the soundness of several allocations, and greater focus on a single market location with the strategic Fellgate allocation, this significantly reduces flexibility and increases the risk that the plan will fail.
- 1.108 Rather than removing the 15% buffer, the evidence would support the need to increase the buffer to 20%, given the chronic historic under-delivery and reliance on a large strategic allocation to deliver a significant part of the planned housing supply over the plan period. Such an approach would ensure that the Plan is positively prepared, effective and deliverable.
- 1.109 It is also concerning that the need for affordable housing appears to have been downgraded, and well below the desire to minimise Green Belt release. The SHMA identifies a *"considerable need for affordable housing which reflects an increase in homelessness, interest rates rises affecting households and the overall cost of living crisis"*. This 'considerable' need equates to 362 affordable houses each year. We have calculated that based on an optimistic assessment, the proposed housing allocations could deliver 678 affordable dwellings over the plan period. This would equate to meeting the affordable housing need that will be generated over a 20-month period.

- 1.110 It is essential that more is done to deliver affordable housing. The plan needs to be positively prepared, justified, effective and consistent with national policy to be found sound. The Council must increase its annual housing requirement to help meet this need. Whilst being mindful of viability considerations, the most effective way to deliver housing, including the much needed additional affordable housing, would be to allocate additional sites in the Urban and Village Sustainable Growth Area.
- 1.111 It clear that the site selection process has been very significantly influenced by the amended findings in the 2023 Green Belt Study, with very little consideration to other important matters or willingness to note where previous concerns can be easily mitigated.
- 1.112 Even though the 2023 Green Belt study concludes that the development of land south of Kitchener Road and east of Lizard Lane would only have a moderate impact on the Green Belt, the SHLAA 2023 concludes that the site is not considered suitable, entirely due to the conclusions formed in the Green Belt study. In contrast, the two sites (GA5 & GA6) that are proposed to be allocated in Whitburn, which have the same impact on the Green Belt, are still proposed to be allocated with the SHLAA concluding that they are suitable with no reference to the findings of the Green Belt Study. This identifies a fundamental flaw in how the findings of the 2023 Green Belt study have then been applied to allocating housing sites.
- 1.113 The above supports the view that the site selection process has been very significantly influenced by the unambitious housing targets and the amended findings in the 2023 Green Belt Study, which the Council has used as justification for not including any uplift in the housing need requirements and limiting the number of allocations. Indeed, even where the Green Belt study has identified sites where only moderate harm has been identified, like land south of Kitchener Road and east of Lizard Lane, the Council has still not decided to allocate them, without any sound justification.

- 1.114 It is also telling that the Local Plan includes contingency measures to allow the release of additional land from the Green Belt, which is an acknowledgement from the Council that there is a very realistic chance that the constrained supply of housing will require further release. It is evident that the Local Plan should be increasing their housing need and allocating more sites for housing now to ensure that their housing need will be delivered in the plan period.
- 1.115 Land south of Kitchener Road and east of Lizard Lane, Whitburn can help meet this need. As evidenced by the Council's own evidence base, this can be achieved without resulting in an adverse impact on the Green Belt, and without concerns over its deliverability. At the same time, it can make a meaningful contribution to affordable housing, an ideal opportunity to deliver expansion of the adjacent Marsden Primary School, and secure the sustainability and vitality of Whitburn.
- 1.116 However, the plan as currently drafted is not considered to be sound, as it is not positively prepared, not justified and not consistent with national policy.
- 1.117 Story Homes is keen to work with the LPA to help deliver land south of Kitchener Road and east of Lizard Lane, and we would be happy to meet and discuss the above points in further detail, or any other queries the LPA may have.

## Appendix 1 - Regulation 18 Submission



## **Land South of Kitchener Road and east of Lizard Lane, Whitburn – Site Specific Responses**

We respond on behalf of our client, Story Homes, in relation to their land interest to the south of Kitchener Road and east of Lizard Lane, Whitburn (SHLAA Ref. SWH006 and Green Belt Parcels Ref WH11 and WH11a). The site (which extends to c. 10.65 hectares) is not allocated through Policy SP5 for residential development but can accommodate around 165 dwellings. The development would also offer an opportunity to deliver an expansion of Marsden Primary School, ecological improvements and compensatory improvements to the Green Belt.

### **Policy SP2 – Strategy for Sustainable Development to meet identified needs**

#### ***Do you support Policy SP2?***

No

#### ***Comments***

Our client (Story Homes) is generally supportive of Policy SP2, but considers that some changes are needed to the policy wording to ensure consistency with national planning policy.

Paragraph 60 of the NPPF outlines the Government's objective to significantly boost the supply of homes. Our client, therefore, does not support the restrictive barrier of Policy SP2 in providing 5,778 homes and requests that this is treated as a minimum figure.

Paragraph 82(c) of the NPPF states that planning policies, in respect of building a strong and competitive economy, should amongst a number of points "seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment". This provides an important framework for local plans to ensure housing does not act as a drag on economic growth.

Policy SP2 is based on the standard method set out in National Planning Policy Guidance (PPG) as the basis of undertaking a local housing need assessment. The PPG sets out that the Government's standard method should be used to identify a minimum annual housing requirement and confirms the Government's commitment to ensuring more homes are built and supporting ambitious authorities who want to plan for growth.

In this respect, our client requests that the wording of subpoint 4 of Policy SP2 is altered to:

'Deliver **at least** 5778 new homes and create sustainable mixed communities'

The inclusion of 'at least' removes the ceiling barrier in line with paragraph 82(c) to recognise the potential for future growth of South Tyneside so that housing delivery can exceed the identified minimum level of future need.

Whilst this change would address our client's main concern, it is important to recognise that PPG sets out circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. These include:

- Where growth strategies have been identified for an area, that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);

- Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally;
- An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground.

In addition, the PPG states there may, occasionally, also be situations where previous levels of housing delivery in an area, or previous assessments of need (such as a recently-produced Strategic Housing Market Assessment (SHMA)) are significantly higher than the outcome from the standard method. Authorities will need to take this into account when considering whether it is appropriate to plan for a higher level of need than the standard model suggests (PPG ID Ref:2a-010-20201216).

Our client considers that as a consequence of the economic opportunities provided by IAMP, as well as other strategic growth project within NECA, the emerging Local Plan should consider applying an uplift to the identified housing requirement above the standard method. This would align with the guidance set out in the PPG of when an uplift beyond the Standard Method can be applied, which specifically mentions strategic infrastructure as a driver in increasing the demand for homes.

Our client also queries whether the Local Plan has considered meeting the previously unmet housing need for the years prior to the plan period. In this context, the Council has failed to deliver enough homes in 2018/19, 2019/20 and 2020/21, collectively amounting to a shortfall of 236 homes. Whilst the HDT results for 2021/22 are not yet published, the trend has continued (with a net delivery of 207 dwellings in 2021/22 based on the Council's own Stage 1 Green Belt Review) which means that the Council has failed the HDT for five consecutive years. It is therefore important to ensure the housing need addressed both the pent-up demand (before 2021) and the under delivery within the first year of the plan period.

The SHMA (2021) also identifies a need for an additional 209 affordable homes per year (social / affordable units or intermediate tenure). Our client has concerns about how the Council intends to deliver the 209 affordable dwellings needed each year to meet local need if the housing requirement is only 321 dwellings per annum (dpa), which equates to 65% of the housing requirement. There are also viability concerns surrounding the delivery of social infrastructure, including affordable housing, if the Council favours the development of brownfield sites.

It is noted that in PPG (ref. PPG ID: 2a-024-20190220) that an increase in the total housing figures included in the Local Plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, our client considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.

Our client considers that additional evidence is required to ensure Policy SP2 is based on a robust evidence base which fully considers the impact of IAMP on future housing need and the need for an uplift beyond the number identified through the standard methodology.

## **Policy SP3 – Spatial Strategy for sustainable development**

### ***Do you support Policy SP3?***

No

### ***Comments***

Our client (Story Homes, in relation to their land interest to the south of Kitchener Road and east of Lizard Lane, Whitburn) welcomes the strategy set out in draft Policy SP3 (Spatial Strategy) which seeks to facilitate sustainable growth that meets the needs for new homes and employment land.

It seeks to do so by, inter alia, (1) focussing housing development in the Main Urban Area and (2) amending the Green Belt Boundary at Hebburn, Fellgate, Whitburn, Cleadon, East Boldon and West Boldon to allocate land for housing.

In order to form this strategy, among other evidence, the Council has undertaken a comprehensive Green Belt Review. Stage One considers if there are exceptional circumstances to justify the need to amend the Green Belt boundary. It explains how the Green Belt covers around 35% of land within the Borough (para 2.4) which our client recognises as being a key constraint to development. The assessment also sets out how the Green Belt is tightly drawn around existing settlements (para 6.3 / Figure 2), which is very much the case at Whitburn.

Indeed, there was no amendment to the Green Belt boundary when the current Development Plan was adopted and the only notable developments in Whitburn in recent years have come forward on the Rifle Range site and the former Bath House and Canteen site (Thill Stone Mews).

In paragraphs 6.12 to 6.17, the assessment considers the potential sources of housing land supply and the work associated with the Strategic Housing Land Availability Assessment (SHLAA). Based on this work, 74 non-Green Belt sites were identified as potentially suitable to deliver a theoretical capacity of 3,087 homes. This equates to 56% of the housing need which paragraph 6.16 describes this as an acute shortfall in the supply of housing land.

Whilst other sources of housing land have been considered – including brownfield sites, windfall sites, vacant buildings and release of employment land – it still leaves a significant shortfall.

The approach taken by the Council is consistent with that set out in paragraphs 140 to 143 of the NPPF, insofar as there is robust evidence to demonstrate that all other sources of housing land supply have been exhausted. As set out in our client's other responses (including those to Policies SP2, SP4 and SP18) we believe that additional land from the Green Belt is required to be released to ensure that the housing need is met and that there is a sufficient supply of housing throughout the plan period.

With regards to the housing requirement, this follows the Government's standard methodology. As discussed in our response to Policy SP2, we feel that there is scope for this to be higher in order to align with the economic strategy (and in particular the growth / jobs associated with IAMP) and also to make a more meaningful contribution to addressing the affordable housing need as identified in the SHMA.

We recognise that local authorities can determine their own housing requirements, and deviate from the standard method, and in light of the above it could be higher. We also recognise that objectors will suggest that this figure can be lower than the standard method however there is a need to consider the consequences of this. The demographic statistics over recent decades suggests that there has been a population decline in South Tyneside which is an indicator that people (in particular the younger end of the labour market) are leaving which may in part be because they are unable to afford to live in the area. This is evidenced through the affordability ratios as demonstrated in SHMA and further exacerbated by

low housing delivery across the Borough. If the Council were to plan for a level of growth lower than the standard method figure, this would represent planning for decline. Whereas the preparation of the Local Plan represents an opportunity to plan positively for the future of the area and deliver much needed housing growth to support the economic opportunities both within the Borough and nearby.

Our client therefore fully supports the conclusions reached by the Council that exceptional circumstances exist to justify amendments to the Green Belt boundary.

As set out in our client's response to other policies, there are concerns about some of the non-Green Belt sites which have been included as allocations which further reiterates the need for the release of land from the Green Belt to deliver new homes.

To further emphasise the acute housing shortfall, it is important to recognise the issues facing the Council currently. Table 9 in the Stage One Green Belt Review presents the Housing Delivery Test (HDT) Results and how the Council has failed to deliver enough homes in 2018/19, 2019/20 and 2020/21. At paragraph 6.62, it also states that whilst the HDT results for 2021/22 are not yet published, the trend has continued (with a net delivery of 207 dwellings) which means that the Council has failed the HDT for four consecutive years.

This problem is again recognised in Table 10 which shows a housing land supply of just 2.2 years.

As well as ensuring there is enough land to deliver the required number of homes, it is important that it is provided in the right locations to facilitate sustainable development and meets the needs of the varied communities in the local area and across the Borough. Our client supports the findings of the Sustainability Appraisal which supports the preferred approach to distribute growth through urban areas and sustainable Green Belt release.

Whilst there inevitably would be some harm to the Green Belt due to a small reduction in the current overall area it covers, the proposed amendments to the Green Belt do not undermine its overall function. Any harm is also vastly outweighed by the economic and social benefits associated with the delivery of new homes. Amending its boundaries would only amount to an approximate 7% reduction (para 7.4 of the Stage One Green Belt Review) in its total coverage across the Borough.

The total area of land to be released from the Green Belt according to the draft Local Plan includes 79.69 hectares from the sites identified in Policy SP5 and a further 192 hectares from the Fellgate Sustainable Growth Area (identified in Policy SP6). This totals 271.69 hectares. In the case of the latter, the area allocated for development in the short term represents around a quarter of the site with the remaining area to be removed from the Green Belt and designated as Safeguarded Land for development in the longer term.

Therefore, more than half of the land to be removed from the Green Belt (c. 140 hectares) will be designated as safeguarded land in a single location.

As explained in NPPF paragraph 140, regard should be given to the intended permanence of Green Belt boundaries in the long term, so they can endure beyond the plan period. Our client is concerned that the Council may be faced with a similar situation in the near future about the Green Belt boundaries tightly constraining future development in settlements such as Whitburn.

In the context of the Story Homes site (Land South of Kitchener Road and east of Lizard Lane, Whitburn), this relates to around 10.65 hectares. Around 4 hectares of the site would be provided as a landscaped area and focussed for habitat creation (and potentially comprise compensatory improvements to the Green Belt). Even if the full site area were to be removed from the Green Belt, this would represent less than a 4% addition to the 271.69 hectares of land being removed from the Green

Belt. As well as any compensatory and ecological improvements, there are also wider benefits of development this site including the potential to facilitate the expansion of Marsden Primary School, which has been demonstrated through options indicated on the submitted Landscape Framework Plan.

Our client considers that by including the site (Land South of Kitchener Road and east of Lizard Lane, Whitburn) in Policy SP5, this would ensure that help to satisfy the requirements of NPPF paragraph 140 by ensuring that the amended Green Belt boundary at Whitburn is able to endure beyond the plan period.

### Summary

Whilst our client welcomes the content within draft Policy SP3 and agrees that exceptional circumstances exist to justify amendments to the Green Belt boundary, there is a need to consider the release of additional land from the Green Belt to ensure there is sufficient land (and options) to meet the housing need, and also to ensure that the amended Green Belt boundary is able to endure the plan period and beyond.

## **Policy SP4 – Housing Allocations in the Main Urban Area**

### ***Do you support Policy SP4?***

Yes/No

### ***Specific Site Allocation***

N/A

### ***Comments***

Our client (Story Homes) acknowledges how there are certain site-specific considerations when deciding which sites to allocate for housing in a new Local Plan. However, we would like to raise concerns about the deliverability and viability of some of the sites which have been included as proposed allocations in Policy SP4.

The NPPF defines “Deliverable” as sites which are available now, offer a suitable location for development now and are achievable with a realistic prospect of development within five years. “Developable” sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged. In this case, this relates to the plan period, albeit it is important to ensure a distribution throughout the duration of the plan period.

We note that Policy SP4 includes a significant proportion of sites which are owned or controlled by South Tyneside Council. Whilst we fully understand that all potential sources of housing land supply should be assessed before concluding that exceptional circumstances exist to justify changes to the Green Belt boundary, it remains the case that any sites proposed as allocations should be demonstrably deliverable, or at the very least, developable.

To satisfy ourselves that the Council’s housing land supply meets these tests, we have undertaken a high-level review to understand whether the sites owned by South Tyneside Council are justified as allocations. This has included a review of flood risk data, land-based designations, Historic England data, ecological and sustainability considerations.

Firstly, we would like to note, out of the proposed sites for housing, 1,513 dwellings – or approximately 30% of total dwellings allocated – will be on council owned sites. Whilst this does not discredit their merits as an allocated site for residential development, there is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council’s procedure and timescales for site disposal, may impact upon the rate that these can be delivered within the plan period. From a review of the SHLAA, the vast majority of the 1,513 dwellings from these sites are identified to come forward after the first five years of the plan period, with only 27 dwellings identified in the first five years. Therefore, most of the sites will have to satisfy the lower bar ‘Developable’ test.

As set out further in our client’s response to Policy SP18, we have some concerns about the approach applied and the fact that there is very little in the way of contingency should any of the allocated sites (or other assumptions - eg. windfalls) not deliver. Whilst the Local Plan includes safeguarded land at Fellgate, this will provide a limited buffer to under-delivery, in one area of the Borough, and would only come forward if the mechanisms that sit behind it allow. This also includes a significant quantum of development that is assumed to come from sites owned by South Tyneside Council where deliverability is to be tested. Therefore, this adds to our concerns that the Local Plan should identify additional sites – in either Policy SP4 or SP5 – in order to ensure there is a sufficient housing land supply throughout the plan period.

Looking at the Developable test, we have considered the South Tyneside Council owned sites in terms of whether they are located in a suitable location for housing development. With regards to flood risk assessments, most sites are within Flood Risk Zone 1, which is considered appropriate for development. However, there are three council sites (H.22, H.28 and RG2, totalling c. 61 dwellings) which although overall registered as flood risk 1, border or are very close to Flood Risk Zone 2 or 3 areas. This could have further issues when new development occurs on the land nearby these high-risk areas, especially if the land is undergoing a change of use. There are also questions about whether the capacity of these sites takes account of the constraints.

Our client notes how important it is to preserve sites that have features of current historic importance, as set out by Historic England's data. There are two sites (H.1 and H.15, totalling c. 67 dwellings) which may have conflict over being in areas with historic designations, in addition to all three sites located in the Fowler Street Improvement Area (RG5, RG6 and RG6). In the Fowler Street area, we note that there are Grade 2 listed buildings which are within and bordering the proposed site which will form key considerations to both the deliverability of the site and the capacity of development which can be achieved.

### **Other land-based designations:**

We feel that there are numerous other sites with certain land-based designations that mean these sites should be removed. It is noted that three of the Council's sites (H.2, H.4 and H.5) are proposed on land which are existing playing fields. The indicative capacity of development assumed from these sites totals 644 dwellings which forms a considerable proportion of the supply. In addition, site GA3 (South Shields College) includes 115 dwellings. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields as well as better provision in terms of quantity and quality needing to be supplied elsewhere in the authority. It is understood that Sport England objected to the previous draft Local Plan in 2019 on a similar basis and we suspect they will object again.

The Council have, so far, failed to identify where this provision will be located. In Section a) of paragraph 99, it states that open space, like playing fields, can only be built on if it demonstrates that land is surplus to requirements. However, according to the South Tyneside Playing Pitch Strategy 2019, an assessment showed that all playing pitches currently in use require protection and is potentially needed for future playing pitches to accommodate the shortfall. With regards to playing fields, sites of new 'hubs' have been included in the Plan, but these are not confirmed and there are no records of Sporting England's comments on the loss of existing playing fields nor on whether these proposed hub sites may be suitable replacements. A suitable replacement, with regards to NPPF Para 99 b) would have to mean that they replace with former sites with sites of better quality and a higher quantity but there has been no confirmation by Sporting England. Furthermore, one of these sites, site H.5, is located partially in the Green Belt. There are also a couple other sites (H.38 and H.39, totalling c. 62 dwellings) which are proposed on/next to a public park or garden or a former play area. There is also one site, site H.10, which sits in an area of open Mosaic habitat land.

### **Ecological considerations:**

Our client recognises the importance of not impacting the ecology of a Site for development, in line with paragraph 174 of the NPPF 2021, where there is a major focus on protecting the environment and pushing for a biodiversity net gain. However, we note that there are around 10 sites (totalling c. 533 homes) which may impact an ecological site or are in a place which has an ecological designation.

### **Summary**

For the reasons discussed above, together with the backlog in delivery (due to failed Housing Delivery Tests), and other concerns we highlight in other responses (including the response to Policy SP18), we

consider that there is a need to find more sites and potentially release more land from the Green Belt in order to meet the housing requirement and to maintain a sufficient supply of housing.



## **Policy SP5 – Urban and Village Sustainable Growth Areas**

### **Do you support Policy SP5?**

No

### ***Specific Site Allocation***

Site reference SHLAA Ref. SWH006 and Green Belt Parcels Ref WH11 and WH11a (Land South of Kitchener Road and east of Lizard Lane, Whitburn)

### ***Comments***

As detailed in our client's (Story Homes) response to Policy SP3 (Spatial Strategy), our client agrees with the Council's strategy of facilitating sustainable growth through the amendment of Green Belt boundaries. However, our client disagrees with the decision not to include Land South of Kitchener Road and east of Lizard Lane, Whitburn in Policy SP5 for the delivery of c. 165 dwellings.

In the response below, we consider the Council's assessment of the site and our response where appropriate.

The Council's Stage One Green Belt Review established that exceptional circumstances exist to justify amendments to the Green Belt boundary – which our client fully supports as explained further in the response to draft Policy SP3.

The Stage Two Green Belt Review includes an assessment of the site (albeit over two parcels – WH11 and WH11a) against the five purposes of the Green Belt. The area proposed for development generally relates to the parcel assessed under reference WH11. Parcel WH11a is located immediately north of WH11 and, whilst there could be some development in the southern part of this parcel, the northern extent is proposed as a landscaped area and a focussed area for ecological habitat creation (as shown on the appended Landscape Framework Plan). Should the site be allocated, the land to the north could either be removed from the Green Belt (with the development area) or this area could remain in the Green Belt in which case the proposals could demonstrate compensatory improvements to the Green Belt.

For the reasons above, the parcel assessed under WH11 is the one which relates most closely to the area for development, which we consider below.

### **Green Belt Stage 2 Assessment**

In the section below, we review the Council's assessment of the site (ref. SBC102 or BC18 and BC54) against the five purposes of the Green Belt, and provide our own appraisal.

#### **1. To check the unrestricted sprawl of large built-up areas:**

STC assessment = C (Moderate Impact – which can be mitigated).

Our comments: The parcel adjoins built development to the south (by Marsden Primary School and the rear gardens of Wheatall Drive) and to the east (by Mill Lane (A183) the residential area south of Shearwater). The site is also bound to the west by Lizard Lane and the north by Lizard Lane. The developed area is a proportionate extension to Whitburn and it would extend no further north than the former Whitburn Lodge (which is allocated for housing (GA12) in Policy SP5 along with the land immediately to the south (GA13)). Therefore, its development would not extend the site any further north or west than the existing building line. As shown on the submitted Landscape Framework Plan,

the site would be enveloped by structural landscaping and habitat creation to ensure a soft edge to the development and the creation of a robust new Green Belt Boundary.

2. To prevent neighbouring towns merging into one another:

STC assessment = C (Moderate Impact – which can be mitigated).

Our comments: Development of the site would not result in the building line reducing between Whitburn and South Shields due to the existing development to the north of the site already (including Thill Stone Mews, the former Whitburn Lodge and the terraced houses north of Kitchener Road). It would also not result in a reduction in the distance between Whitburn and Cleadon as it does not extend beyond Lizard Lane. Therefore, the development does not represent merging of settlements.

3. To assist in safeguarding the countryside from encroachment:

STC assessment = C (Adverse Impact – some mitigation feasible).

Our comments: Development in this location represents a logical extension to an existing settlement along the northern edge of Whitburn. The extension would be controlled through appropriate masterplanning and provide increased opportunities for the public to access local open space and the wider countryside. This has also been considered by Pegasus in the Landscape and Visual Note and the Landscape Framework Plan (submitted to the Council last year, but appended for ease). The site is well defined by Lizard Lane (west), existing residential development at Whitburn (south and east) and Kitchener Road to the north, which would provide robust boundaries to contain the settlement.

4. To preserve the setting and special character of historic towns:

STC assessment = A (Zero Impact).

Our comments: The site is a considerable distance from the Whitburn Conservation Area (around 1.2km) and indeed the historic core of Whitburn. Its development is very unlikely to have any material impact on its setting or character and we fully agree with the Council's assessment on this. In terms of other designated heritage assets in the local area, the Lizard Lane Heavy Anti-Aircraft Battery is located to the north west of the site. As demonstrated in the work submitted in 2021, the development of the site would include a sensitive design to preserve the views from the Battery towards the coast.

5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land:

STC assessment = C (Moderate Impact – which can be mitigated).

Our comments: Whilst the redevelopment of derelict urban land should be encouraged, the Green Belt Review has established that the release of Green Belt land is needed to meet the housing need. The development of this site will not prejudice the delivery of other brownfield opportunities across the Borough.

The Council's Stage Two Green Belt Review provides an overall assessment of 'C' (Moderate Impact, which can be mitigated). There are only two other parcels which better this score: one relates to a site which has been redeveloped for housing (completed) (ref. WH16) and the other relates to a very small parcel adjacent to White Mare Pool roundabout (ref. SFG040).

It should also be noted that the overall assessment (C) is consistent with the overall assessment of any other parcels at Whitburn which have been included as allocations in Policy SP5. In terms of the individual assessments against each of the Green Belt purposes, WH11 has a more favourable score than the other sites at Whitburn which have been allocated.

In this context it has been clearly demonstrated that development at the site would not prejudice the function of the Green Belt in this location, in line with the purposes set out in the NPPF.

### SHLAA

In terms of the other assessments of the site, the Council's SHLAA assesses the site as being suitable, available but not achievable for development.

The SHLAA refers to the Site Selection paper which states that "The site has not been allocated due to potential significant impacts on biodiversity". This document also references the 2019/20 Wading Bird Survey which identifies the site as being a key site for Curlew.

BSG Ecology has assisted our client with ecological expertise. This included surveys carried out during the winter period November 2015 to March 2016 and this showed that the site occasionally supported feeding and resting Curlew. 36 birds was the peak count during this period. This work also identified that Curlew were recorded using 11 other fields to the north-west, west and south-west of the site. BSG has also previously completed survey work on behalf of South Tyneside Council and Sunderland Council in 2016 and this work found a peak count of 87 birds recorded foraging on the site.

The Site Selection paper also states that the site "falls within the Green Belt and is considered to perform relatively strongly against the Green Belt objectives". As explained above, the assessment by Green Belt purpose outperforms the other sites allocated at Whitburn in the draft Local Plan. Indeed, the impact of releasing the site can be mitigated through a sensitive design.

We have also considered the Wader Survey (April 2020), undertaken for the Council by E3 Ecology which reports the findings of surveys undertaken between November 2019 and March 2020. This site (field 30) is identified in this work as one of 6 fields where peak counts of Curlew were recorded. The peak count on the site was 112 birds. It is understood that this work has influenced the Council's decision not to include the site as an allocation.

The Wader Survey describes the field conditions which are most suitable for Curlew, including those with stubble fields and those with a longer sward height, due to the species' longer legs that allow foraging. It also identifies that fields with higher earthworms will also attract Curlew as this is an important food source for wintering Curlew.

The survey results differ considerably to the work undertaken by BSG Ecology on various occasions and it is important to recognise that the E3 Ecology Wader Survey notes that the assessment is only based on a single season's survey and that the management of farmland will vary from year to year. It also acknowledges that Autumn 2019 was wet, resulting in many farmers being unable to establish autumn sown crops and a greater proportion of fields being fallow or stubble than is likely to be usually the case. Therefore, the circumstances may have exaggerated the suitability of the site to Curlew than may otherwise normally be the case.

Notwithstanding the above, we recognise that Curlew do use the site, along with other farmland around Whitburn. We also note the detail in the Wader Survey about the RSPB's recovery programme for Curlew which focusses on improving conditions at breeding sites rather than in wintering areas. Our client is willing to discuss these opportunities with the Council and the RSPB which may help to mitigate the impact of the development of the site. It is also understood that a further assessment will be published in the near future and we reserve the right to comment on this work once available.

### Sustainability Appraisal

The Sustainability Appraisal (SA) considers the development of the site against 13 objectives: (1) Climate Change; (2) Biodiversity; (3) (a) Contaminated Land, (b) Landscapes, (c) Source Protection

Zones, (d) Mineral Resources and (e) Air Quality; (4) Land Use; (5) Green Infrastructure; (6) Cultural Heritage; (7) Sustainable Transport; (8) Town Centres; (9) Economic Growth; (10) Employment; (11) Equality; (12) Housing; and (13) Health.

The SA identifies significant negative effects against (3b) landscape (due to being located within 50m of an Area of High Landscape Value); (3c) mineral workings (due to being within 1km of existing mineral workings and intersects with a source protection zone); and (5) green infrastructure) (due to the site being located within a green infrastructure corridor).

Whilst it is recognised that the SA does not take into account additional mitigation factors, our client considers that there are no insurmountable constraints to developing the site. That said, we set out assurances below on the key concerns raised:

Landscape: Cleadon Hills Area of High Landscape Value (AHLV) is currently located approximately 300m to the west on the elevated ground, although it is recognised that it could be extended as part of the emerging Local Plan. The assessment in the SA is based on the extended AHLV (which is still subject to formal testing) rather than the existing extent of the AHLV. Notwithstanding this, the development of the site would be defined by existing physical urban features, include the roads to the west, north and east and the existing development to the south and east.

A Landscape and Visual Appraisal was also prepared by Pegasus Group to consider the likely effects on surrounding landscape and visual receptors if a residential scheme was developed on the site. The Landscape Framework Plan has been developed from the Landscape and Visual constraints and opportunities identified through the site assessment process, to ensure a landscape led approach underpins the masterplanning of the site. The proposed area for development is offset from Lizard Lane to create an off road green movement corridor connecting into Kitchener Road to the north providing access to the existing playground and through to Mill Lane via the main site access. This corridor would be furnished with native trees and shrubs and would tie into the ecological exclusion zone with a spilt radial route around the wetland area. Existing stone wall boundaries would be repaired and the remaining boundaries supplemented with new and additional native hedgerow planting.

Mineral Workings: Marsden Quarry is located to the north of the site although the development of the site would not introduce residential uses any closer to this operation than exists already in this location. It is also noted that the Marsden Quarry is just as close to other sites which have been included as allocations to the east of this site. Therefore, this does not present an insurmountable constraint to the development of the site.

Green Infrastructure: At present the site is used for arable farming and it has very little in the way of permanent landscape features. There are no existing trees, however there is a gappy hedgerow along the site boundaries. As demonstrated on the submitted Landscape Framework Plan, there is an opportunity to strengthen the provision of green infrastructure on the site which is likely to be concentrated along the north and western boundaries to help in providing a new and robust Green Belt boundary.

Accordingly, there are no issues or constraints to the development of the site which cannot be adequately mitigated.

### Summary

Overall, our client agrees with the Council's that exceptional circumstances do exist to justify making amendments to the Green Belt boundary. However, there is a clear and evidenced need to consider the further release of additional land from the Green Belt to ensure there is sufficient land (and options) to meet the housing need, and also to ensure that the amended Green Belt boundary is able to endure the plan period and beyond. We consider that Story Homes' site at Lizard Lane provides an exciting

opportunity not only to deliver much needed new homes, but also wider social and environmental benefits including facilitating expansion of Marsden Primary School (with options indicated on the submitted Landscape Framework Plan) and compensatory improvements to the Green Belt and ecological improvements.

The site is located in a demonstrably attractive market area. There are no viability or landownership constraints to developing the site and, as such, the site could make a meaningful contribution to the Council's housing land supply within the early part of the plan period.

## Appendix 2 - Response to Council's Site-Specific Queries

**Land south of Kitchener Road  
and east of Lizard Lane,  
Whitburn  
Response to STC Questions**

Story Homes

August 2021

**LICHFIELDS**



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## 1.0 Introduction

- 1.1 This Statement has been prepared by Lichfields on behalf of Story Homes in relation to land south of Kitchener Road and east of Lizard Lane, Whitburn.
- 1.2 It responds to the email received from South Tyneside Council ('the Council') on 20 July 2021 which included the following questions:
- *Have you considered how you will achieve net environmental gains of 10%? If so, then how do you propose to achieve this?*
  - *A strategic development principle is that consideration should be had to the relationship between the proposed scheme and the existing settlement and surrounding landscape, in terms of visual and historic setting. How do you propose to do this?*
  - *How do you propose to mitigate the potential for impacts of likely significant effects on European Coastal designations?*
- 1.3 The email also referenced possible impacts in highways term at the following junctions to which the Council invited a response:
- *A183 / Kitchener Lane, Whitburn;*
  - *Lizard Lane / Mill Lane, Whitburn;*
  - *A183 / East Street, North Guards, Whitburn;*
  - *A1018 / Cleadon Lane, Cleadon.*
- 1.4 The wider consultant project team (including BSG Ecology, Pegasus Group, Eddisons and Lichfields (in relation to Heritage)) has assisted in responding to the questions above.

## 2.0 The Proposals

- 2.1 The overall site measures around 10.6 ha and, to date, the full site boundary has been made available for development with an anticipated yield of around 250 dwellings.
- 2.2 The project team have reviewed the proposals with Story Homes and the proposals now comprises a reduced developable area which is capable of accommodating approximately **165 new homes**.
- 2.3 Consistent with what has been proposed previously, the site offers the opportunity for the expansion of Marsden Primary School.
- 2.4 The development line of the revised proposal would be level with the Whitburn Lodge which is located to the east of the site on the opposite side of Mill Lane. The revised proposals include the northern part of the site (extending to around 4 ha) as a landscaped area and a focussed area for ecological habitat creation. Should the site be allocated, the land to the north could either be removed from the Green Belt (with the development area) or this area could remain in the Green Belt in which case the proposals would demonstrate compensatory improvements to the Green Belt.
- 2.5 The revised proposals are presented on the **Proposed Landscape Framework Plan** which is included at **Appendix 1**.
- 2.6 The subsequent sections provide a direct response to each question and where applicable, further information is included in the appendices.

## 3.0 Ecology

- 3.1 The Council's response included two questions relating to ecology and a response, led by BSG Ecology, to each is provided below.

***Have you considered how you will achieve net environmental gains of 10%? If so, then how do propose to achieve this?***

- 3.2 An assessment was carried out by BSG Ecology in 2016 and this included consulting the Environmental Records Information Centre North East (ERIC NE). This was complemented by a field survey that was carried out by Principal Ecologist Neil Beamsley CEcol MCIEEM in June 2016.
- 3.3 The majority of the site is dominated by arable farmland that had been sown with a cereal crop at the time of the Site visit in 2016. The boundary of the site was defined by stone walls and fences with narrow strips of poor semi-improved grassland associated with the boundary features. There was a single hawthorn *Crataegus monogyna* bush located along the north-west boundary of the site. In the south-west corner of the site there were a few hawthorn shrubs that may have been a relict hedgerow that was defunct and gappy.
- 3.4 Historical imagery on Google Earth Pro indicates that the habitats present within the site have not changed significantly since the survey was completed. For the purposes of providing an estimation of potential biodiversity gain, we have taken the 2016 baseline to be current.
- 3.5 BSG Ecology has considered the potential for a net gain at the site which, as the guidance states, can be achieved through a combination of on site and off site measures.
- 3.6 The baseline comprises arable (Metric habitat 'cereal crop'), poor semi-improved grassland (Metric habitat 'modified grassland') and defunct gappy hedgerow (Metric habitat 'native hedgerow').
- 3.7 Taking into account the Landscape Framework Plan (Appendix 1) and in particular the habitat creation in the northern part of the site, BSG Ecology considers that the development of the site **would achieve in excess of 10% net environmental gain**.
- 3.8 Story Homes remain committed to an open dialogue with the Council on this and, as the proposals progress, would be in a position to assess net gain using the recognised metric.

***How do propose to mitigate the potential for impacts of likely significant effects on European Coastal designations?***

- 3.9 The response to this question has been led by BSG Ecology.

### **Statutory Designated Sites**

- 3.10 The following European sites are located within 2 km of the Site:
- Northumbria Coast Special Protection Area (SPA) and Ramsar site are located 900 m to the south-east at their nearest point.
  - Durham Coast Special Area of Conservation (SAC) is located 460 m to the north-east at its nearest point.
- 3.11 Summary details of these sites are provided in the following sections.

### **Northumbria Coast SPA**

3.12 This site qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:

3.13 During the breeding season;

- Little tern *Sternula albifrons*
- Arctic tern *Sterna paradisaea*

3.14 This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

3.15 Over winter;

- Purple Sandpiper *Calidris maritima*
- Turnstone *Arenaria interpres*

### **Northumbria Coast Ramsar**

3.16 The Northumbria Coast qualifies as a Ramsar site under Ramsar criterion 6: species/populations occurring at levels of international importance.

3.17 Species regularly supported during the breeding season:

- Little tern

3.18 Species with peak counts in winter:

- Purple sandpiper
- Turnstone

### **Durham Coast SAC**

3.19 The Annex I habitat that is a primary reason for the selection of this site is 'Vegetated sea cliffs of the Atlantic and Baltic Coasts'. The description of this habitat provided on the site citation is as follows:

*"The Durham Coast is the only example of vegetated sea cliffs on magnesian limestone exposures in the UK". "Their vegetation is unique in the British Isles and consists of a complex mosaic of paramaritime, mesotrophic and calcicolous grasslands, tall-herb fen, seepage flushes and wind-pruned scrub. Within these habitats rare species of contrasting phytogeographic distributions often grow together forming unusual and species-rich communities of high scientific interest. The communities present on the sea cliffs are largely maintained by natural processes including exposure to sea spray, erosion and slippage of the soft magnesian limestone bedrock and overlying glacial drifts, as well as localised flushing by calcareous water".*

### **Previous survey**

3.20 Observations made during monthly wintering bird surveys carried out by BSG Ecology during the winter period November 2015 to March 2016 showed that the Site occasionally supported feeding and resting curlew *Numenius arquata* (up to 36 birds), dunlin *Calidris alpina* (up to 12 birds) and redshank *Tringa tetanus* (up to 4 birds). Curlew were also recorded using eleven fields to the north-west, west and south-west of the Lizard Lane site (up to 34 birds in a single field). Redshank was recorded using two fields (up to 6 birds in a single field). Dunlin was not recorded in any other fields.

- 3.21 Previous survey work completed by BSG Ecology on behalf of Sunderland City Council and South Tyneside Council (BSG Ecology, 2016<sup>1</sup>) noted that curlew was recorded within the Whitburn Ranges and on the adjacent rocky foreshore during most of the survey visits. During high tide counts completed as part of this survey work, curlews numbering up to 87 (January high tide visit) were recorded foraging within the Lizard Lane site. Birds were observed moving between the Lizard Lane site and the Whitburn Ranges and adjacent foreshore.
- 3.22 Whilst waders have previously been recorded using the site, it appears that this is one of a range of sites in the wider area that are utilised by these species when they are not present at the coast. As these fields are a mixture of permanent pasture and arable, it is reasonable to conclude that their suitability for birds will depend on factors such as grazing and crop rotation. It is likely that birds move between fields.
- 3.23 Historical imagery on Google Earth Pro indicates that the habitats present within the site have not changed significantly since the survey was completed. For the purposes of providing an estimation of potential impacts of development on wintering birds, we have taken the 2016 baseline to be current.

#### **Potential impacts on interest features of SPA / Ramsar sites**

- 3.24 Previous survey did not identify any SPA or Ramsar species using the site; however, the future presence of wintering turnstone has not been ruled out. It is considered very unlikely that wintering purple sandpiper or breeding terns would use the site due to their respective habitat requirements. Purple sandpiper is strongly associated with shoreline / intertidal habitats. The nearest tern breeding site is at Crimdon Dene, more than 25 km to the south.

#### **Proposed mitigation**

- 3.25 The proposed development of the site will result in the displacement of any waders that feed or roost on the arable land; however, no evidence is available that indicates that SPA / Ramsar qualifying species use the site. It is proposed to mitigate for this displacement by providing enhanced habitat that is managed specifically for wading birds on approximately 4 ha of land immediately to the north of the site. It is envisaged that this enhanced land will comprise a mosaic of pools, wetland, marshy grassland and semi-improved grassland. This enhancement and management will benefit a range of waders and waterfowl, including turnstone if this species chooses to use the site.
- 3.26 Given the proximity of the proposed residential development (immediately to the south) the success of the habitat enhancement for waders will depend on the provision of appropriate boundary treatments to prevent the use of this area for recreational purposes. It is envisaged that this will be done using fencing and appropriate buffer planting.
- 3.27 The proximity of the Whitburn Coastal Park is likely to help mitigate recreational impacts on the habitat enhancement area. The entrance to the Park is approximately 220 m to the north of the site and is accessible from the site using existing pavements. It is reasonable to conclude that the Park is likely to attract walkers in preference to the habitat enhancement area due to its proximity, the presence of coastal habitats (which have a unique attraction) and the extent of the Park (approximately 26 ha) and the walking options available.
- 3.28 Overall, it is considered that the 4 ha area of land that has been identified for enhancement will deliver mitigation for the species that have previously been shown to use the site. Appropriate landscaping will help to protect this area from informal recreational use.

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<sup>1</sup> BSG Ecology (2016). Sunderland and South Tyneside 2015-2016 Non-Breeding Bird Survey Report: Coastal Sites.

- 3.29 It is also noted that recreational impacts on birds will require mitigation delivered in accordance with the Council's SPD for European site mitigation, which is a tariff-based arrangement similar to other planning authorities in the North East: (SPD web page is <https://www.southtyneside.gov.uk/article/36021/Supplementary-Planning-Documents>).

### Summary

- 3.30 It is therefore considered that any perceived impacts of the development in ecological terms could be effectively mitigated.

## 4.0 Landscape and Visual

- 4.1 A response to this question has been led by Pegasus Group with input from Lichfields in terms of the heritage considerations. A separate **Landscape and Visual Note** is included at **Appendix 2**.

***A strategic development principle is that consideration should be had to the relationship between the proposed scheme and the existing settlement and surrounding landscape, in terms of visual and historic setting. How do you propose to do this?***

- 4.2 The appended Landscape and Visual Note considers the baseline and an appraisal of the landscape character of the site and therefore Story Homes and the project team has strong understanding of the considerations which could affect and/or shape the development of the site.
- 4.3 The note confirms:
- The majority of the site area is arable farmland;
  - There are no trees on the site; there is a single hawthorn hedge on the north west boundary; and along the south west boundary there are a few hedgerow species which may define a relict hedgerow;
  - The site is not covered by any designation at a national, regional or local level that recognises a specific landscape importance;
  - The site lies within the 'Semi-rural Land Use Type and the Urban Fringe, Cleadon Hills' Local Landscape Character Area;
  - Cleadon Hills Area of High Landscape Value is currently located approximately 300m to the west on the elevated ground (which could be extended as part of the emerging Local Plan);
  - The Lizard Lane Heavy Anti-Aircraft Battery Scheduled Monument is also located approximately 300m to the north west of the site;
  - There are no public rights of way within the site or in the immediate vicinity;
- 4.4 The Note explains how the site is influenced by the surrounding urban form which includes the former Miners Cottages to the north, the new residential development on the site of the former Bath House and Canteen to the north east, Whitburn Lodge to the east and the existing urban form wrapping round the boundaries to the south and east.
- 4.5 In terms of its visual context, the site area is visually contained by a combination of landform, vegetation and existing built form.

- To the north including from views along the A143, containment is provided by the former miners cottages at Arthur Street, north of Kitchener Road. This is reinforced by the new housing south of the existing playground to the immediate north east of the site.
- To the east, Whitburn Lodge and existing properties on the east side of the A183 limit views largely to the main road corridor.
- To the north east structural planting within the Whitburn Coastal Park limits views from the wider landscape to the north east.
- To the south, the school and the residential estate of Fairfield Drive and Wheattall Drive again largely limit views beyond the main road corridor.
- To the west where the landscape is more open the rising landform provides containment and limits views out.

- 4.6 In terms of historic setting, the site has historically been in agricultural use although the wider agricultural setting has been steadily eroded since the 19th century due to industrial development and the gradual spread of residential development. The impact of this historic development and loss of agricultural land has been diluted by the remediation of the former Whitburn Colliery site.
- 4.7 As noted above, the site is located approximately 300m to the south-east of the Lizard Lane Anti-Aircraft Battery SAM, which is an example of a WW2 anti-aircraft battery that was subsequently adapted for reuse during the Cold War. The battery was intended to engage high-flying strategic bombers which required it to be located on the coast to detect and bring down enemy aircraft crossing the North Sea before they reached industrial areas on Tyneside. The battery has always been within view of the coast and North Sea and it has always had relatively open views out to sea, which helps to interpret its strategic importance and how the battery functioned historically. The setting to the east has changed considerably over time as a result of industrial decline and residential development in the distance beyond the site, which reduces its sensitivity to further change. The line of sight from the battery out to sea contributes to its significance and helps to interpret how the battery was operated and why it was positioned in this location.
- 4.8 The site is also located within 650m of Souther Lighthouse (Grade II\*). Although the development of the site would not be visible from ground level, it would be visible from the viewing platform at the top of the lighthouse. This is unlikely to have any impact on its significance which is derived largely from its architectural qualities and its historic and technological significance. The lighthouse also serves as a prominent local landmark. The setting of the lighthouse has changed considerably over time as a result of the closure of Whitburn Colliery and the demolition of Marsden Village in the 1960s, which reduces its sensitivity to change.
- 4.9 The Landscape Framework Plan (Appendix 1) has been developed from the Landscape and Visual constraints and opportunities identified through the site assessment process, to ensure a landscape led approach underpins the masterplanning of the site.
- 4.10 In terms of the historic setting, the proposals respond positively to the site constraints and preserves the view corridor from the WW2 battery by restricting the proposed development cell to the south of the site, preserving the views out towards the coast. The proposed development will still appear as a new feature within its setting, but given how the setting has changed over time it is less sensitive to further changes and could accommodate the proposed development without it having an adverse effect on its significance. The proposed development will have no impact on the significance of Souther Lighthouse and the proposed buffer planting and area of

greenspace to the north of the site will soften the appearance of the development in views from the top of the lighthouse.

- 4.11 Further to the responses to the ecological led questions in Section 3 of this statement, the Landscape Framework Plan presents the ecological exclusion zone to create an enhanced habitat for overwintering birds.
- 4.12 The proposed area for development is offset from Lizard Lane to create an off road green movement corridor connecting into Kitchener Road to the north providing access to the existing playground and through to Mill Lane via the main site access. This corridor would be furnished with native trees and shrubs and would tie into the ecological exclusion zone with a spilt radial route around the wetland area. Existing stone wall boundaries would be repaired and the remaining boundaries supplemented with new and additional native hedgerow planting.
- 4.13 The appearance of the development would be softened further with the planting of new trees throughout the layout which will contribute to the achievement of a well-designed and beautiful place.

## 5.0 Highways

- 5.1 The final question relates to the potential impact of the development on the highway network. A **Traffic Impact Statement**, prepared by Eddisons, is included at **Appendix 3**.

***The Council has had traffic modelling undertaken which has indicated that this development would impact the following junction***

- ***A183 / Kitchener Lane, Whitburn;***
- ***Lizard Lane / Mill Lane, Whitburn;***
- ***A183 / East Street, North Guards, Whitburn;***
- ***A1018 / Cleadon Lane, Cleadon.***

***The Council would like to invite you to show how you propose to mitigate these impacts.***

- 5.2 The Traffic Impact Statement provides a rounded review of the proposals in terms of highway considerations. It concludes that:
- The proposals can be accessed from the Mill Lane frontage safely and efficiently.
  - The site has been demonstrated to be accessible by a range of non-car travel modes.
  - The traffic impact of the proposals is likely to be able to be accommodated on the existing highway network with minimal impact at key junctions in the area or a contribution to an already agreed level of mitigation.
  - All transport and highways issues will need to be included within a formal Transport Assessment that will support any future planning application at the site.
- 5.3 In response to the Council's question, section 4 within the appended Statement considers the potential impact at each junction. However, it should be noted that only two of the junctions (North Guards / A183, Whitburn; and A1018 / Cleadon Lane, Cleadon) were included in the 2017 base flow traffic figures that were supplied by the Council.
- 5.4 No capacity issues have been raised in the Systra Study as part of their modelling exercise at the North Guards / A183 junction.

- 5.5 With regards to the A1018/Cleadon Lane junction, there is a potential improvement scheme proposed at this junction to mitigate the impact of the Local Plan sites which has been confirmed by Systra as requiring only adopted highway land and at an approximate cost of £500,000. Whilst the site is likely to generate a minimal number of additional movements at this junction, an appropriate level of contribution can be discussed with the Council at the time of a planning application.
- 5.6 Of the two additional junctions that the Council have requested consideration of (A183 / Kitchener Lane, Whitburn; and Lizard Lane / Mill Lane, Whitburn), neither is likely to currently experiences any peak time congestion. In addition, the level of additional traffic that is likely to be generated at the two junctions will be minimal.
- 5.7 Figure 5.1 below is an extract from the appended statement which provides a concise summary of the assessment undertaken. Please refer to the statement which provides a more detailed response in relation to each junction.

Figure 5.1 Traffic Impact Assessment Summary

Junction	AM Peak Impact	PM Peak Impact	Comments
Kitchener Road / A183	46	50	Minimal impact but opportunities to improve junction
Lizard Lane / Kitchener Road	1	1	Minimal impact but opportunities to improve junction
North Guards / A183, Whitburn	37	41	Systra confirm no capacity issues and minimal impact
A1018 / Cleadon Lane, Cleadon T	5	6	Potential to improve Systra mitigation scheme and minimal impact

- 5.8 The traffic impacts based on the data which has been made available. If any impacts subsequently differ from what has been assessed (possible regarding cumulative impact from other sites) discussions could take place in relation to the mitigation and proportionate contributions at the planning application stage.

### Summary

- 5.9 There are no material highways or transport reasons which would prevent the allocation or delivery of the site in the emerging South Tyneside Local Plan.

## 6.0 Conclusions

- 6.1 The Statement provides a response to each of the questions posed. Where any impacts of the development have been identified, it is demonstrated that they can be successfully mitigated.



- 6.2           Should any queries arise following the Council's consideration of the submitted information, Story Homes and project team would be more than willing to assist.





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- KEY**
- Site Boundary
  - Cleadon Hills Area of High Landscape Value (South Tyneside LDF policies EA1, DM7, DM8)
  - Candidate Area of High Landscape Value
  - Lizard Lane heavy anti-aircraft battery Scheduled Monument
  - Existing play area
  - Existing vegetation
  - Contour lines
  - Proposed buffer planting (shrubs around existing buildings)
  - Proposed green movement corridor
  - Proposed greenspace network
  - Proposed development cell
  - Proposed SUDS features
  - Proposed fence
  - Key access node
  - Key pedestrian access node
  - Key pedestrian links
  - Principal view from properties

**Proposed Landscape Framework Plan**  
Land at Lizard Lane, Whitburn

Client: Story Homes  
DRWG No: P21-2566.001  
Drawn by : SE  
Date: 26/08/2021  
Scale: 1:3,000 @ A3

REV: B  
Approved by: KC  
**Pegasus**  
Environment



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**P21-2566 – LIZARD LANE, WHITBURN – LANDSCAPE AND VISUAL NOTE**

**August 2021**

**Introduction**

1. This note responds to recent correspondence from South Tyneside Council which includes the following question:

***‘A strategic development principle is that consideration should be had to the relationship between the proposed scheme and the existing settlement and surrounding landscape, in terms of visual and historic setting. How do you propose to do this?’***

2. The note sets out an appraisal of the landscape and visual baseline which has informed the identification of landscape opportunities and constraints which underpin the development of a landscape framework for the site. (See accompanying Pegasus plan P21.2566.001rev.B) The proposed landscape framework considers the relationship between the site, (including the proposed development) with the existing settlement and surrounding landscape, in terms of the visual and historic setting.

**Landscape Baseline**

3. The site area lies within a rectangular area of land, bound on the southern edge by the existing residential edge and on the remaining sides by Lizard Lane to the west, the A183 Mill Lane to the east and Kitchener Road to the north. Inset within the rectangle formed by the road layout and existing residential development is, to the south east Marsden Primary School, to the north east a playground and small residential development, (within the site of the former Bath House and Canteen associated with the former Whitburn Colliery) and to the northwest a triangular area formed from the earlier realignment of Kitchener Road. Located between the 30m and 40m AOD contours the ground rises to the north west to a height of 83m at Beacon Hill.
4. The majority of the site area is arable farmland, the Extended Phase 1 Habitat Survey 2016 notes that, the boundaries of the site are defined by a combination of stone walls and post and wire fences. Areas of small localised semi-improved grassland are associated with these boundaries where the field has not been cultivated. There are no trees within the site, the ecology survey highlights that there is a single hawthorn on the north west boundary and along the south west boundary there are a few hedgerow species which may define a relict hedgerow.
5. The Extended Phase 1 Habitat Survey notes that the site area occasionally supports overwintering birds including Curlew. The surrounding coastal landscape contains several designated sites connected to breeding and overwintering birds.
6. The site is not covered by any designation at a national, regional or local level that recognises a specific landscape importance. The boundary of the Cleadon Hills Area of High Landscape Value is currently located approximately 300m to the west on the elevated ground. It is proposed to extend the Area of High Landscape Value in the emerging South Tyneside Local Plan, (Pre-Publication Draft – Policies Map 2019) eastwards to the Lizard Lane boundary and create a further area along the coast

to the east of the site area. The Lizard Lane Heavy Anti-Aircraft Battery Scheduled Monument is also located approximately 300m to the north west of the site. The site is located approximately 1km north of the boundary of Whitburn Conservation Area with no intervisibility between the two.

7. There are no public rights of way within the site nor the immediate vicinity. The Sustrans Route 1 cycle route, (between Dover and Tain in Scotland) runs along the A183 Mill Lane on the eastern boundary of the site. An existing play area is located to the immediate north east with the wider Whitburn Coastal Park formed from the restored former Whitburn Colliery extending north eastwards towards the coast.

### **Landscape Character**

8. The site lies within the Semi-rural Land Use Type and the Urban Fringe, Cleadon Hills Local Landscape Character Area, as defined by the South Tyneside Landscape Character Study Part I, March 2012. The site lies in ground that is lower than the majority of the character area, (being generally over 50m OAD) and is not generally reflective of the key characteristics of the wider character area, set out as follows:
  - Prominent high ground within South Tyneside, one of the highest points in the area.
  - Popular recreational resource for walking and open space.
  - Important exposures of Magnesian Limestone geology.
  - Site of several key landmarks within the wider South Tyneside landscape.
9. The site is influenced by the surrounding urban form which includes the former Miners Cottages to the north, the new residential development on the site of the former Bath House and Canteen to the north east, Whitburn Lodge to the east and the existing urban form wrapping round the boundaries to the south and east. The site is located in a position south of the existing northern gateway to the settlement which begins at Marsden Quarries to the north and is reinforced by the built form to the north and east of the site.
10. Part II of the South Tyneside Landscape Character Study, March 2012 presents general guidelines for the development and management of the South Tyneside Landscapes and specifically sets out the Landscape Character Guidelines for the Cleadon Hills Character Area. Again these largely relate to the higher ground of the Character Area. The table on p40 of the study is replicated below with an additional column added called 'Site Specific Comment' which provides a response in relation to the site and the proposals in terms of each of the specific guidelines.

<b>Strengths/ Opportunities/ Challenges</b>	<b>Do</b>	<b>Don't</b>	<b>Site Specific Comment</b>
High ground	Retain open undeveloped character, and maintain long views in all directions through management of vegetation Maintain setting of key borough landmarks of the	Allow development which would affect views of the key landmarks, either within this area or in other areas with key views	The site is set in lower ground than the majority of the character area, i.e. below 45m AOD and is separated from the wider character area by Lizard Lane from

	water tower and Cleadon Windmill		which the ground rises to the west. The view corridor from the SAM towards the coast would be maintained by the proposed landscape framework which sets the proposed building line on the existing Whitburn Lodge. There is no intervisibility between The Water Tower and Cleadon Windmill from or to the site.
Access and recreation	Continue to promote access as part of a wider network, enhancing links where possible		The site lies adjacent to Sustrans Route 1. The proposed landscape framework builds in a proposed pedestrian route within the site, (including a circular route around the ecological exclusion zone) connecting into surfaced footpaths on Kitchener Road Lizard Lane and Mill Lane.
Habitat Network	Continue efforts to enhance habitat value, promoting links to wider networks of wildlife corridors		A fenced Ecological exclusion zone is shown on the landscape framework providing a wetland habitat for over-wintering birds that connects directly to the Cleadon Hills Landscape to the west and the Whitburn Coastal Park to the east.
Field boundaries	Support efforts to enhance field boundaries, including rebuilding walls and reinforcing hedges, to		The green movement corridor shown through the site on the proposed landscape framework



	improve landscape structure		provides opportunities for new hedgerow planting along the western boundary and rebuilding/repair of the existing walls to improve the landscape structure.
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### **Visual Context**

11. The site area is visually contained by a combination of landform, vegetation and existing built form. To the north including from views along the A143, containment is provided by the former miners cottages at Arthur Street, north of Kitchener Road. This is reinforced by the new housing south of the existing playground to the immediate north east of the site. To the east, Whitburn Lodge and existing properties on the east side of the A183 limit views largely to the main road corridor. To the north east structural planting within the Whitburn Coastal Park limits views from the wider landscape to the north east. To the south, the school and the residential estate of Fairfield Drive and Wheatall Drive again largely limit views beyond the main road corridor. To the west where the landscape is more open, the rising landform provides containment and limits views out. From the higher ground beyond there are very limited public vantage points from which to gain views of the site. The main views across the site from the west are gained from Lizard Lane itself.

### **Landscape Framework**

12. The landscape framework plan has been developed from the Landscape and Visual constraints and opportunities identified through the site assessment process, to ensure a landscape led approach underpins the masterplanning of the site.
13. The provision of an ecological exclusion zone to create an enhanced habitat for overwintering birds is one of the key drivers of the landscape framework. The proposed building line is aligned between the edge of the Lizard Lane Heavy Anti-Aircraft Battery Scheduled Monument and Whitburn Lodge to also maintain the view corridor from the Scheduled Monument towards the coast. The ecological exclusion zone would be fenced off from physical public access to protect the habitat but views would be obtained from a circular footpath around the area. The space would be generally open to provide a landing area for birds and comprise principally of grassland and wetland habitat. Some buffer planting would be included to tie into the existing native plating in Whitburn Coastal Park to the immediate east, and provide separation from the new housing to the north east. Further wetland habitat potential is provided in the form of a SUDs feature adjacent to Mill Lane with complementary tree planting.
14. Should the site be allocated, it is anticipated that the land immediately to the north would remain in the Green Belt. The proposals would therefore offer an opportunity to deliver compensatory improvements to the Green Belt (in line with NPPF

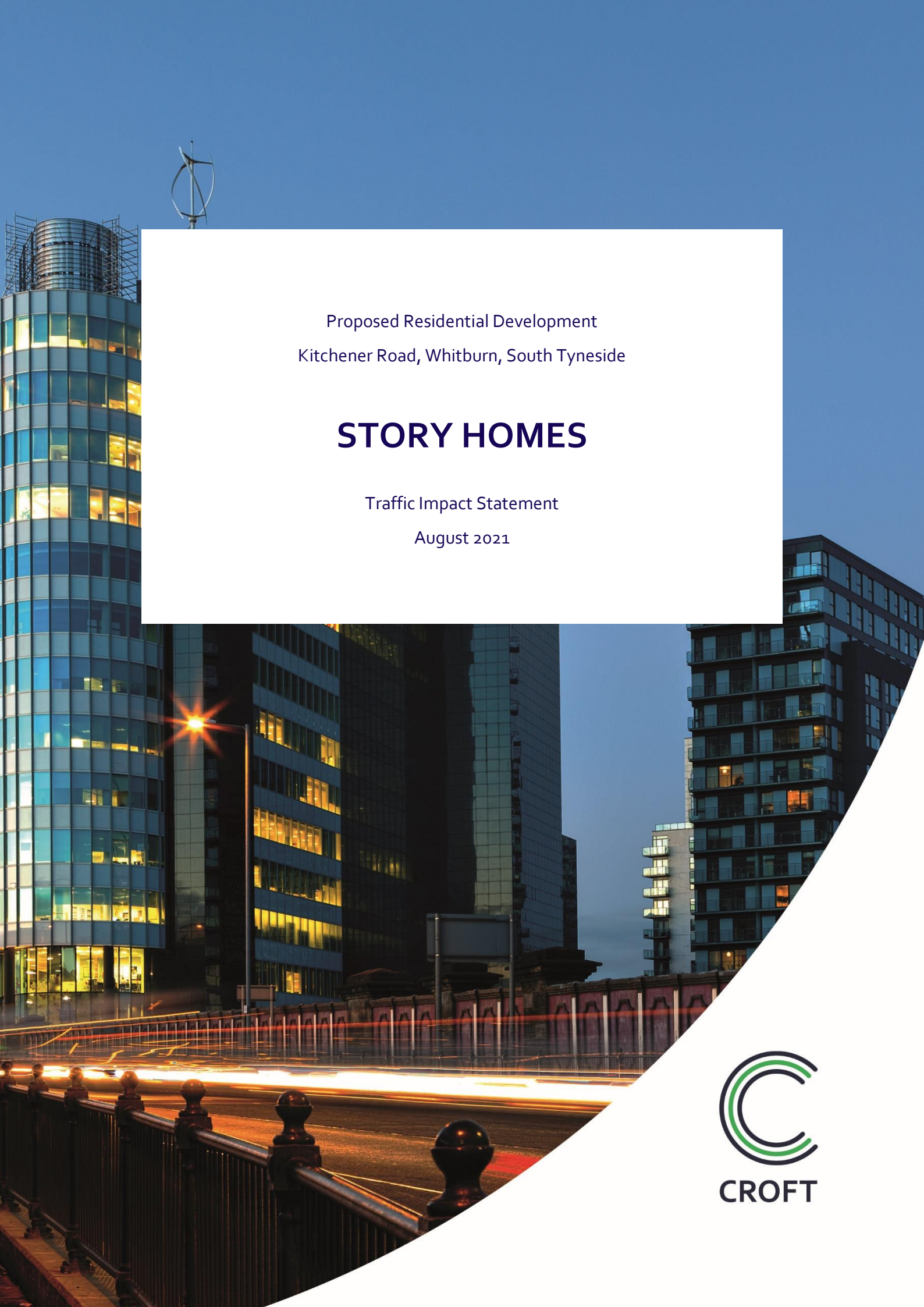
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paragraph 142) through the provision of biodiversity measures and increased public access/connectivity.

15. The proposed development cell is offset from Lizard Lane to create an off road green movement corridor connecting into Kitchener Road to the north, providing access to the existing playground and through to Mill Lane via the main site access. This corridor would be furnished with native trees and shrubs and would tie into the ecological exclusion zone with a spilt radial route around the wetland area. Existing stone wall boundaries would be repaired and the remaining boundaries supplemented with new and additional native hedgerow planting.
16. Two options for school extension zones are shown either to the north or west of the existing school location. The proposed development cell would include incidental green space areas and street trees as part of the residential layout. This would form part of a strategy, in partnership with the urban design proposals, to deliver a high quality, beautiful and sustainable place in line with the National Planning Policy Framework 2021.

### **Summary**

17. This note and the accompanying landscape framework plan shows how the proposed development can be accommodated in the surrounding landscape and townscape, by a close consideration of the underlying landscape opportunities and constraints. The proposed development would be underpinned by a strong landscape framework, delivering onsite and offsite benefits, (within the remaining Green Belt) and would be sympathetic to the visual and historic setting of Whitburn.



Proposed Residential Development  
Kitchener Road, Whitburn, South Tyneside

# STORY HOMES

Traffic Impact Statement  
August 2021





## REPORT

**Document:** Traffic Impact Statement

<b>Project:</b>	Proposed Residential Development   Kitchener Road   Whitburn   South Tyneside
<b>Client:</b>	Story Homes
<b>Job Number:</b>	3493
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1	24-08-21	Final	
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## 1 INTRODUCTION

### 1.1 Introduction

- 1.1.1 Eddisons have been instructed by Story Homes to advise on the traffic and transportation issues relating to a potential residential allocation on land south of Kitchener Road in the Whitburn area of South Tyneside.
- 1.1.2 The Statement provides information mainly on the traffic impact aspects of the development proposals and assist the local planning authority in the positive allocation of the site within the emerging South Tyneside Local Plan Partial Review.
- 1.1.3 To inform this process, comments have been provided by South Tyneside Council setting out the scope of information they require to support this particular proposal. This is enclosed at **Appendix 1** and essentially requests traffic impact information relating to each of the Local Plan sites.
- 1.1.4 It must be noted that the consultation is informal, with a limited timescale and dialogue to allow detailed assessment.

### 1.2 Scope of Report

- 1.2.1 Following this introduction, Section 2 of this Statement describes the development site, the potential development and the proposed vehicular access arrangements. Section 3 of this Statement will briefly consider the site's non-car accessibility.
- 1.2.2 Section 4 of this Statement will provide a consideration of the traffic impact of the subject site.
- 1.2.3 Section 5 will draw together the conclusions to this Statement.

## **2 DEVELOPMENT SITE AND PROPOSALS**

### **2.1 Introduction**

2.1.1 This section of the Statement will describe the site and provide details of the development proposals.

### **2.2 Development Site**

2.2.1 The site is situated to the south of Kitchener Road, west of the A183 Mill Lane, east of Lizard Lane and north of Marsden Primary School.

2.2.2 There are no formal vehicular access points into the site apart from field accesses off Lizard Lane to the west of the site.

### **2.3 Potential Development**

2.3.1 At this stage, the site is proposed to accommodate around 165 residential dwellings.

2.3.2 An Indicative Masterplan, included at **Plan 1**, illustrates how the site could be developed.

2.3.3 The level of car and cycle parking will accord with the Council's current standards and will be provided in detail at the time of a subsequent planning application.

### **2.4 Vehicular Access**

2.4.1 Vehicular access to the site can be achieved from the eastern frontage of the site onto the A183 Mill Lane. A standard residential style access would be required which would incorporate the following geometry:





- Access road of 5.5 metre width.
- Footways on both sides of 2 metres wide.
- Junction radii of 10 metres.
- Visibility splays in both directions of at least 2.4 metres by 43 metres.

2.4.2 The visibility splays achievable are well beyond those defined above but this will ensure compliance with a 30mph speed limit which is the current speed limit on Mill Lane.

2.4.3 As such, the site can be appropriately accessed for the proposed residential development.

## 3 ACCESSIBILITY BY NON-CAR MODES

### 3.1 Introduction

- 3.1.1 In order to accord with the aspirations of the NPPF, any new proposals should extend the choice in transport and secure mobility in a way that supports sustainable development.
- 3.1.2 New proposals should therefore attempt to influence the mode of travel to the development in terms of gaining a shift in modal split towards non-car modes, thus assisting in meeting the aspirations of current national and local planning policy.
- 3.1.3 The accessibility of the site has been briefly considered by the following modes of transport:
- Accessibility on foot.
  - Accessibility by cycle.
  - Accessibility by bus.
  - Accessibility by Metro.

### 3.2 Access on Foot

- 3.2.1 It is important to create a choice of direct, safe and attractive routes between where people live and where they need to travel in their day-to-day life. This philosophy clearly encourages the opportunity to walk whatever the journey purpose and also helps to create more active streets and a more vibrant neighbourhood.

- 3.2.2 Mill Lane currently has a footway on the western side of the road along the site frontage of around 3 metres wide. On the eastern side, there is a combined footway/cycleway of around 3.5 metres wide. There is also a formal pedestrian refuge island on Mill Lane just south of the Kitchener Road junction to further enhance pedestrian safety and connectivity.
- 3.2.3 These footways will provide pedestrian access to the amenities in Whitburn to the south of the site and Marsden to the north.
- 3.2.4 Within the Institution of Highways and Transportation (IHT) document, entitled "Guidelines for Providing for Journeys on Foot", a distance of 800 metres is identified as the preferred maximum distance for town centres, whilst a distance of 2 kilometres is defined as a preferred maximum for commuting.
- 3.2.5 Walking is the most important mode of travel at the local level and offers the greatest potential to replace short car journeys, particularly those under 2 kilometres. In addition, the DfT National Travel Survey of 2018 confirms that 80% of all trips less than a mile (1.6km) are carried out on foot.
- 3.2.6 A brief review of the proximity of local facilities has been undertaken. **Table 3.1** below, shows the approximate walking distance from the centre of the site to the local retail stores and other nearby key amenities in the vicinity of the site:

Local Amenity	Distance	Guidance Criteria	Meets with Guidance?
Bus Stops	250m	400m	YES
Marsden Primary School	350m	3,200m	YES
Convenience Store	550m	1,600m	YES
Doctor's Surgery	1,300m	1,600m	YES
Dental Surgery	1,400m	1,600m	YES
Avenue Pharmacy	1,400m	1,600m	YES
Whitburn Library	1,500m	1,600m	YES
Post Office and Store	1,600m	1,600m	YES
Whitburn Academy	1,800m	4,800m	YES

**Table 3.1 – Approximate Distance from Site to Local Facilities**

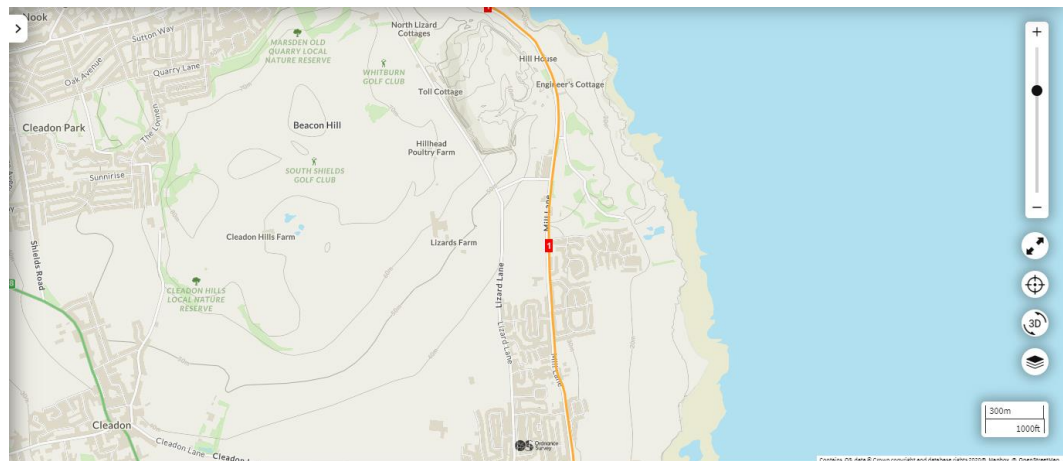
3.2.7 As can be seen in the above table, the site is located within close proximity to a number of local amenities including local shops, schools and health facilities.

3.2.8 It is therefore considered that the existing pedestrian infrastructure will facilitate safe and direct pedestrian linkages between the site and local destinations.

### 3.3 Access by Cycle

3.3.1 An alternative mode of travel to the site could be achieved by bicycle. As detailed above a formal combined footway/cycleway is located on the eastern side of the A183 Mill Lane.

- 3.3.2 A distance of 5 kilometres is generally accepted as a distance where cycling has the potential to replace short car journeys. This distance equates to a journey of around 25 minutes based on a leisurely cycle speed of 12 kilometres per hour and would encompass most of South Tyneside including Whitburn, Cleadon, North Boldon and Sunderland.
- 3.3.3 The Sustrans on line mapping indicates that Mill Lane is part of National Route 1, as shown on the cycle route map below. This allows a direct and safe link to the centre of Whitburn and all of its local day to day amenities as well as other local cycle routes in the area ensuring good cycle linkages to local and regional destinations.



- 3.3.4 The site can therefore be considered as being accessible by cycle.

## 3.4 Access by Bus

- 3.4.1 The nearest bus stops are located close to the south-eastern corner of the site on Mill Lane, around 350 metres from the centre of the site and therefore within a 5 minute walk.

- 3.4.2 This includes the E1/E2 service and the school bus number S825.
- 3.4.3 The E1/E2 service runs half-hourly between Sunderland, Whitburn and South Shields. This service runs from early in the morning to late into the evening and during the weekend.
- 3.4.4 It is therefore concluded that the site is highly accessible by bus.

### 3.5 Accessibility by Metro

- 3.5.1 Although the nearest Metro stations fall outside the recommended 2 kilometres walking distance, the station at South Shields is accessible via a short bus journey. The Metro provides direct services to Sunderland, Gateshead and Newcastle.
- 3.5.2 This provides opportunities for travel to and from the site via Metro.

### 3.6 Accessibility Summary

- 3.6.1 The site has been considered in terms of accessibility by non-car modes.
- 3.6.2 The following conclusions can be drawn from this section of the Statement:
- It has been demonstrated that the site is accessible on foot with a range of day to day amenities located close by.
  - It has been demonstrated that the site is accessible by cycle, with the site being located adjacent to National cycle route 1 and existing cycle facilities between the site and the centre of Whitburn.



- The services from the bus stops on Mill Lane, travelling to South Shields and Sunderland demonstrates that the site is accessible by bus.
- The site is also accessible via Metro with South Shields station located just a short bus journey and a short walk from the site.

3.6.3 In light of the above, it is considered the site is accessible by non-car modes and will cater for needs of the development's residents and assist in promoting a choice of travel modes other than the private car.

## **4 TRAFFIC IMPACT**

### **4.1 Introduction**

- 4.1.1 Having established that the site is accessible by modes of transport other than the private car, the following section of this Statement will consider an assessment of the potential traffic generation of the site as well as providing an assessment of the general impact on the local highway network, as requested by South Tyneside Council.

### **4.2 Council Requirements**

- 4.2.1 Systra was commissioned by the Council to assess how the growth planned as part of the South Tyneside Local Plan Pre-Publication Draft (August 2019) will impact on the local road network across the borough.
- 4.2.2 That document has been prepared entitled 'Local Road Network – Traffic Capacity Assessment' prepared by Systra on behalf of the Council and is dated November 2020.
- 4.2.3 This study provided a detailed evidence base demonstrating how the impact of future development on the highway network has been considered and could be addressed.
- 4.2.4 The study then identified indicative types and scale of mitigation measures which could be used to accommodate any such development. An approximate cost has been identified by the study to provide the necessary comfort that the nature and scale of the improvements could be delivered and funded by a future CIL charge, Section 106 Planning Obligations, S278 agreements and/or other funding sources, if necessary.





- 4.2.5 The junctions (numbers 1 to 27) considered within the study are listed in Table 1 of the document and these junctions were identified in partnership with the Council based upon the volume of development traffic generated and the operation of the existing junctions.
- 4.2.6 An additional ten junctions (numbers 28 to 37) have been addressed through separate studies commissioned or undertaken by the Council and therefore have not been investigated further as part of the Systra study. These studies have already resulted in the delivery of a number of schemes provided to deliver immediate capacity improvements and future capacity to facilitate the Local Plan.
- 4.2.7 As part of this process, the Council has provided a spreadsheet containing additional traffic flow information based on a 2017 base flow scenario as well as the forecast generated flows from a number of potential Local Plan sites.
- 4.2.8 This exercise has not included the Kitchener Road site as one of the 'subject' sites, hence the requirement for further consideration of the traffic impact of the site.
- 4.2.9 The Council have stated that the Systra modelling exercise has 'indicated that this development would impact the following junctions'. These junctions are listed below together with their respective junction reference numbers in the Systra Study and in the 2017 base flow traffic figures which are different:
- **A183 / Kitchener Road, Whitburn** – this is not included in the Systra Study.
  - **Lizard Lane / Mill Lane, Whitburn** – this is not included in the Systra Study but assume this is meant to be the Lizard Lane/Kitchener Road junction as there is no Mill Lane junction with Lizard Lane..
  - **North Guards / A183, Whitburn** – this is J27 in the Systra Study and J33 in the 2017 base flow traffic figure.

- **A1018 / Cleadon Lane, Cleadon** - this is J23 in the Systra Study and J28 in the 2017 base flow traffic figure.

4.2.10 As such, of the junctions listed above, only two of these were included within the 2017 base flow traffic figures that were supplied by the Council, these being the following:

- North Guards / A183, Whitburn.
- A1018 / Cleadon Lane, Cleadon.

4.2.11 This particular Statement will therefore utilise the available information provided by the Council to establish the approximate impact of the Kitchener Road site.

### 4.3 Traffic Impact

4.3.1 The spreadsheet provided by the Council, that formed the basis for the Systra Study, has been used to forecast the impact of the Kitchener Road site. The 'person' trip generation for the residential development being assessed as part of the Local Plan process is summarised in Table 3 on Page 10 of the 'Local Road Network – Traffic Capacity Assessment' report.

4.3.2 A summary of the forecast residential trip rates and the likely level of trips that would occur as a result of the Kitchener Road site is provided in **Table 4.1**, below.

Period	Trip Rate		Trips	
	Arr	Dep	Arr	Dep
AM Peak Hour	0.178	0.572	29	94
PM Peak Hour	0.510	0.300	84	50

**Table 4.1 Proposed Development Person Trip Rates and Trips (165 Units)**

- 4.3.3 In order to derive vehicular trip rates, Method of Travel to Work data for the South Tyneside 018 Middle Super Output Area has been obtained from the Nomis Website, and this replicated in **Table 4.2**, below.

Mode	Existing (%)
Driving a Car or Van	68%
Passenger in a Car or Van	6%
Public Transport	18%
Motorcycle, Scooter or Moped	0%
Bicycle	1%
On Foot	4%
Other	3%
Total	100%

**Table 4.2 Modal Split for Kitchener Road Site**

- 4.3.4 It is noted that the latest census data shows that 41% of people in the area were not in employment and a further 8% of people are mainly working from home. The latter is likely to increase in the future given the post COVID working patterns. On this basis, given these people are unlikely to leave their home in peak periods, these percentages have been excluded from the overall total. This results in 68% of people travelling by car or van.

- 4.3.5 This percentage has been applied to the Person Trip Rates shown in Table 4.1, and a summary of these trip rates, together with the trips associated with 165 units, can be seen in **Table 4.3**, below.

Mode	Period	Trip Rate		Trips	
		Arr	Dep	Arr	Dep
Vehicle	AM Peak Hour	0.120	0.386	20	64
	PM Peak Hour	0.344	0.203	57	33

**Table 4.3 Proposed Development Vehicular Trip Rates and Trips (Based on 165 Units)**

- 4.3.6 As can be seen from the above table, the proposed development is predicted to result in 84 two-way vehicular trips during the weekday AM peak and 90 two-way trips during the weekday PM peak period.
- 4.3.7 In order to assign the vehicles trips to the local highway network, further reference has been made to the place of work census data for the relevant MSOA (Middle Super Output Area). The distribution to and from the site is shown in **Figure 1**. This level of traffic has been distributed across the local highway network of assessment based on this level of distribution and the traffic generation for the AM peak period is shown in **Figure 2** with the PM peak hour shown in **Figure 3**.
- 4.3.8 From this, one can establish the actual traffic impact of the proposed development at each junction listed by the Council earlier in this section. This is summarised in the following paragraphs.

## **4.4 Kitchener Road / A183**

- 4.4.1 The proposed Kitchener Road site is forecast to generate around 46 additional two-way vehicular movements through this junction during the AM peak hour period and a total of 50 two-way vehicular movements travelling through this junction during the PM peak hour. Both these impacts equate to less than an additional two-way vehicular movement every minute during even the busiest periods of the day.
- 4.4.2 The Systra Study did not include assessment of this junction. There is no evidence of any congestion issues at the junction and Kitchener Road itself is likely to accommodate a very low level of traffic at present. The vast majority of the additional traffic movements, all but one in each peak period, likely to be generated by the proposals on the site will travel straight through the junction rather than conflict with any other turning movement. This will have negligible effects on the operation of the junction.
- 4.4.3 However, if during the subsequent planning application process establishes that a level of mitigation is required at the junction there is potential for some improvements to be implemented.
- 4.4.4 This could involve the potential for a slight widening of the Mill Lane carriageway on the southern side of the junction, the implementation of a narrow right turning lane or potentially the slight widening of the Kitchener Road arm of the junction to allow additional capacity from the minor arm.
- 4.4.5 As such, the level of impact at this junction is likely to be minimal. However, there is potential for a level of mitigation to be provided if deemed necessary at the time of a formal planning application at the site.

## **4.5 Lizard Lane / Kitchener Road**

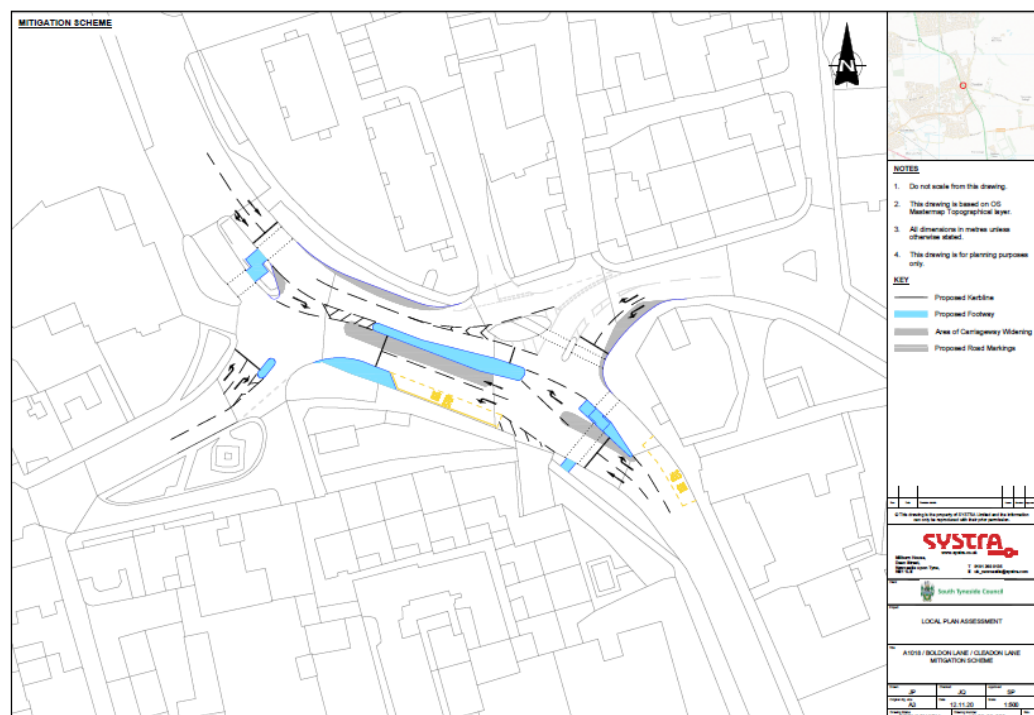
- 4.5.1 During the AM and PM peak hour periods there is forecast to be a total of 1 additional two-way vehicular movement through this junction. This is due to the location of the Site Access on Mill Lane and the likelihood of most traffic entering or leaving the site doing so via Mill Lane rather than on Lizard Lane. This will have an imperceptible impact on the operation of this junction.
- 4.5.2 The Systra Study did not include assessment of this junction. There is no evidence of any congestion issues at the junction and Kitchener Road itself is likely to accommodate a very low level of traffic at present.
- 4.5.3 As such, the level of impact at this junction is likely to be imperceptible and no level of mitigation should be required.

## **4.6 North Guards / A183, Whitburn**

- 4.6.1 The proposals are forecast in to generate around 37 additional two-way movements during the AM peak hour period and during the PM peak hour periods it is forecast to have an impact of 41 additional two-way vehicular movements through this junction. These impacts equate to just over an additional two-way vehicular movement every 2 minutes during even the busiest periods of the day.
- 4.6.2 As such, the impact will not have any material effect on the operation of this junction. The Systra Study has confirmed that there are forecast to be no capacity issues at this junction in all of the Local Plan assessment scenarios.

## 4.7 A1018 / Cleadon Lane, Cleadon

- 4.7.1 The proposals are forecast to generate 5 two-way vehicular movements during the AM peak hour period and 6 two-way movements during the PM peak hour. These impacts equate to a maximum of an additional two-way vehicular movement every 10 minutes during even the busiest periods of the day.
- 4.7.2 The Systra Study is of the view that the junction operates with capacity issues, although it's clear from the analysis that the junction does not operate over its capacity, and a signalisation scheme is proposed to mitigate the impact of the traffic likely to be generated by the Local Plan sites. The scheme has been costed by Systra at around £500,000. This is shown indicatively below:







- 4.7.3 It is highly unlikely that the additional traffic that would be generated by this proposed development would have any impact on the operation of this junction. That said, additional mitigation works could be provided on the eastern Front Street approach and on the southbound Shields Road approach where the extent of adopted highway is extensive and the opportunity exists for creating additional road space to improve the capacity of this junction to accommodate the traffic movements likely to be generated by the Kitchener Road proposals.
- 4.7.4 At the time of a planning application at the site, the applicant will discuss the potential contributions to the implementation of this scheme with the Council.
- 4.7.5 On this basis, the minimal impact of the proposals at this junction can be suitably mitigated if required by the Council.

## 4.8 Summary

- 4.8.1 This section of the Statement has considered the traffic impact of the Kitchener Road site. **Table 4.4**, below, includes each junction, or location, that the Council have requested to be considered within this assessment.



Junction	AM Peak Impact	PM Peak Impact	Comments
Kitchener Road / A183	46	50	Minimal impact but opportunities to improve junction
Lizard Lane / Kitchener Road	1	1	Minimal impact but opportunities to improve junction
North Guards / A183, Whitburn	37	41	Systra confirm no capacity issues and minimal impact
A1018 / Cleadon Lane, Cleadon T	5	6	Potential to improve Systra mitigation scheme and minimal impact

Table 4.4 – Traffic Impact Assessment Summary

- 4.8.2 As can be seen, no capacity issues have been raised in the Systra Study as part of their modelling exercise at the North Guards / A183 junction.
- 4.8.3 With regards to the A1018/Cleadon Lane junction, there is a potential improvement scheme proposed at this junction to mitigate the impact of the Local Plan sites which has been confirmed by Systra as requiring only adopted highway land and at an approximate cost of £500,000.
- 4.8.4 The Kitchener Road site is likely to generate a minimal number of additional movements at this junction. However, there is the potential to further improve the junction using only land within the adopted highway and as such can be delivered by the applicant is required in discussion with the Council. At the time of a formal planning application an appropriate level of contribution can be discussed with the Council.



- 4.8.5 Of the two additional junctions that the Council have requested consideration of, neither is likely to currently experiences any peak time congestion. In addition, the level of additional traffic that is likely to be generated at the two junctions will be minimal.
- 4.8.6 If during discussions with the Council, mitigation is required at the junctions then there is existing adopted highway land that could be utilised to provide capacity improvements.
- 4.8.7 All traffic impact issues will be considered in detail at the time of a formal planning application the scope of which would need to be agreed with South Tyneside and potentially Highways England. At this stage, however, it is considered that there should be no traffic impact concerns relating to the proposals.

## 5 CONCLUSIONS

- 5.1.1 Eddisons have been instructed by Story Homes to advise on the traffic and transportation issues relating to a potential residential allocation on land south of Kitchener Road in the Whitburn area of South Tyneside.
- 5.1.2 This Statement has been prepared to support the promotion of this site through the South Tyneside Local Plan Review process and provides information mainly on the traffic impact issues on the surrounding highway network.
- 5.1.3 A number of conclusions can be drawn from this Statement, namely:
- The proposals can be accessed from the Mill Lane frontage safely and efficiently.
  - The site has been demonstrated to be accessible by a range of non-car travel modes.
  - The traffic impact of the proposals is likely to be able to be accommodated on the existing highway network with minimal impact at key junctions in the area or a contribution to an already agreed level of mitigation.
  - All transport and highways issues will need to be included within a formal Transport Assessment that will support any future planning application at the site.



- In general, we have considered the traffic impacts based on the data which has been made available. If any impacts subsequently differ from what has been assessed (possible regarding cumulative impact from other sites) we would discuss the mitigation and proportionate contributions at the planning application stage.

5.1.4 As such, there are no material highways or transport reasons which would prevent the allocation or delivery of the site in the emerging South Tyneside Local Plan.

## FIGURES

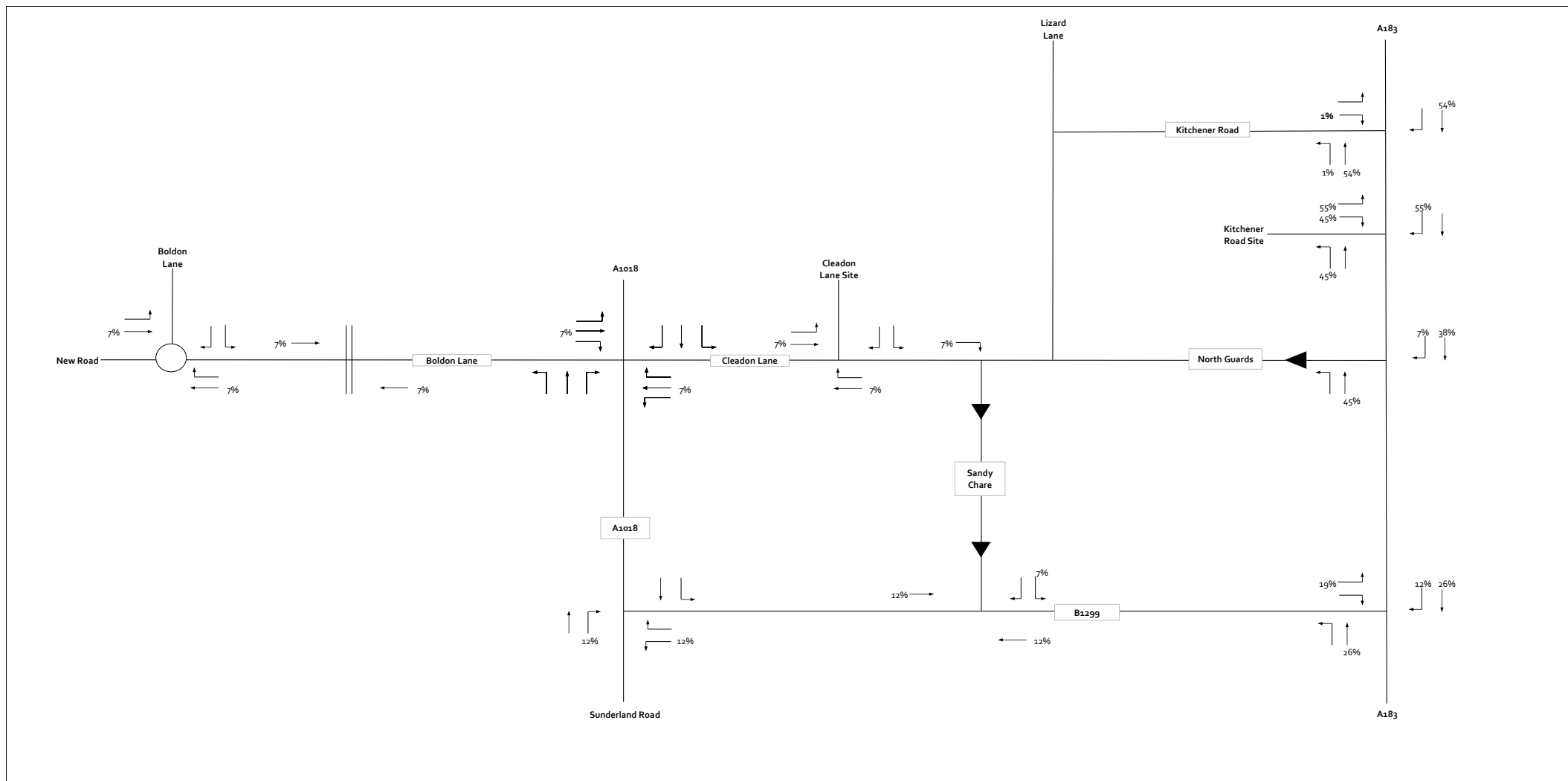
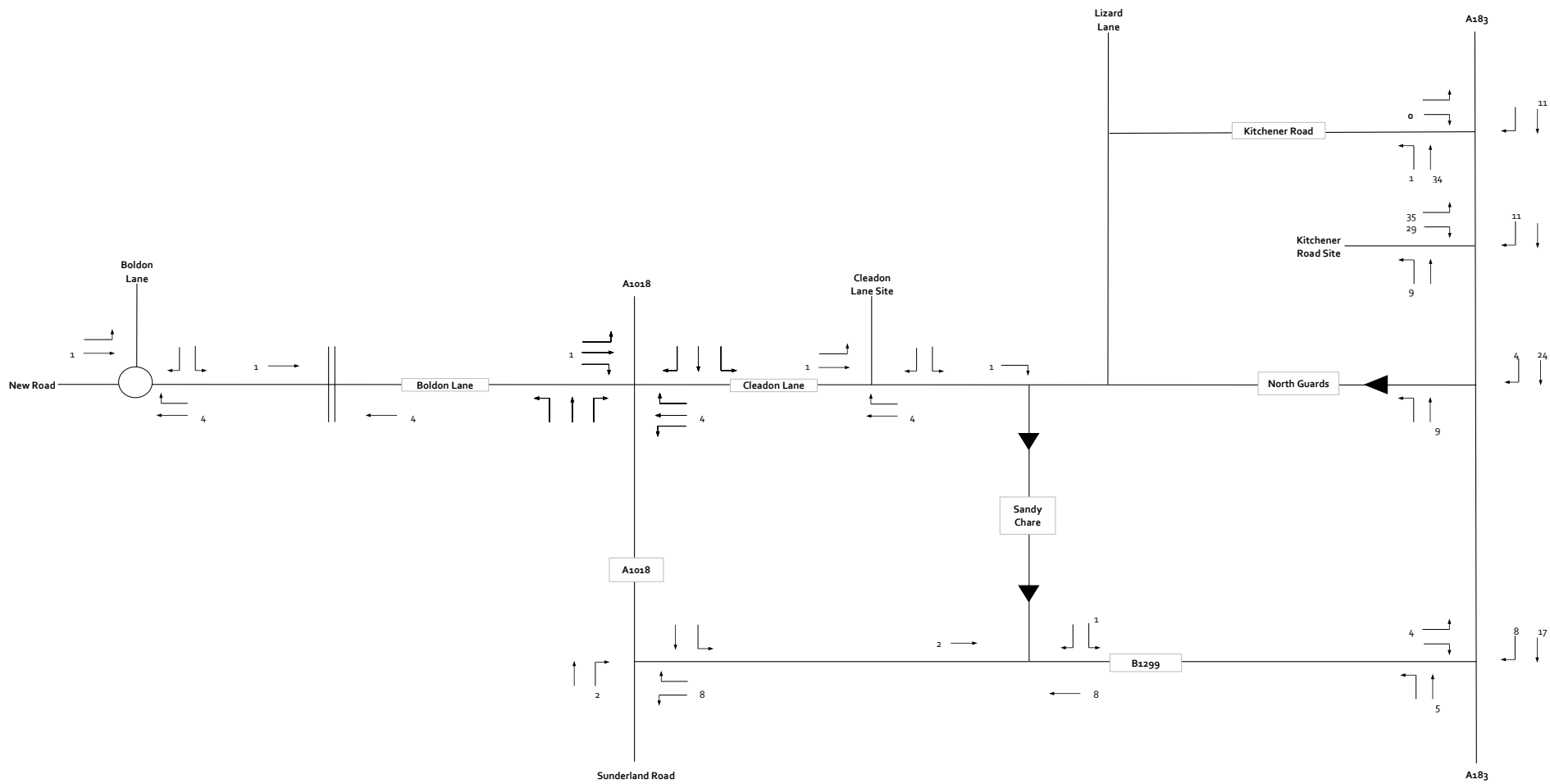


Figure 1 Distribution Based on Census - Weekday AM & PM Peak



ARR 20  
DEP 64

Figure 2 Proposed Development Flows - Weekday AM Peak

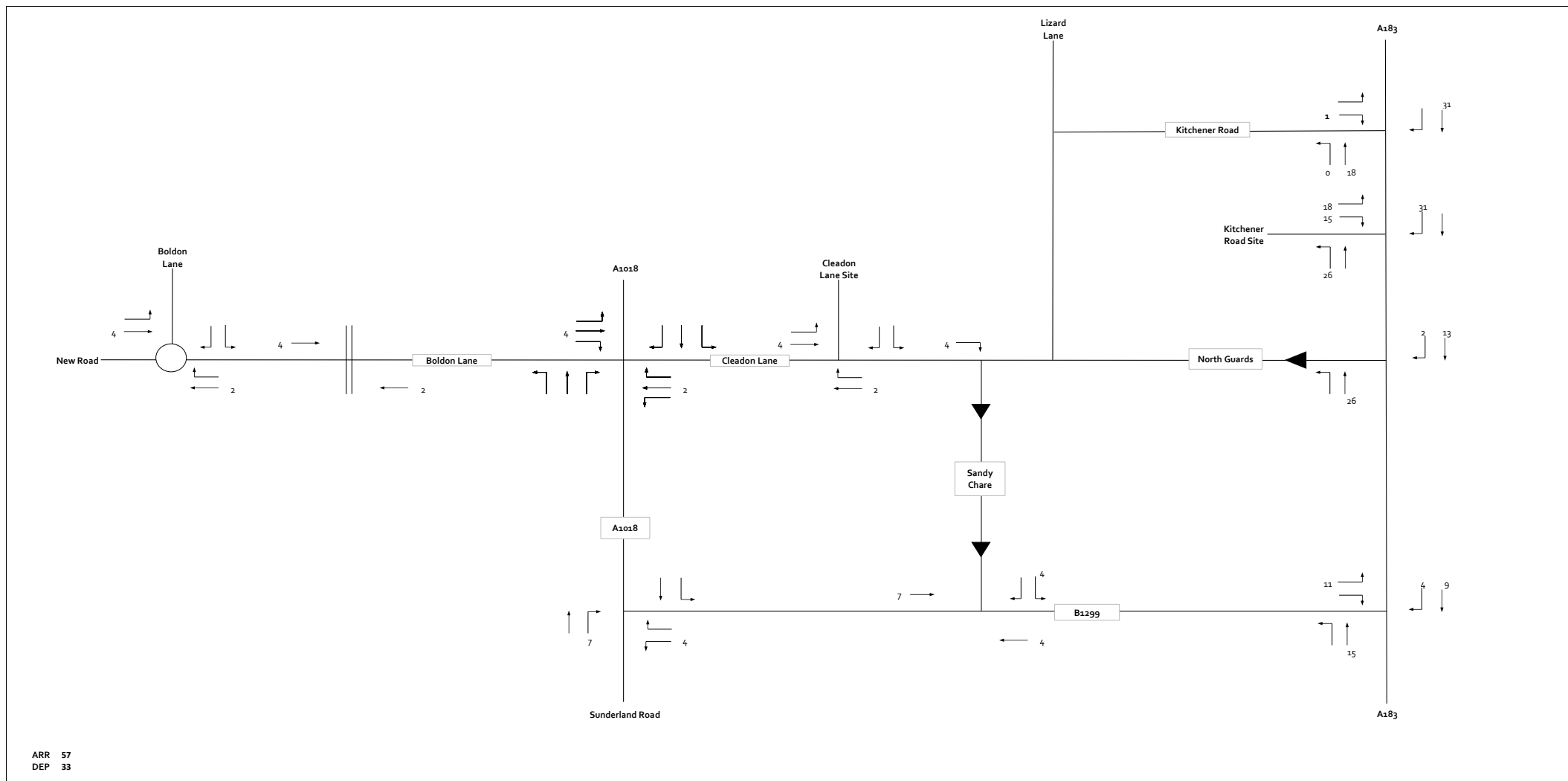
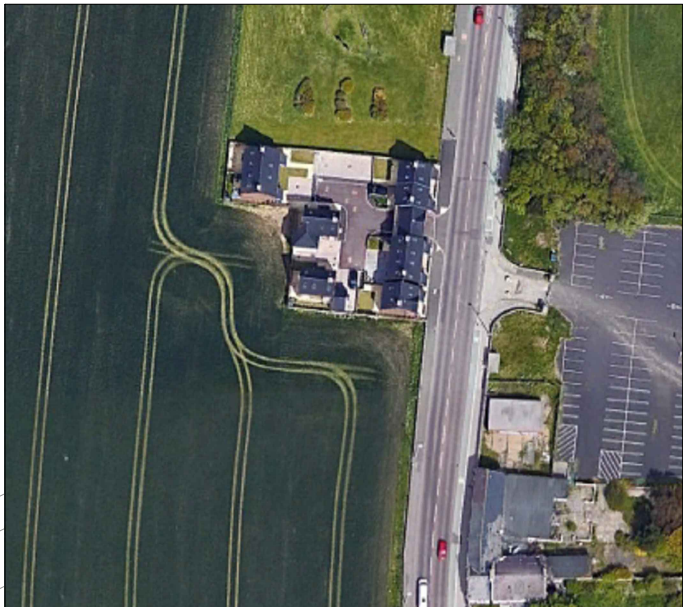


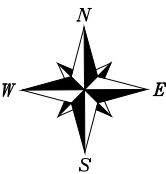
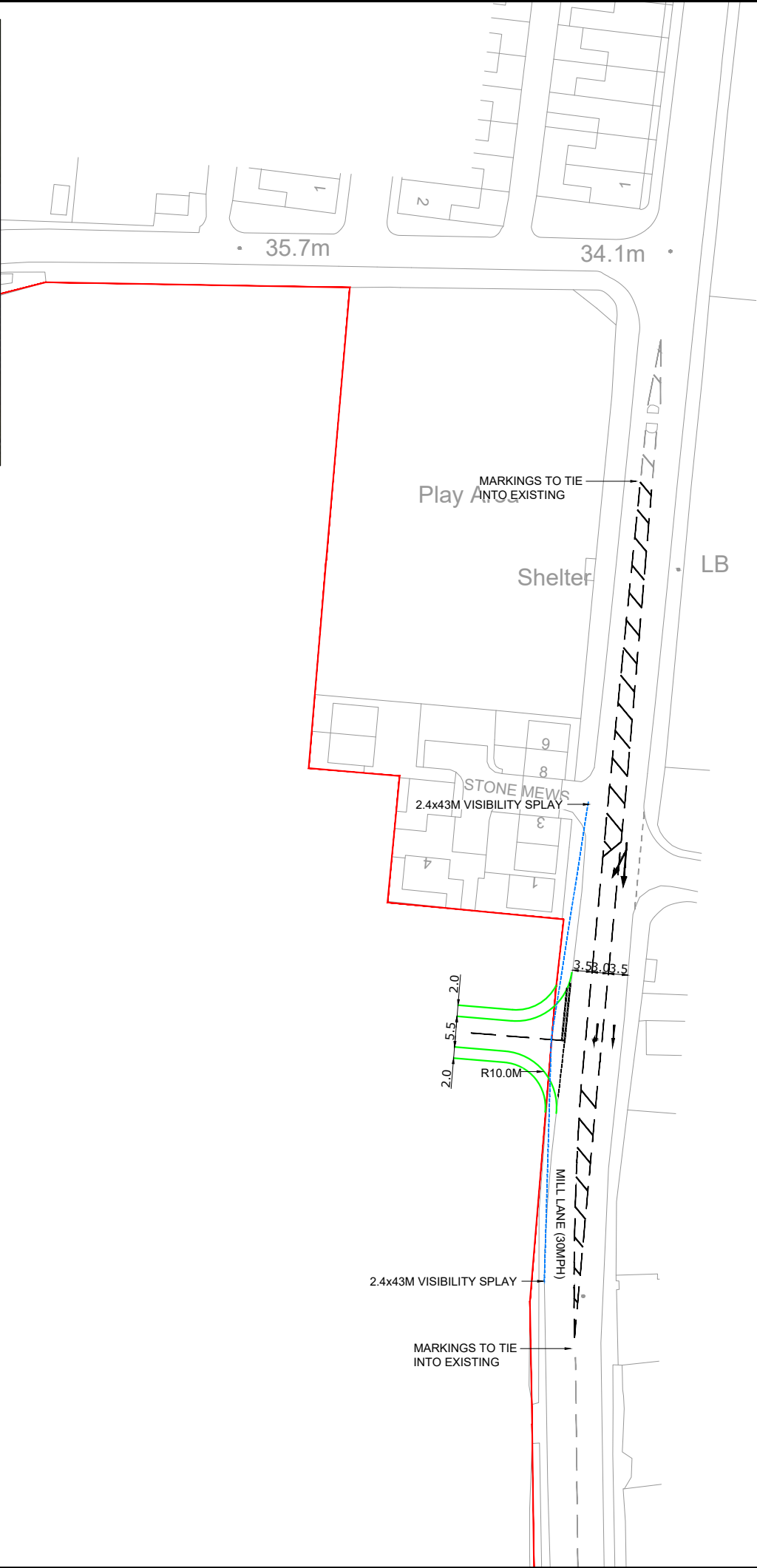
Figure 3 Proposed Development Flows - Weekday PM Peak



## PLANS



NORTH SOUTH AERIAL VIEW

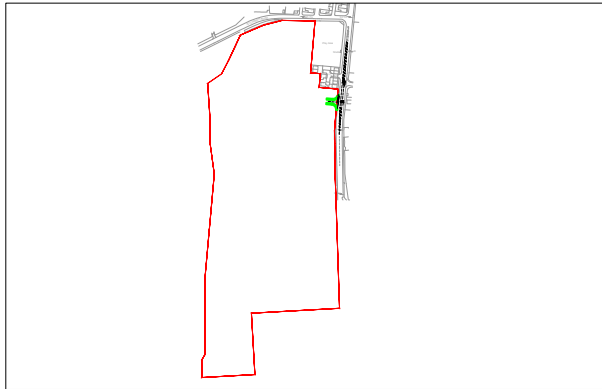


NOTES

THIS IS NOT A CONSTRUCTION DRAWING AND IS FOR INDICATIVE PURPOSES ONLY.  
THE DRAWING WILL BE SUBJECT TO CHANGE FOLLOWING LOCAL AUTHORITY REVIEW AND CONFIRMATION OF PUBLIC HIGHWAY AND THIRD PARTY LAND BOUNDARIES.

- INDICATIVE SITE BOUNDARY
- DENOTES NEW KERBS

LOCAL AUTHORITY: SOUTH TYNESIDE COUNCIL  
TOTAL AREA OF SITE: 10.18Ha



SITE LAYOUT NTS

REV	DETAILS	DRAWN	CHECKED	DATE
-	-	-	-	-

CLIENT:  
**STORY HOMES**

PROJECT:  
**KITCHENER, WHITBURN**

DRAWING TITLE:  
**PROPOSED SITE ACCESS PLAN**

SCALES:  
**1:500 @ A3**

DRAWN: LB	CHECKED: JC	DATE: AUG 21
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DRAWING NUMBER: <b>3493-F01</b>	REVISION: -
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## APPENDICES

## **APPENDIX 1**

### **South Tyneside Council Requirements**

**From:** [Lynda Newsome](#)  
**To:** [Chris Smith](#)  
**Cc:** [Neil Westwick](#)  
**Subject:** FW: Land south of Kitchener Road, Whitburn  
**Date:** 20 July 2021 17:17:04

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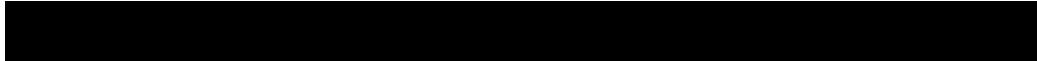
Hi Chris,

Please see the below – FYI.

Thanks

Lynda

**Lynda Newsome**  
**Associate Director**



**[lichfields.uk](http://lichfields.uk)**

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---

**From:** [Redacted]  
**Sent:** 20 July 2021 17:11  
**To:** Neil Westwick <[Redacted]>  
**Cc:** Lynda Newsome [Redacted]  
**Subject:** Land south of Kitchener Road, Whitburn

CAUTION: This email originated from an external source.

Dear Mr Westwick,

The Council is currently seeking to progress towards a new Pre-Publication Draft Regulation 18 Local Plan (scheduled to be published for consultation in December 2021). The Council previously consulted on a Pre-Publication Draft Local Plan over an 8-week period in 2021.

However, at the 17<sup>th</sup> March 2021 Cabinet meeting, Officers were authorised to review the Spatial Strategy and prepare a new draft Local Plan.

As you are aware, you are promoting the following site for allocation:

- **Land south of Kitchener Road, Whitburn** (referred to as Lizard Lane, Whitburn in your representation)

The Council would like you to respond to the following questions for this site.

- Have you considered how you will achieve net environmental gains of 10%? If so, then how do you propose to achieve this?
- A strategic development principle is that consideration should be had to the relationship between the proposed scheme and the existing settlement and surrounding landscape, in terms of visual and historic setting. How do you propose to do this?
- How do you propose to mitigate the potential for impacts of likely significant effects on European Coastal designations?

#### Highway impacts

Further to the issues raised by local residents and community groups, the Council has had traffic modelling undertaken to assess the impacts of the proposed allocations on the highway network.

The modelling has indicated that this development would impact the following junctions:

- A183 / Kitchener Lane, Whitburn;

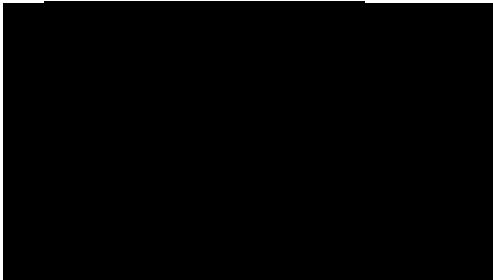
- Lizard Lane / Mill Lane, Whitburn;
- A183 / East Street, North Guards, Whitburn;
- A1018 / Cleadon Lane, Cleadon.

The Council would like to invite you to show how you propose to mitigate these impacts. Could you please respond by **Friday 6 August**.

Regards

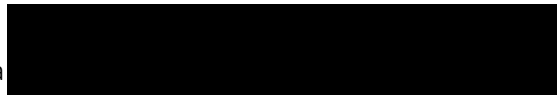
Matt

Matthew Clifford



Tel:

Ema



Co-operative Council of the Year 2019.

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## Local Plan Regulation 19 - Submission in relation to land north of Cleadon Lane, Whitburn

Kevin Ayrton [REDACTED]

Fri 3/1/2024 7:06 PM

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

 2 attachments (5 MB)

Response received - Response ID: ANON-TJBH-TDS2-5; 2024.03.01 - Response to Submission Version - Land north of Cleadon Lane - FINAL.pdf;

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Dear Sir / Madam,

We have submitted representations in relation to the above stie via the Council's consultation portal (Response ID: ANON-TJBH-TDS2-5). These have been submitted on behalf of Story Homes.

As requested in the 'attachments' option of the on-line forms, please find attached a document, which is referred to in the submitted representations. This is a pdf version of the submitted comments, which includes information (e.g. tables), which could not be added to the comment boxes.

I would be grateful if you could confirm receipt in due course.

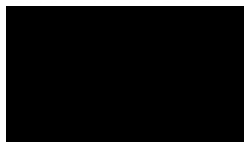
Kind regards

Kevin

Kevin Ayrton, MRTPI  
Associate



[REDACTED]  
[www.elgplanning.co.uk](http://www.elgplanning.co.uk)





# South Tyneside Local Plan (Regulation 19) Publication Draft

**Site:** Land north of Cleadon Lane, Whitburn

**Date:** March 2024

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## Introduction

- 1.1 This statement has been prepared on behalf of Story Homes in response to South Tyneside Council's consultation on their Publication Draft (regulation 19) of their new Local Plan. Previous representations were made in response to the Council's regulation 18 consultation in August 2022. A copy of these has been attached as Appendix 1. Prior to this, a detailed response was also submitted in August 2021 to answer site specific queries that had been raised by South Tyneside Council. A copy of the response has been attached as Appendix 2.

## Site Location

- 1.2 The site lies adjacent to west of Whitburn, and currently comprises a generally level, rectangular shaped grassland field surrounded and contained by mature hedgerow and tree vegetation. It is approximately 3.9 hectares (ha) and is outlined in red on the aerial image and site location plan on the following page. There is a gated vehicular access off Cleadon Lane.
- 1.3 The site and the perimeter vegetation on the western and southern boundaries forms part of the western gateway to the settlement. The Whitburn sign and the 30 miles per hour

speed limit is located to the west of the site boundary. The body of the site is separated from the wider landscape context and is well screened from Cleadon Lane by the existing mature perimeter vegetation which ties into existing vegetation to the east of the site and the edge of the built-up area of Whitburn. This vegetation forms a linear green gateway running right into the heart of the settlement.



#### SITE LOCATION

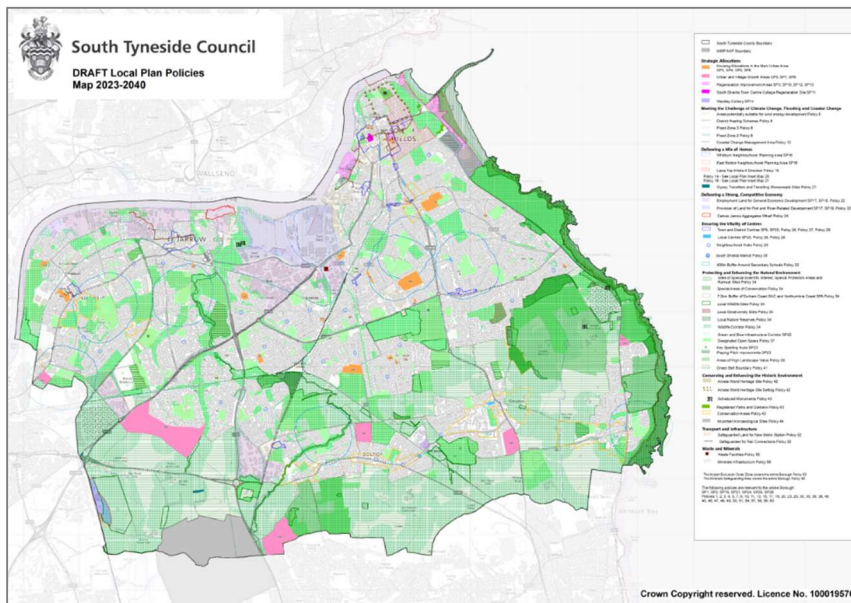
**Above:** Aerial Image of Whitburn. Site outlined with dashed red line.

## Development Proposals

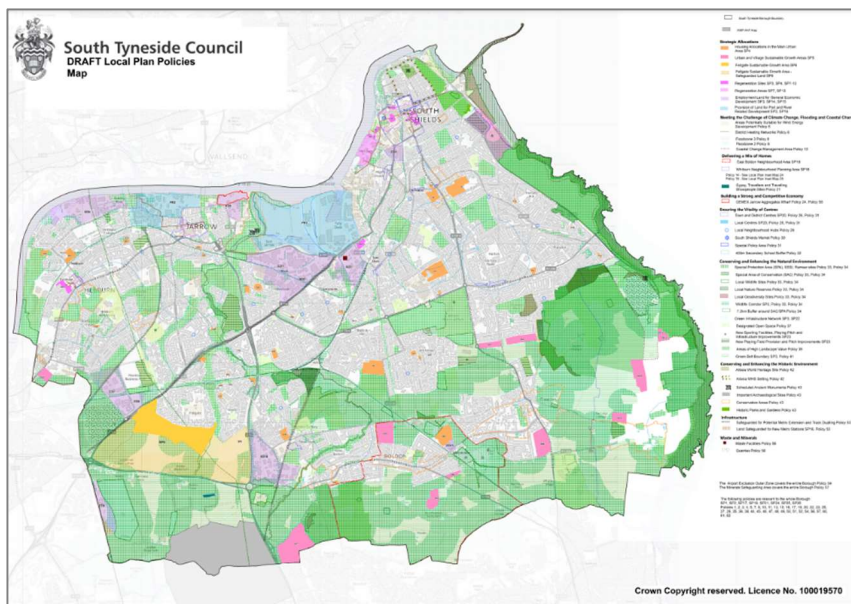
- 1.4 An illustrative Landscape Framework Plan has previously been prepared in support of earlier representations, which has been attached as Appendix 2. This demonstrates that the site can accommodate approximately 75 dwellings.
- 1.5 The plan has been shaped by landscape, heritage, ecological and other technical considerations. We would specifically highlight the following:
- The site has been the subject of a field survey and data search, which has informed the baseline habitat value, allowing the ecologist to confirm that the site would be able to achieve in excess of 10% net gain.
  - The site has been assessed in terms of landscape impact, with a supporting Landscape and Visual Note allowing the landscape consultant to confirm that the proposed landscaping included in the Landscape Framework Plan could largely mitigate any negative impacts and could help to screen not only the proposed development but the existing areas of post-war housing on the edge of Whitburn. The appearance of the development would be softened further with the planting of new trees throughout the layout which will contribute to the achievement of a well-designed and beautiful place.
  - The development has been the subject of a Traffic Impact Statement, which confirmed no capacity issues with junctions identified by the Council, and that there are no material highways or transport concerns relating to the site.
  - The submitted information allowed the Council's previously Green Belt Study (2022) to conclude that the development had a moderate impact on the Green Belt, which was reflected in the proposed allocation of the site.

## Land north of Cleadon Lane - Responses

- 1.6 A simple comparison between the regulation 18 and 19 versions of the draft Local Plan Policies Map shows how the Council has taken a significant backwards step with its ambitions for housing growth and delivery in South Tyneside. This is in the context of chronic under-delivery, increasing pressures on viability and demands on site (e.g. Biodiversity Net Gain) that continue to affect the efficiency of developments, and ever growing need to deliver affordable housing.



Left: Regulation 19 Policies Map



Left: Regulation 18 Policies Map

- 1.7 The Council's main justification for this updated approach has been based on the following:
- Housing need reduced to 309 dwellings per annum, down from 321 at regulation 18 stage. The Council does not consider there to be any justification for an uplift in this requirement.
  - Removal of the previously proposed 15% buffer to housing requirement.
  - Proposals to safeguard and remove from the Green Belt land at South of Fellgate beyond the land to be allocated as a Sustainable Growth Area, are not now being taken forward.
- 1.8 As a consequence, and in combination with a number of sites having been granted planning permission (or a resolution to grant planning permission) since the regulation 18 version, the Council consider that the residual housing requirement has fallen, such that the number of new homes they need to plan for has decreased from 4,471 (321 dwelling per annum) to 3,443 (309 dwellings per annum). At the same time, the annual requirement for affordable housing has increased to 361. However, whilst this need for affordable housing has continued to grow since the regulation 18 consultation, its priority appears to have fallen away. Such an approach is unjustified.
- 1.9 In contrast, the desire to avoid allocating additional sites in the Green Belt has dominated the approach to housing need and allocating sites. This is despite the Council accepting that the exceptional circumstances to release land from the Green Belt has clearly been met.
- 1.10 Whilst it is accepted that the Green Belt is an important consideration, we have concerns with the approach taken by the Council, as will be set out throughout this submission.

## **SP2 – Strategy for Sustainable Development to meet identified needs**

- 1.11 Criterion 2 of policy SP2 states that the Plan will deliver at least 5,243 new homes and create sustainable mixed communities by 2040, which equates to 309 dwellings every year. Our client supports the inclusion of the wording 'at least', which they requested in the representations at regulation 18 stage.
- 1.12 Paragraph 4.9 of the supporting text confirms that the household projections that inform the housing baseline are the 2014-based household projections, which could change upwards or downwards based on new data. Therefore the housing requirement will not be 'locked in' until the Plan is submitted for examination.
- 1.13 The most recent Strategic Housing Market Assessment (SHMA – November 2023) confirms that the 309 annual housing requirement that has been established by the standard method does not incorporate any uplift in relation to growth strategy, infrastructure improvements, or job growth (circumstances are listed under Paragraph: 010 Reference ID: 2a-010-20201216 of the Planning Practice Guidance). Neither does it include any uplift to help meet the chronic need for affordable housing, which will be discussed later.
- 1.14 In Story's previous regulation 18 submission, concerns were raised with how the Local Plan would meet previously unmet housing need for the years prior to the plan period. In this context, the Council has continuously failed to deliver enough homes in 2018/19, 2019/20, 2020/21, collectively amounting to a shortfall of 236 homes. Since then, the 2022 measurement has been published, which confirmed the Council failed to deliver 114 of the required homes in 2021/22. This means that the Council has failed the Housing Delivery Test for six consecutive years. This totals 350 homes, which is greater than a planned year's housing delivery.



1.15 The SHMA (2023) confirms that over the past 9 years (2014/15 to 2022/23) the net housing delivery rate has been 303 each year, compared with an average housing target of 348 over this period. It is unclear how this pent-up demand and anticipated under delivery within the first year of the plan period is being addressed.

1.16 The regulation 18 version of the Local Plan proposed a 15% buffer to the calculated housing requirement, with the following justification set out in the Council's Green Belt Review Exceptional Circumstances report (2022):

*"At this early stage of plan preparation, the Council is proposing to factor in a 15% buffer so that it can ensure there is sufficient flexibility for site options to be explored, and to ensure that enough sites have been allocated. Providing this level of headroom above the requirement provides the Plan with flexibility and ensures that if there is a degree of slippage over the Plan period, then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This ensures the plan is both positively prepared and effective (as required by the NPPF) and as such amounts to an exceptional circumstance that justifies amending the Green Belt."*

1.17 However, the regulation 19 version has removed any reference or discussion around the need for a buffer. This is despite the continued need for flexibility and ensuring that if there is a degree of slippage (past housing delivering record clearly suggests that there will) then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This concern is considered in further detail below in relation to draft policy SP16.

1.18 Whilst there is no reference to the buffer in the draft Local Plan, prior to the opening of the current regulation 19 consultation, a report was taken to the Council's Executive committee

seeking approval of the draft local plan so that it could be consulted upon thereafter. The report includes a discussion on the removal of the 15% buffer, where it states,

*"At Regulation 18 Consultation we proposed that a 15% buffer be applied to the housing requirement to provide flexibility. The effect of applying any buffer (whether 15% or less) is to increase the amount of land within the Green Belt which would be required to be allocated for development, as there are no alternative nonGreen Belt brownfield sites in South Tyneside which could otherwise be allocated. This would require exceptional circumstances to be demonstrated to facilitate the additional housing requirement generated by the buffer. Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes. It is considered unlikely that exceptional circumstances for Green Belt release of land to provide a buffer could be demonstrated in these circumstances. Accordingly, we propose to no longer apply the buffer. In addition, proposals to safeguard and remove from the Green Belt land at South of Fellgate beyond the land to be allocated as a Sustainable Growth Area, are not now being taken forward.*

*Within the context of the proposed NPPF amendments, Officers consider that the amendments proposed within the Regulation-19 Publication draft Local Plan represents a sufficient level of Green Belt release to meet our Objectively Assessed Need. The further inclusion of a Buffer and Safeguarded land would result in the further alteration of Green Belt boundaries which would go beyond meeting our identified needs for the plan period."*

- 1.19 This approach appears to be introducing an additional test following the meeting of the exceptional circumstances test. Such an approach is unjustified. There can be no doubt that the exceptional circumstances required to justify changes to the Green Belt have been



demonstrated. It is unclear why the Council is then using the Green Belt to try and justify the removal of their previously stated need for a buffer. Arguably, the existence of the Green Belt and its inherent inflexibility, increases the justification for a buffer, noting paragraph 145 of the NPPF, which states that "*strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.*"

- 1.20 Rather than removing the 15% buffer, the evidence would support the need to increase the buffer to 20%, given the chronic historic under-delivery and reliance on a large strategic allocation to deliver a significant part of the planned housing supply over the plan period.
- 1.21 As currently drafted policy SP2 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

### **SP3: Spatial Strategy for sustainable development**

- 1.22 Criterion 2 of this draft policy states that in order to meet the identified strategic needs of the Borough and to facilitate sustainable growth the Plan will (amongst others) 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. This is consistent with paragraph 83 of the NPPF, which requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services.
- 1.23 The supporting text states that constraints have limited the amount of land available for allocation. However, this not a reflection of the fact that there is additional land available, including land north of Cleadon Lane. This is supported by the fact that the regulation 18 version of the Local Plan included more allocations, which the Council considered to be sound at the time of allocating them.
- 1.24 The supporting text also states that the distribution of housing reflects the availability of suitable land for new housing in the borough. Again, this is not a reflection of the fact that land is available for development, including land north of Cleadon Lane, which is not only able to deliver housing promptly, but in way that can make a positive contribution to key issues in the borough, most notably the need for affordable housing.
- 1.25 As set out in Story's previous representations at regulation 18 stage, there was no amendment to the Green Belt boundary when the current Development Plan was adopted and the only notable developments in Whitburn in recent years have come forward on the Rifle Range site (42 dwellings, including 11 affordable housing units) and the former Bath House and Canteen site (Thill Stone Mews) (9 dwellings, with no affordable housing (based on the supporting Planning Statement)).

- 1.26 The spatial distribution strategy therefore needs updating to provide greater clarity on how it will help deliver the plan's strategic aims, including the securing of the sustainability and vitality of the village of Whitburn.
- 1.27 Criterion 4 of the draft policy acknowledges the need to amend the Green Belt boundary to allocate Urban and Village sustainable growth areas. The supporting text notes that there is an acute shortage of available, suitable, and deliverable brownfield land in South Tyneside. It goes on to conclude that exceptional circumstances for amending the Green Belt exist. Story Homes supports this Council on this conclusion.
- 1.28 However, due to the earlier concerns, draft policy SP2 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

**SP4: Housing Allocations in the Main Urban Area, Policy SP5: Former Brinkburn Comprehensive School, and Policy SP6: Land at former Chuter Ede Education Centre**

- 1.29 The indicative capacities of the sites allocated under policy SP4 are taken from the SHLAA (2023) Site Assessments. The SHLAA confirms that it has estimated the housing potential of each site assessed by applying the densities included in the South Tyneside Density Study (2023), which range from 35 dwellings per hectare up to 60 dwellings per hectare. This is unless there is other known information on site capacity available (e.g. planning application).
- 1.30 The SHLAA Site Assessments have also included the Estimated Developable Area (i.e. net developable area) when calculating the indicative capacities.
- 1.31 The majority of the 25 sites allocated in the Main Urban Area include an indicative capacity that is well in excess of 30 dwellings per hectare, as set out in the revised version of the table below.

Site Ref	Site Name	Size (ha)	SHLAA's Estimated Developable Area (ha)	Indicative Capacity	Density (Dwellings per Hectare)
H.1	Land at Chatsworth Cory	0.08	0.08	15	187.5
H.2	Land at Salem Street	0.3	0.3	18	60
H.3	Land at Queen Street	0.33	0.33	20	60
H.4	Winchester Street	0.80	0.60	35	44
H.5	Land to the rear of Fowler Street	0.80	0.60	40	50
H.6	Site of Former St Aidans Church	0.17	0.17	14	121
H.7	Site of former South Tyneside College – South Shields Campus	6.72	5.10	163	24
H.8	Land at Associated Creameries	0.7	0.29	30	43
H.9	Former Temple Park Infant School	0.7	0.63	22	31

H.10	Connolly House, Reynolds Avenue	0.4	0.38	18	45
H.11	Tyne Dock housing-led Regeneration Site	1.4	1.26	69	49
H.12	Land at Biddick Hall Drive	0.13	0.13	6	46
H.13	Land behind Ryedale Court	0.48	0.48	15	32
H.14	Land at Horton Avenue	0.13	0.13	4	32
H.15	Land at Cheviot Road	0.4	0.4	25	62
H.16	Land at Bonsall Court	0.05	0.05	16	320
H.17	Land at Lizard Lane	0.35	0.35	12	29
H.18	Land at Dean Road	0.42	0.31	62	147
H.19	Land at Trent Drive	0.32	0.32	8	25
H.20	Perth Green Youth Centre, Perth Avenue	1.20	1.08	44	37
H.21	Land at previously Martin Hall, Prince Consort Road	0.40	0.40	15	37
H.22	Land at Falmouth Drive	1.30	1.17	40	31
H.23	Land at Kirkstone Avenue	0.10	0.10	2	20
H.24	Hebburn New Town	2.20	1.7	110	50
H.25	Land south-west of Prince Consort Road	1.13	1.02	46	41
<b>Total</b>				<b>849</b>	

1.32 Considering the numerous demands and requirements that are now placed on housing sites, which include biodiversity net gain, national space standards, private amenity space standards, parking (cycle and car), accessibility standards, and building efficiency standards, we have doubts that the indicative capacities will actually be delivered.

1.33 In forming this view, we note that the Council's South Tyneside Site Framework (2023) document, which provide a relatively detailed indicative layout based on an appraisal of constraints and opportunities for the proposed Urban and Village Growth Areas, includes indicative capacities, the majority of which are well below 30 dwellings per hectare.

1.34 The table below also summarises the estimated density of development for the proposed SP5 and SP6 allocations. These would appear to be more realistic when compared with the policy SP4 sites.

Site Ref	Site Name	Size (ha)	SHLAA's Estimated Developable Area (ha)	Indicative Capacity	Density (Dwellings per Hectare)
SP5	Former Brinkburn Comprehensive School	7.82	5.80	151	19
SP6	Land at former Chuter Ede Education Centre	5.85	5.85	190	32
<b>Total</b>				<b>341</b>	

1.35 As highlighted in the submissions at regulation 18 stage, our client maintains their concerns about the delivery and viability of some of the sites that have been included as proposed allocations in policies SP4, SP5 and SP6. These concerns include:

- The vast majority (all but 2-3 of the 27) of proposed allocations under policies SP4, SP5 and SP6 are owned or controlled by South Tyneside Council. It needs to be demonstrated that proposed sites are deliverable, or at the very least, developable. There is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council's procedure and timescales for site disposal may impact on the rate that these sites can be delivered within the plan period.
- The proposed allocations (SP5 and SP6) continue to include land which are existing playing fields. Both policies require the loss of playing fields to be mitigated, however this has yet to be agreed. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields. Sport England objected to the allocations at regulation 18 stage, and will undoubtedly object again at this stage.

- The majority of the dwellings allocated by these sites are identified to come forwards after the first five years of the plan period. Therefore, most of the sites only satisfy the lower bar 'developable' test.

1.36 As the Council cannot be confident in the immediate delivery, we consider that there is a clear need to release more land from the Green Belt and allocate more sites for housing in order to meet the housing requirement and to maintain a sufficient supply of housing.

## SP7: Urban and Village Sustainable Growth Areas

- 1.38 Beyond the whole urban area, it is proposed to allocate a total of 6 sites (indicative capacity of 1,108 dwellings) within the whole of South Tyneside. The previous regulation 18 version proposed a total of 12 sites (indicative capacity of 1,862 dwellings), so a reduction by 6.
- 1.39 The strategic spatial policy (i.e. policy SP3) does not include a specific number or percentage of development that needs to be delivered at each of the South Tyneside settlements (e.g. 5% of overall housing requirement to be delivered at Cleadon), therefore it is unclear what criteria have been used to inform the distribution of allocations under this policy. Whilst the Local Plan and supporting evidence base does not appear to discuss this matter, the report that was taken to the Council's Executive committee seeking approval of the draft local plan included the following extract:

*"Importantly, the latest Green Belt study which post-dates the Regulation 18 consultation and which forms part of the evidence base confirms that the removal from the Green Belt of any of the sites which would need to be allocated to meet housing need where a buffer is applied, would result in allocating some sites of high or very high harm to the Green Belt's purposes."*

- 1.40 This would suggest that the SP7 allocations were wholly/largely determined on the outcome of the most recent (2023) Green Belt study and the view that any sites that were considered to have high/very high harm to the Green Belt cannot be allocated, irrespective of any other important planning benefits they may deliver (e.g. support for services in settlements as required by paragraph 83 of the NPPF, greater ability to deliver a higher proposed of affordable housing to meet the chronic need).



- 1.41 The findings from the 2023 Green Belt Review Site Assessment differ to the findings of the 2022 Green Belt Review Site Assessment as set out in the table below.

Purpose	Council's 2022 Assessment	Council's 2023 Assessment	Comment
1	D (Adverse)	High	No change
2	C (Moderate)	High	Increased in harm
3	C (Moderate)	High	Increased in harm
4	D (Adverse)	Low/No	Reduced in harm
5	C (Moderate)	Equal	Accepted need for greenfield sites.

- 1.42 The 2022 Assessment of land north of Cleadon Lane concluded that the development of the site would only have a *'moderate impact, which can be mitigated'*.

- 1.43 The supporting notes to the 2022 assessment stated,

*"Whilst this parcel is part of the western approach to the main historic core of the settlement of Whitburn, this has been somewhat eroded by mid-20th Century housing which lines the eastern boundary of the parcel. Views are further limited as the parcel is largely contained by tree belts and well established hedgerows. The boundary to the south is also contained by a main road. As such, the harm of development in relation to urban sprawl is largely contained. Whilst there are no biodiversity designations associated with this parcel, the open land and its associated hedgerows in this area support a wide range of farmland birds, many of which are priority species and/or high on the list of conservation concern. Lying within a green infrastructure corridor, this parcel contains a number of disused sports playing fields. However, the site is not in community use, and therefore it is considered that there would not be a loss in community sports provision."*

- 1.44 In contrast, the 2023 Green Belt study has increased the level of harm in relation to purposes 2 and 3, which is now considered to be high.
- 1.45 It is noted that the methodology in the 2022 Green Belt study confirmed that site visits were undertaken to assess all sites. In comparison, the methodology for the 2023 study confirms that the assessments were principally a desktop study, with site visits made to inform the general understanding of the spatial relationship between the settlements and countryside, and to assist with some specific judgements. This is fundamentally flawed as an approach.
- 1.46 The starting point for assessing sites in the 2023 Green Belt study also focus on larger parcels of land, rather than individual sites. In this instance, land north of Cleadon Lane forms part of parcel ref: WH5. Based on this initial assessment, it is understood that that the study then went to assess harm that would result from the release of specific SHLAA sites within each parcel.
- 1.47 We are concerned that the findings between the 2022 and 2023 assessment have changed so significantly, when the only variable that has changed appears to be the inclusion of larger parcels of land in the assessment methodology and reduction in individual site visits. This concern with the findings is enhanced when considering that this report has heavily influenced site selection and the approach to housing need.
- 1.48 As set out in Story's previous representations at regulation 18 stage, it was considered that the findings of the 2022 Green Belt study could be amended to further reduce the considered level of harm against the purposes of the Green Belt. Therefore for the assessments to move in the other direction is a concern.

## Site Selection Topic Paper (2024)

1.49 The purpose of this paper is to provide clarity and transparency on why sites have been allocated and why reasonable alternatives have not been selected. It builds upon (and references) the previous Site Selection Topic Paper that was prepared to support the regulation 18 version of the Local Plan.

1.50 Appendix 7 of the 2024 study relates to sites in Whitburn. The following assessment is included for land north of Cleadon Lane.

SHLAA Ref.	Site Name	Brownfield/ Greenfield	Justification	Decision	2024 Update	2024 Decision
SWH013	Land north of Cleadon Lane	Greenfield	The site is a former football training ground on the edge of Whitburn Village. The site is bounded by mature trees and is adjacent to residential development to the east. The site is located within the Green Belt and is considered to have a moderate effect against the Green Belt objectives. The site forms part of the local wildlife corridor. The sustainability appraisal identifies a minor negative effect against climate change, biodiversity, green infrastructure and cultural heritage. Positive effects are identified due to its proximity to existing services. The site is considered to be suitable, available or achievable in the SHLAA. The site has been allocated as it is considered to be a suitable site in a sustainable location.	Allocate Site GA11	The site was assessed as falling within in an area of high harm in the Green Belt Study (2023). The site is not considered suitable in the SHLAA. The site has not been allocated due to potential significant impacts upon Green Belt.	Reject site

**Above:** Extract from Appendix 7 of Site Selection Topic Paper (2024)

1.51 This helpfully highlights the contrast between the 2022 conclusion, where the Council considered the site to have a moderate effect against the Green Belt objectives; and suitable, available and achievable as set out in the supporting SHLAA (2022). This allowed the conclusion to be formed that the site was considered to be a suitable site in a sustainable location.

1.52 In stark contrast, and despite and no material physical changes to the site and its relationship with Whitburn and the surrounding countryside, the updated Site Selection Topic Paper

(2024) now concludes that the site is no longer considered suitable according to the SHLAA, and is considered to fall within an area of high harm in the Green Belt. A review of the SHLAA (2023) confirms that the site is not considered suitable, entirely due to the conclusions formed in a fundamentally flawed Green Belt study.

<b>Assessment Information</b>		
<b>Suitability:</b>	Not Suitable	The site is not considered to be suitable due to Green Belt impacts - see the Green Belt Study
<b>Availability:</b>	Available	The site was submitted through the call for sites
<b>Achievability:</b>	Achievable	There are no known constraints to achievability.
<b>Deliverability:</b>	Not deliverable	The site is not deliverable.

**Above:** Extract from SHLAA (2023)

- 1.53 No further explanation is provided for such a significant change in conclusion. Neither is there any discussion about the benefits of allocating the site, such as a minimum 25% contribution towards meeting the affordable housing need, and additional support in securing the sustainability and vitality of the village, which is a spatial strategic requirement of policy SP3.
- 1.54 As confirmed in the supporting Sustainability Appraisal, the village of Whitburn is a popular and accessible settlement, which:
- Is within 5km of Sunderland town centre;
  - Accessible via bus networks, helping to reduce the need to travel by private motor vehicle;
  - and
  - Has a wider range of key community facilities.
- 1.55 The two Whitburn sites (SWH025 & SWH026) that are proposed to be allocated as sites GA5 and GA6 simply include the following comments in their Site Selection Topic Paper (2024) assessments.:

1.56 “The site was assessed as falling within in an area of moderate harm in the Green Belt Study (2023).”

SHLAA Ref.	Site Name	Brownfield/ Greenfield	Justification	Decision	2024 Update	2024 Decision
SWH025	Land at Whitburn Lodge	Brownfield	This site is a vacant former public house and associated car parking. The site is situated in the Green Belt and performs moderately against the objectives of the Green Belt. The site is in close proximity to the European Coastal Designations and areas of high landscape value. The sustainability appraisal identifies significant negative effects against SA objectives including biodiversity, landscape, source protection zone and mineral resources. Positive effects are identified due to its proximity to existing services and the potential re-use of brownfield land. The site is considered to be suitable, available and achievable in the SHLAA. The site has been allocated as it is a suitable site in a sustainable location.	Allocate site GA12	The site was assessed as falling within in an area of moderate harm in the Green Belt Study (2023).	Allocate site GA5
SWH026 (includes SWH027 )	Land to North of Shearwater	Greenfield	This site is a pasture field adjacent to the former Whitburn Lodge public house and a residential housing estate. The site is an open field which is used for horse grazing. The site is in the Green Belt and performs moderately against the objectives of the Green Belt. The site is in close proximity to the European Coastal Designations and areas of high landscape value. The sustainability appraisal identifies significant negative effects against SA objectives including biodiversity, landscape, source protection zone and mineral resources. The site is considered to be suitable, available and achievable in the SHLAA. The site has been allocated as it is a suitable site in a sustainable location.	Allocate site GA13	The site was assessed as falling within in an area of moderate harm in the Green Belt Study (2023).	Allocate site GA6

**Above:** Extract from Appendix 7 of Site Selection Topic Paper (2024)

1.57 Unlike land north of Cleadon Lane, which had no significant negative effects identified, the 2022 justifications for allocating the above sites (SWH025 & SWH026) noted that the Sustainability Appraisal identified ‘*significant negative effects against SA (Sustainability Appraisal) objectives including biodiversity, landscape, source protection zone and mineral resources*’. The updated Sustainability Appraisal (2024) continues to identify the significant negative effects associated with these sites, however there is no reference to this in the Site Selection Topic Paper (2024) assessments.

- 1.58 In comparison, the only negative effect included in the Sustainability Appraisal (2024) in relation to land north of Cleadon Road is based on the loss of Grade 3 agricultural land. However, Story's previous representations at regulation 18 stage confirmed that this was not an insurmountable constraint to developing the site, and noting that the site has not had an agricultural use for an extended period of time.
- 1.59 The above supports the view that the site selection process has been very significantly influenced by the unambitious housing targets and the amended findings in the 2023 Green Belt Study, which the Council has used as justification for not including any uplift in the housing need requirements and limiting the number of allocations. Very little consideration has been given to other important matters, including the chronic need for affordable housing, growth and support for local services in villages to allow them to thrive, and current/past significant under delivery of housing.
- 1.60 As currently drafted policy SP7 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

## SP8: Fellgate Sustainable Growth Area

- 1.61 This draft allocation is proposing to remove additional land from the Green Belt, to deliver up to 1200 homes on land south of Fellgate as a sustainable urban extension. The policy states that the development is required to be comprehensively master planned through the Fellgate Sustainable Growth Area Supplementary Planning Document. The supporting text describes the strategic allocation as *“representing a unique opportunity within South Tyneside to deliver an exemplary new community”*.
- 1.62 In order to support the proposed capacity, the Council’s evidence base includes the Fellgate Sustainable Growth Area Supplementary Planning Document (Fellgate SPD): Site Capacity and Opportunities Paper (2024).
- 1.63 A large proportion of this report reviews existing densities in several wards across South Tyneside before considering development scenarios based on a range of densities. The report then goes on to include some very high-level opportunity and constraints analysis, and an indicative block plan. The report concludes by referring to the importance of placemaking and referencing design guidance.
- 1.64 We are concerned that the report lacks any real substance. It includes no reference to detailed supporting studies, such as drainage, highways, viability, ground investigations and ecology (including habitat). It is also unclear how the Local Plan’s requirement for the development to be ‘exemplary’ will be met. We would assume that this would be applied to all elements of the scheme, including the approach to biodiversity net gain, design, sustainable drainage, etc.
- 1.65 Many of the terms used within the report lack certainty. For example:

- The Site Capacity Calculator at section 3.2 of the report used to determine the “approximate” site capacity, the “approximate” number of units, and the “Indicative Site Capacity”.
- The table used to calculate the net developable area at section 3.2.2 estimates the size of the required Strategic Road Network as “approx. 10% site area”, suggests that “Additional SUDS could be provided within the open space provision...”.

- 1.66 This lack of certainty in the terminology used is a recurring theme throughout the Fellgate SPD and policy SP8. This is a concern when considering its strategic importance in meeting the housing need. Any minor deviation from the very optimistic and relatively uninformed assumptions is going to result in the plan failing.
- 1.67 No allowance appears to have been made to address the requirements for meeting biodiversity net gain on-site, with no reduction being applied to the net developable area.
- 1.68 There is also limited information on phasing and delivery. It is known that the site involves several landowners, which will all have separate requirements that will have changed since the removal of the previously proposed safeguarded land. The Fellgate SPD makes no reference to any legal agreement between the various landowners to deliver the development. Indeed, it would appear that any attempt to masterplan the site is being driven forward by the Council, with it being unclear as to the level of input and cooperation from others.
- 1.69 The Fellgate SPD also fails to address viability. For example, it is reliant on delivering 5 hectares of development at 50 dwellings per hectare, and 20 hectares of development at 35 dwellings per hectare. However, it is unclear how the market area would support these densities. The reality is that the density is going to be lower, with densities more likely to be in



line with the sites allocated under policies SP5 and SP6 (i.e. up to approximately 30 dwellings per hectare).

- 1.70 Whilst a 40m buffer has been used to account for the power line extending throughout the site, there is no consideration of its impact on the wider layout (noting the requirement for it to be exemplary) and value/attractiveness of properties that will still look onto it. We would also query the quality of the open space that runs alongside and underneath the line. The image used in section 3.3.5 of the Fellgate SPD does not inspire confidence of the envisaged quality of space that it being considered.
- 1.71 There is clearly going to be a significant amount of infrastructure required to deliver housing on the proposed Fellgate site. Alongside this, there is a requirement to deliver 25% affordable housing in a relatively low value area, alongside other pressures on viability highlighted previously (e.g. biodiversity net gain, achieving an 'exemplary' development). This adds to the concern over deliverability.
- 1.72 The Fellgate SPD makes very little reference to the important consideration of highway impact. The only reference is to indicate the indicative locations of the vehicular access points. However, there is no consideration of the significant investment that will be required to increase the capacity of the wider strategic road network (e.g. White Mare Pool junction). We have reviewed other documents in the supporting evidence base and these also fail to provide any certainty on this matter. For example, the Infrastructure Delivery Plan (2024) notes that,

*"As part of the Local Plan process, National Highways has modelled the impact of the Local Plan development to 2040 and has established that the highway infrastructure is insufficient to accommodate the anticipated increase in traffic on the strategic road*

*network (SRN). Therefore, the following additional schemes will be required to adequately mitigate the impact of the plan to 2040:*

- *Southbound A19 Lane Gain / Lane Drop between Southern Portal of Tyne Tunnel and Lindisfarne junctions.*
- *Major Scheme Improvements to A194(M) / A184 / White Mare Pool junction.*

*With respect to the proposed strategic housing allocation: Fellgate Sustainable Growth Area, the Council, working in partnership with National Highways, is also seeking to encourage modal transfer to active travel and public transport modes in order to minimise trip generation by the private car.*

*The Council and National Highways are working together to further develop a delivery plan for the implementation of these measures and any further schemes which may be required to mitigate the plan. Details of this will be included in a Memorandum of Understanding between the two parties”.*

1.73 An understanding of how, and when, to address this significant highway impact is a basic requirement of informing the deliverability of the proposed development. The fact that this key consideration has not been addressed is another example of uncertainty with the allocation.

1.74 Following the removal of several other allocations since the regulation 18 version of the plan, the Council is now very reliant on delivery from this large strategic allocation. This reduction in the number of sites and greater focus on a single market location, significantly reduces flexibility and increases the risk that the plan will fail.

- 1.75 As currently drafted policy SP8 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

## SP16: Housing Supply and Delivery

- 1.76 There is significant concern that the Council is not doing enough to identify and allocate housing sites to meet the minimum housing needs over the plan period.
- 1.77 Much greater flexibility needs to be incorporated into the plan, alongside an increase to the housing requirement. As currently drafted, the Council is heading towards the situation they currently find themselves in, which is a chronic under supply and failure to deliver a sufficient amount of housing.
- 1.78 The Competition and Market Authority's (CMA) recently published Housebuilding Market Study (February 2024) supports this point. Appendix H of the report reviews 'further evidence from 26 local areas', including South Tyneside, which states,

*"In South Tyneside, the evidence shows that the internal documents mention different competitor developments that have been live/are live in this area. However, recent new-build developments have been limited because of a lack of developable land (CMA's analysis of the land use data from ONS finds that 38 per cent the land in the LA area is green belt land) and due to a lack of planning applications being granted in some areas. Based on this information, we do not find there to be local competition concerns due to lack of different competitors being present. The local concentration concerns appear in part due to a lack of available developable and permissioned land."*

- 1.79 The above goes to reinforce the need for flexibility.
- 1.80 Of significant concern is criterion 9 of this policy, which relates to the contingency measures where supply or delivery is projected to fall below the housing requirements. The supporting text expands on this at paragraph 8.16, where it states,

*"If it becomes apparent that a five-year deliverable supply cannot be evidenced or that housing delivery is falling below the thresholds prescribed by the Housing Delivery Test over a rolling three year period, the Council will implement remedial action(s) to address any shortfalls. Depending upon the scale and nature of either under supply or under delivery, actions may include:*

- *Formally implementing those measures as required by the Housing Delivery Test.*
- *Drawing upon more up to date supply information from the SHLAA, Brownfield Register and Employment Land Review to identify additional housing sites that are consistent with the Plan's policies.*
- *A partial and early review of the Plan to release additional land for new homes. This may include further consideration of releasing additional land from the Green Belt, should exceptional circumstances be met." (our emphasis).*

1.81 This is an acknowledgment that there is a very realistic chance that the constrained supply of housing will require further release from the Green Belt in order to provide a deliverable supply of housing. If the Council was confident that the plan currently under preparation was sufficiently flexibly enough to meet the identified housing requirement, there would not be a requirement to introduce such a drastic contingency measure, which runs counter to the requirement of paragraph 145 of the NPPF, which states that *"strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period."*

1.82 As currently drafted policy SP9 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

## Policy 13: Windfall and Backland Sites and Policy 14: Housing Density

- 1.83 The wording of this policy restricts windfall development to sites that are previously developed or *"is a small infill site within the main urban area"*. This would potentially restrict any windfall development in the areas of Boldons, Cleadon and Whitburn village. We make the point noting that there are varying descriptions and references to the 'main urban area' throughout the draft Local Plan. For example, paragraph 2.5 states, *"The area of Boldons, Cleadon and Whitburn village are separated from the main urban areas, and each other, by farmland..."*. In contrast, the Main Urban Area shown on Map 3 includes the built areas of the Boldons, Cleason and Whitburn village as the 'main urban area'. Clarity is therefore required.
- 1.84 The supporting text to the policy focuses on the negative impacts of windfall development, rather than the benefits. It includes a cautious tone towards windfall development, noting that *'spacious nature and low density of some of South Tyneside's suburbs has led to development pressure for the intensification of existing housing areas through development of backland plots. This can have a significant impact on local distinctiveness and heritage significance by eroding the unique character that makes these places special, particularly if the principles of good design are not considered'*.
- 1.85 We highlight this point, as we note that the Council is reliant upon the delivery of windfall sites in meeting the housing need, alongside a proposal to increase the density of development throughout the Borough (we assume this would include housing allocations). Draft policy 14 (Housing Density) requires minimum densities to be applied to housing schemes dependent on their proximity to defined town, district and local centres or Metro stations. The densities listed range from 35 dwellings per hectares up to 60 dwellings per hectare.

1.86 The cautious tone towards windfall sites in the draft Local Plan infers that there is recognition that there is a conflict in approach to the delivery of higher densities within urban areas, and recognition that in reality there will be significant pressures at planning application stage to lower the density of development in the majority of sites that come forward for development. The Council should therefore ensure that the Plan incorporates realistic development densities to ensure that enough sites are allocated to deliver the quantum of housing required.

1.87 The draft South Tyneside Density Study (2023) has been used by the Council to support their approach to density requirements, however we do not consider that it provides confidence that the required densities will be delivered. This is based on the following reasons:

- The findings in the density study are based on a sample of 24 sites that received planning permission between 2015-2023, which is a relatively small sample and short period of time. This small sample combined with the recent lack of housing delivery means that the results can be skewed.
- The study also compares this sample to the Council's previous 2018 study, which identified an overall average density of 40 dwellings per hectare. This is significantly lower than the overall average density of 66 dwellings per hectare in the 2018 study. The density study suggests that this comparison shows that there is *"clear trend is present that the new developments in the borough have a higher average density than those in 2018"*. However, this is not necessarily a trend, it is simply a difference between the two periods of time that could have been influenced by any number of factors. In reality, there has not been any significant change in planning policy context in relation to housing density between 2018 and 2023. There is no justification to simply discount the average density of development achieved up to 2018.

- The densities used to assess the 24 sample sites included in the density study are based on 'net' site areas. However, draft policy 13 makes no reference to 'net' site areas. It simply requires the densities to be applied to sites for housing development.

- 1.88 This reinforces our earlier concerns that the Council is being overly optimistic and placing too much reliance on the delivery of very high densities in the majority of the proposed allocations.
- 1.89 As currently drafted policies 13 and 14 are not considered to be sound because they are not justified or consistent with the requirements of national policy.



## Policy 18: Affordable Housing

- 1.90 The SHMA identifies a *“considerable need for affordable housing which reflects an increase in homelessness, interest rates rises affecting households and the overall cost of living crisis”*. This ‘considerable’ need equates to 362 affordable houses each year, which has increased from the 209 affordable houses identified in the previous SHMA (2021). This now exceeds the standard method calculation of 309 houses required each year.
- 1.91 The Government’s recently published Local Authority Housing Return 2022-2023 further supports this chronic need for affordable housing, reporting a current waiting list of 9,749 households against a total of 25 new affordable homes being granted planning permission during the year 2022-23.
- 1.92 The SHMA proposes a target mix for sites to deliver 75% market housing and 25% affordable housing. Policy 18 includes a range of target thresholds for affordable housing, ranging from 10% in South Shields and Jarrow, 15% in Hebburn, 20% in Boldon and Boldon Colliery, 25% in East Boldon and Whitburn Village, and 30% in Cleadon.
- 1.93 Paragraph 8.50 in the supporting text to policy 18 refers to the SHMA, and states that it does not recommend an uplift to the total housing requirement as it recognises the Council is taking positive steps towards increasing the affordable housing offer in the borough, such as delivering affordable homes through South Tyneside Homes.
- 1.94 There is clearly a significant amount of hope and expectation that South Tyneside Homes will make a meaningful contribution towards going a small way towards meeting the desperate need for affordable housing, however we are not able to find any reference to any form of strategy by South Tyneside Homes to deliver this.

1.95 To get an understanding of how the Local Plan as drafted will contribute towards the delivery of affordable housing, we have applied the affordable housing thresholds (e.g. 10%) to the proposed housing allocations in the table below.

Site Ref	Site Name	Size (ha)	Indicative Capacity	Affordable Housing Requirement	Potential Affordable Housing
H.1	Land at Chatsworth Cory	0.08	15	10%	1
H.2	Land at Salem Street	0.3	18	10%	1
H.3	Land at Queen Street	0.33	20	10%	2
H.4	Winchester Street	0.80	35	10%	3
H.5	Land to the rear of Fowler Street	0.80	40	10%	4
H.6	Site of Former St Aidans Church	0.17	14	10%	1
H.7	Site of former South Tyneside College – South Shields Campus	6.72	163	10%	16
H.8	Land at Associated Creameries	0.7	30	10%	3
H.9	Former Temple Park Infant School	0.7	22	10%	2
H.10	Connolly House, Reynolds Avenue	0.4	18	10%	1
H.11	Tyne Dock housing-led Regeneration Site	1.4	69	10%	7
H.12	Land at Biddick Hall Drive	0.13	6	10%	0
H.13	Land behind Ryedale Court	0.48	15	10%	1
H.14	Land at Horton Avenue	0.13	4	10%	0
H.15	Land at Cheviot Road	0.4	25	10%	2

H.16	Land at Bosnall Court	0.05	16	10%	1
H.17	Land at Lizard Lane	0.35	12	10%	1
H.18	Land at Dean Road	0.42	62	10%	6
H.19	Land at Trent Drive	0.32	8	10%	0
H.20	Perth Green Youth Centre, Perth Avenue	1.20	44	10%	4
H.21	Land at previously Marton Hall, Prince Consort Road	0.40	15	10%	1
H.22	Land at Falmouth Drive	1.30	40	10%	4
H.23	Land at Kirkstone Avenue	0.10	2	10%	0
H.24	Hebburn New Town	2.20	110	15%	16
H.25	Land south-west of Prince Consort Road	1.13	46	15%	9
<b>Total</b>			<b>849</b>		<b>86</b>
SP5	Former Brinkburn Comprehensive School	7.82	151	10%	15
SP6	Land at former Chuter Edge Education Centre	5.85	190	10%	19
<b>Total</b>					<b>34</b>
GA1	Land at South Tyneside College, Hebburn Campus	5.7	115	15%	17
GA2	Land at North Farm		263	25%	66
GA3	Land to North of Town End Farm	22.40	400	20%	80
GA4	Land at West Hall Farm	10.27	259	30%	78
GA5	Land at Whitburn Lodge	1.0	30	25%	7
GA6	Land to North of Shearwater	1.65	41	25%	10
<b>Total</b>					<b>258</b>
SP8	Fellgate Sustainable Growth Area	56.3	1200	25%	300

<b>Total</b>					<b>300</b>
<b>Overall Total</b>					<b>678</b>

1.96 The above table demonstrates the following:

- The sites allocated in the main urban area (policy SP4) will only deliver a small amount of affordable dwellings (86) over the plan period. This equates to meeting the affordable housing need that will be generated over a 3-month period (based on an annual affordable need of 362 dwellings per year). This is also on the assumption that the very high densities and indicative capacities are delivered and the amount of affordable housing is not reduced following viability arguments. In reality, a smaller amount of the 86 units will be delivered.
- The SP5 and SP6 allocations are also located within the main urban area where the affordable housing threshold is 10%. Whilst the allocations are relatively large, the sites would only deliver 34 units based on the indicative thresholds.
- The Urban and Village Sustainable Growth Area allocations (GA1 – GA6) would deliver a much greater amount of affordable units (258). The main reason for this is the higher affordable housing thresholds. These six allocations would deliver approximately 40% of the affordable housing, even when taking into account the Fellgate allocation.
- The Fellgate allocation is estimated to deliver 300 affordable units, based on an indicative capacity of 1200 dwellings.
- If all the allocated sites were to be delivered in line with their indicative capacities, they could deliver to 678 affordable dwellings. This would equate to meeting the affordable housing need that will be generated over a 20-month period.
- Viability continues to be tight and increasingly challenging, as confirmed in the supporting Viability Assessment Update 2023, when compared with the earlier 2021 version.

- The 648 affordable dwellings equates to approximately 18% of the total amount of housing allocation (3,498). In comparison the SHMA recommends that an overall target of 25% affordable housing should be applied.

- 1.97 The above analysis supports the view that the most effective way to deliver much needed additional affordable housing would be to allocate additional sites in the Urban and Village Sustainable Growth Area.
- 1.98 It is essential that this is done to deliver affordable housing. The Council must increase its annual housing requirement to be more effective in meeting this need, which is specified by the Planning Practice Guidance (PPG Reference ID: 67-008-20190722 and Reference ID: 2a-024-20190220) as being a mechanism to help deliver affordable homes. It is not enough to simply rely upon South Tyneside Homes.
- 1.99 As currently drafted policy 18 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

## **Policy 35: Delivering Biodiversity Net Gain**

- 1.100 The policy states that biodiversity net gain shall be secured and delivered in accordance with the statutory framework. Only where ecologically appropriate biodiversity net gain is demonstrated not to be deliverable on-site, applicants shall prioritise the delivery of Biodiversity Net Gain off-site in accordance with the Council's locational hierarchy.
- 1.101 Whilst biodiversity net gain has only recently become a mandatory requirement, many local authorities had already started to apply its requirements to housing developments. Our experience has seen a pressure from local authorities to request that schemes are amended to deliver as much of the net gain requirement on-site as possible. This has subsequently had impacts on density, viability and deliverability. It is therefore inevitable that the requirement to deliver biodiversity net gain will impact on the anticipated housing numbers (e.g. indicative thresholds used by the local authority in their housing allocations, and minimum densities required on allocated and windfall sites), thereby creating significant uncertainty on the plan's effectiveness to meet the standard method's minimum housing need, and another reason to allocate additional housing sites.
- 1.102 As currently drafted policy 35 is not considered to be sound because it has not been positively prepared, is not justified, and is not consistent with the requirements of national policy.

**Policy SP15 (Climate Change), Policy 5 (Reducing Consumption and Carbon Emissions), Policy 6 (Renewables and Low Carbon Energy Generation), and Policy 20 (Technical Design Standards for New Homes)**

- 1.103 Story Homes is supportive of providing homes that accord with the standards required by national policy and guidance. This includes meeting the requirements of updated building regulations that cover raising accessibility standards for new homes, and water and building efficiency. We are in agreement with the representations being made by the Home Builders Federation (HBF) on these matters, which highlight the need for clear and up to date evidence to justify moving away from national standards, along with factoring them into the Local Plan's Viability Assessment.

## Conclusion

- 1.104 The Council's approach to the regulation 19 version of the Local Plan has taken a significant backwards step with its ambitions for housing growth and delivery in South Tyneside. As currently drafted it is not considered to be sound.
- 1.105 The approach has led to the buffer being removed from the calculated housing requirement, and an overly optimistic reliance on the delivery of very high densities in the majority of the proposed allocations. Alongside a reduction in the number of sites, concerns with the soundness of several allocations, and greater focus on a single market location with the strategic Fellgate allocation, this significantly reduces flexibility and increases the risk that the plan will fail.
- 1.106 Rather than removing the 15% buffer, the evidence would support the need to increase the buffer to 20%, given the chronic historic under-delivery and reliance on a large strategic allocation to deliver a significant part of the planned housing supply over the plan period. Such an approach would ensure that the Plan is positively prepared, effective and deliverable.
- 1.107 It is also concerning that the need for affordable housing appears to have been downgraded, and well below the desire to minimise Green Belt release. The SHMA identifies a *"considerable need for affordable housing which reflects an increase in homelessness, interest rates rises affecting households and the overall cost of living crisis"*. This 'considerable' need equates to 362 affordable houses each year. We have calculated that based on an optimistic assessment, the proposed housing allocations could deliver 678 affordable dwellings over the plan period. This would equate to meeting the affordable housing need that will be generated over a 20-month period.



- 1.108 It is essential that more is done to deliver affordable housing. The plan needs to be positively prepared, justified, effective and consistent with national policy to be found sound. The Council must increase its annual housing requirement to help meet this need. Whilst being mindful of viability considerations, the most effective way to deliver housing, including the much needed additional affordable housing, would be to allocate additional sites in the Urban and Village Sustainable Growth Area.
- 1.109 The regulation 18 version of the Local Plan proposed to allocate land north of Cleadon Lane, Whitburn, on the basis that it was considered to have an overall moderate impact on the Green Belt. It was also recognised that it was suitable, available and achievable. However, it has now been removed on the basis that the updated Green Belt assessment has upgraded its considered harm. This has then been used as the single reason to discount the site, despite the previously acknowledged benefits and advantages over other sites that are proposed to be allocated. It clear that the site selection process has been very significantly influenced by the amended findings in the 2023 Green Belt Study, with very little consideration to other important matters.
- 1.110 It is telling that the Local Plan includes contingency measures to allow the release of additional land from the Green Belt, which is an acknowledgement from the Council that there is a very realistic chance that the constrained supply of housing will require further release. It is evident that the Local Plan should be increasing their housing need and allocating more sites for housing now to ensure that their housing need will be delivered in the plan period.
- 1.111 Land north of Cleadon Lane can help meet this need. In our view that can be achieved without resulting in an adverse impact on the Green Belt, despite the conclusions in the Council's 2023 Green Belt Study, and without concerns over its deliverability. At the same time, it can

make a meaningful contribution to affordable housing and secure the sustainability and vitality of Whitburn.

1.112 However, the plan as currently drafted is not considered to be sound, as it is not positively prepared, not justified and not consistent with national policy.

1.113 Story Homes is keen to work with the LPA to help deliver land north of Celadon Lane, and we would be happy to meet and discuss the above points in further detail, or any other queries the LPA may have.

## Appendix 1 - Regulation 18 Submission

## **Land at Cleadon Lane – Site Specific Responses**

We respond on behalf of our client, Story Homes, in relation to their land interest at land west of Cleadon Lane, Whitburn (Allocation ref GA11 and SHLAA Ref. SWH013). The site (which extends to c. 3.9 hectares) is allocated through Policy SP5 for residential development comprising around 75 dwellings.

### **Policy SP2 – Strategy for Sustainable Development to meet identified needs**

#### ***Do you support Policy SP2?***

No

#### ***Comments***

Our client (Story Homes) is generally supportive of Policy SP2 but considers that some changes are needed to the policy wording to ensure consistency with national planning policy.

Paragraph 60 of the NPPF outlines the Government's objective to significantly boost the supply of homes. Our client, therefore, does not support the restrictive barrier of Policy SP2 in providing 5,778 homes and requests that this is treated as a minimum figure.

Paragraph 82(c) of the NPPF states that planning policies, in respect of building a strong and competitive economy, should amongst a number of points "seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment". This provides an important framework for local plans to ensure housing does not act as a drag on economic growth.

Policy SP2 is based on the standard method set out in National Planning Policy Guidance (PPG) as the basis of undertaking a local housing need assessment. The PPG sets out that the Government's standard method should be used to identify a minimum annual housing requirement and confirms the Government's commitment to ensuring more homes are built and supporting ambitious authorities who want to plan for growth.

In this respect, our client requests that the wording of subpoint 4 of Policy SP2 is altered to:

'Deliver **at least** 5778 new homes and create sustainable mixed communities'

The inclusion of 'at least' removes the ceiling barrier in line with paragraph 82(c) to recognise the potential for future growth of South Tyneside so that housing delivery can exceed the identified minimum level of future need.

Whilst this change would address our client's main concern, it is important to recognise that PPG sets out circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. These include:

- Where growth strategies have been identified for an area, that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);
- Strategic infrastructure improvements that are likely to drive an increase in the homes needed locally;
- An authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground.

In addition, the PPG states there may, occasionally, also be situations where previous levels of housing delivery in an area, or previous assessments of need (such as a recently-produced Strategic Housing Market Assessment (SHMA) are significantly higher than the outcome from the standard method. Authorities will need to take this into account when considering whether it is appropriate to plan for a higher level of need than the standard model suggests (PPG ID Ref:2a-010-20201216).

Our client considers that as a consequence of the economic opportunities provided by IAMP, as well as other strategic growth project within NECA, the emerging Local Plan should consider applying an uplift to the identified housing requirement above the standard method. This would align with the guidance set out in the PPG of when an uplift beyond the Standard Method can be applied, which specifically mentions strategic infrastructure as a driver in increasing the demand for homes.

Our client also queries whether the Local Plan has considered meeting the previously unmet housing need for the years prior to the plan period. In this context, the Council has failed to deliver enough homes in 2018/19, 2019/20 and 2020/21, collectively amounting to a shortfall of 236 homes. Whilst the HDT results for 2021/22 are not yet published, the trend has continued (with a net delivery of 207 dwellings in 2021/22 based on the Council's own Stage 1 Green Belt Review) which means that the Council has failed the HDT for five consecutive years. It is therefore important to ensure the housing need addressed both the pent-up demand (before 2021) and the under delivery within the first year of the plan period.

The SHMA (2021) also identifies a need for an additional 209 affordable homes per year (social / affordable units or intermediate tenure). Our client has concerns about how the Council intends to deliver the 209 affordable dwellings needed each year to meet local need if the housing requirement is only 321 dwellings per annum (dpa), which equates to 65% of the housing requirement.

It is noted that in PPG (ref. PPG ID: 2a-024-20190220) that an increase in the total housing figures included in the Local Plan may need to be considered where it could help deliver the required number of affordable homes. Therefore, our client considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.

Our client considers that additional evidence is required to ensure Policy SP2 is based on a robust evidence base which fully considers the impact of IAMP on future housing need and the need for an uplift beyond the number identified through the standard methodology.

## **Policy SP3 – Spatial Strategy for sustainable development**

### ***Do you support Policy SP3?***

No

### ***Comments***

Our client (Story Homes, in relation to their land interest at land west of Cleadon Lane) welcomes the strategy set out in draft Policy SP3 (Spatial Strategy) which seeks to facilitate sustainable growth that meets the needs for new homes and employment land.

It seeks to do so by, inter alia, (1) focussing housing development in the Main Urban Area and (2) amending the Green Belt Boundary at Hebburn, Fellgate, Whitburn, Cleadon, East Boldon and West Boldon to allocate land for housing.

In order to form this strategy, among other evidence, the Council has undertaken a comprehensive Green Belt Review. Stage One considers if there are exceptional circumstances to justify the need to amend the Green Belt boundary. It explains how the Green Belt covers around 35% of land within the Borough (para 2.4) which our client recognises as being a key constraint to development. The assessment also sets out how the Green Belt is tightly drawn around existing settlements (para 6.3 / Figure 2), which is very much the case at Whitburn.

Indeed, there was no amendment to the Green Belt boundary when the current Development Plan was adopted and the only notable developments in Whitburn in recent years have come forward on the Rifle Range site and the former Bath House and Canteen site (Thill Stone Mews).

In paragraphs 6.12 to 6.17, the assessment considers the potential sources of housing land supply and the work associated with the Strategic Housing Land Availability Assessment (SHLAA). Based on this work, 74 non-Green Belt sites were identified as potentially suitable to deliver a theoretical capacity of 3,087 homes. This equates to 56% of the housing need which paragraph 6.16 describes this as an acute shortfall in the supply of housing land.

Whilst other sources of housing land have been considered – including brownfield sites, windfall sites, vacant buildings and release of employment land – it still leaves a significant shortfall.

The approach taken by the Council is consistent with that set out in paragraphs 140 to 143 of the NPPF, insofar as there is robust evidence to demonstrate that all other sources of housing land supply have been exhausted. As set out in our client's other responses (including those to Policies SP2, SP4 and SP18) we believe that additional land from the Green Belt may also be required to be released to ensure that the housing need is met and that there is a sufficient supply of housing throughout the plan period.

With regards to the housing requirement, this follows the Government's standard methodology. As discussed in our response to Policy SP2, we feel that there is scope for this to be higher in order to align with the economic strategy (and in particular the growth / jobs associated with IAMP) and also to make a more meaningful contribution to addressing the affordable housing need as identified in the SHMA.

We recognise that local authorities can determine their own housing requirements, and deviate from the standard method, and in light of the above it could be higher. We also recognise that objectors will suggest that this figure can be lower than the standard method however there is a need to consider the consequences of this. The demographic statistics over recent decades suggests that there has been a population decline in South Tyneside which is an indicator that people (in particular the younger end of the labour market) are leaving which may in part be because they are unable to afford to live in the area.

This is evidenced through the affordability ratios as demonstrated in SHMA and further exacerbated by low housing delivery across the Borough. If the Council were to plan for a level of growth lower than the standard method figure, this would represent planning for decline. Whereas the preparation of the Local Plan represents an opportunity to plan positively for the future of the area and deliver much needed housing growth to support the economic opportunities both within the Borough and nearby.

Our client therefore fully supports the conclusions reached by the Council that exceptional circumstances exist to justify amendments to the Green Belt boundary.

As set out in our client's response to other policies, there are concerns about some of the non-Green Belt sites which have been included as allocations which further reiterates the need for the release of land from the Green Belt to deliver new homes.

To further emphasise the acute housing shortfall, it is important to recognise the issues facing the Council currently. Table 9 in the Stage One Green Belt Review presents the Housing Delivery Test (HDT) Results and how the Council has failed to deliver enough homes in 2018/19, 2019/20 and 2020/21. At paragraph 6.62, it also states that whilst the HDT results for 2021/22 are not yet published, the trend has continued (with a net delivery of 207 dwellings) which means that the Council has failed the HDT for four consecutive years.

This problem is again recognised in Table 10 which shows a housing land supply of just 2.2 years.

As well as ensuring there is enough land to deliver the required number of homes, it is important that it is provided in the right locations to facilitate sustainable development and meets the needs of the varied communities in the local area and across the Borough. Our client supports the findings of the Sustainability Appraisal which supports the preferred approach to distribute growth through urban areas and sustainable Green Belt release.

Whilst there inevitably would be some harm to the Green Belt due to a small reduction in the current overall area it covers, the proposed amendments to the Green Belt do not undermine its overall function. Any harm is also vastly outweighed by the economic and social benefits associated with the delivery of new homes. Amending its boundaries would only amount to an approximate 7% reduction (para 7.4 of the Stage One Green Belt Review) in its total coverage across the Borough. Indeed, the draft Local Plan (and Development Framework document) also sets out requirements and design principles which will help to minimise any perceived harm.

Our client welcomes the content within draft Policy SP3 and in particular the approach to amending the Green Belt boundary in order to allow for sustainable growth at locations including land west of Cleadon Lane.

As explained in NPPF paragraph 140, regard should be given to the intended permanence of Green Belt boundaries in the long term, so they can endure beyond the plan period. Our client is concerned that the Council may be faced with a similar situation in the near future about the Green Belt boundaries tightly constraining future development in settlements such as Whitburn. Accordingly, consideration should be given to whether additional sites at Whitburn could be released from the Green Belt.

### Summary

Whilst our client welcomes the content within draft Policy SP3 and agrees that exceptional circumstances exist to justify amendments to the Green Belt boundary, there is a need to consider the release of additional land from the Green Belt to ensure there is sufficient land (and options) to meet the housing need, and also to ensure that the amended Green Belt boundary is able to endure beyond the plan period.

## **Policy SP4 – Housing Allocations in the Main Urban Area**

### ***Do you support Policy SP4?***

Yes/No

### ***Specific Site Allocation***

N/A

### ***Comments***

Our client (Story Homes) acknowledges how there are certain site-specific considerations when deciding which sites to allocate for housing in a new Local Plan. However, we would like to raise concerns about the deliverability and viability of some of the sites which have been included as proposed allocations in Policy SP4.

The NPPF defines “Deliverable” as sites which are available now, offer a suitable location for development now and be achievable with a realistic prospect of development within five years. “Developable” sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged. In this case, this relates to the plan period, albeit it is important to ensure a distribution throughout the duration of the plan period.

We note that Policy SP4 includes a significant proportion of sites which are owned or controlled by South Tyneside Council. Whilst we fully understand that all potential sources of housing land supply should be assessed before concluding that exceptional circumstances exist to justify changes to the Green Belt boundary, it remains the case that any sites proposed as allocations should be demonstrably deliverable, or at the very least, developable.

To satisfy ourselves that the Council’s housing land supply meets these tests, we have undertaken a high-level review to understand whether the sites owned by South Tyneside Council are justified as allocations. This has included a review of flood risk data, land-based designations, Historic England data, ecological and sustainability considerations.

Firstly, we would like to note, out of the proposed sites for housing, 1,513 dwellings – or approximately 30% of total dwellings allocated – will be on council owned sites. Whilst this does not discredit their merits as an allocated site for residential development, there is a risk that any potential future fiscal constraints, such as uncertainty around viability and the Council’s procedure and timescales for site disposal, may impact upon the rate that these can be delivered within the plan period. From a review of the SHLAA, the vast majority of the 1,513 dwellings from these sites are identified to come forward after the first five years of the plan period, with only 27 dwellings identified in the first five years. Therefore, most of the sites will have to satisfy the lower bar ‘Developable’ test.

As set out further in our client’s response to Policy SP18, we have some concerns about the approach applied and the fact that there is very little in the way of contingency should any of the allocated sites (or other assumptions - eg. windfalls) not deliver. Whilst the Local Plan includes safeguarded land at Fellgate, this will provide a limited buffer to under-delivery, in one area of the Borough, and would only come forward if the mechanisms that sit behind it allow. This also includes a significant quantum of development that is assumed to come from sites owned by South Tyneside Council where deliverability is to be tested. Therefore, this adds to our concerns that the Local Plan should identify additional sites –



in either Policy SP4 or SP5 – in order to ensure there is a sufficient housing land supply throughout the plan period.

Looking at the Developable test, we have considered the South Tyneside Council owned sites in terms of whether they are located in a suitable location for housing development. With regards to flood risk assessments, most sites are within Flood Risk Zone 1, which is considered appropriate for development. However, there are three council sites (H.22, H.28 and RG2, totalling c. 61 dwellings) which although overall registered as flood risk 1, border or are very close to Flood Risk Zone 2 or 3 areas. This could have further issues when new development occurs on the land nearby these high-risk areas, especially if the land is undergoing a change of use. There are also questions about whether the capacity of these sites takes account of the constraints.

Our client notes how important it is to preserve sites that have features of current historic importance, as set out by Historic England's data. There are two sites (H.1 and H.15, totalling c. 67 dwellings) which may have conflict over being in areas with historic designations, in addition to all three sites located in the Fowler Street Improvement Area (RG5, RG6 and RG6). In the Fowler Street area, we note that there are Grade 2 listed buildings which are within and bordering the proposed site which will form key considerations to both the deliverability of the site and the capacity of development which can be achieved.

#### **Other land-based designations:**

We feel that there are numerous other sites with certain land-based designations that mean these sites should be removed. It is noted that three of the Council's sites (H.2, H.4 and H.5) are proposed on land which are existing playing fields. The indicative capacity of development assumed from these sites totals 644 dwellings which forms a considerable proportion of the supply. In addition, site GA3 (South Shields College) includes 115 dwellings. As a statutory consultee, Sport England will need to be satisfied with the loss of these playing fields as well as better provision in terms of quantity and quality needing to be supplied elsewhere in the authority. It is understood that Sport England objected to the previous draft Local Plan in 2019 on a similar basis and we suspect they will object again.

The Council have, so far, failed to identify where this provision will be located. In Section a) of paragraph 99, it states that open space, like playing fields, can only be built on if it demonstrates that land is surplus to requirements. However, according to the South Tyneside Playing Pitch Strategy 2019, an assessment showed that all playing pitches currently in use require protection and is potentially needed for future playing pitches to accommodate the shortfall. With regards to playing fields, sites of new 'hubs' have been included in the Plan, but these are not confirmed and there are no records of Sporting England's comments on the loss of existing playing fields nor on whether these proposed hub sites may be suitable replacements. A suitable replacement, with regards to NPPF Para 99 b) would have to mean that they replace with former sites with sites of better quality and a higher quantity but there has been no confirmation by Sporting England. Furthermore, one of these sites, site H.5, is located partially in the Green Belt. There are also a couple other sites (H.38 and H.39, totalling c. 62 dwellings) which are proposed on/next to a public park or garden or a former play area. There is also one site, site H.10, which sits in an area of open Mosaic habitat land.

#### **Ecological considerations:**

Our client recognises the importance of not impacting the ecology of a Site for development, in line with paragraph 174 of the NPPF 2021, where there is a major focus on protecting the environment and pushing for a biodiversity net gain. However, we note that there are around 10 sites (totalling c. 533 homes) which may impact an ecological site or are in a place which has an ecological designation.

#### **Summary**

For the reasons discussed above, together with the backlog in delivery (due to failed Housing Delivery Tests), and other concerns we highlight in other responses (including the response to Policy SP18), we consider that there is a need to find more sites and potentially release more land from the Green Belt in order to meet the housing requirement and to maintain a sufficient supply of housing.

## **Policy SP5 – Urban and Village Sustainable Growth Areas**

### **Do you support Policy SP5?**

Yes/No

### ***Specific Site Allocation***

Site reference GA11 (Land West of Cleadon Lane, Whitburn)

### ***Comments***

As detailed in our client's (Story Homes) response to Policy SP3 (Spatial Strategy), our client agrees with the Council's strategy of facilitating sustainable growth through the amendment of Green Belt boundaries. Our client wholly agrees with the decision to include its land interest (Land West of Cleadon Lane, Whitburn) within the list of housing allocations (GA11) based on the conclusion of the assessment of the site in the Councils Three Stage Green Belt Review (2022).

The Council's Stage One Green Belt Review established that exceptional circumstances exist to justify amendments to the Green Belt boundary – which our client fully supports as explained further in the response to draft Policy SP3.

The Stage Two Green Belt Review includes an assessment of the site against the five purposes of the Green Belt. The Housing Allocation Requirements (in Appendix 3 to the Local Plan) and the design principles in the Development Frameworks have been informed by Council's assessment of the site.

We therefore structure our response in this sequence, starting with our comments on the Green Belt Review.

### **Gren Belt Stage 2 Assessment**

In the section below, we review the Council's assessment of the site (ref. SWH013 or WH19) against the 5 purposes of the Green Belt, and provide our own appraisal.

#### **1. To check the unrestricted sprawl of large built-up areas:**

STC assessment = D (Adverse impact with some mitigation feasible)

Our comments: The site is largely restricted by its surroundings with the existing settlement of Whitburn adjoining to the east and Cleadon Lane to the south. This site is also contained by a large tree belt to the north which restricts any physical and visual connections to Wellhouse Farm. We therefore consider that there is scope to change the assessment score to at least a C (Moderate Impact which can be mitigated).

#### **2. To prevent neighbouring towns merging into one another:**

STC assessment = C (Moderate Impact which can be mitigated).

Our comments: Currently the distance between the western edge of Whitburn and the eastern edge of Cleadon is c.1km. This is taken from linear development along the B1299. Development on land west of Cleadon Lane would incorporate suitable structural landscaping and habitat creation to the western edge. As such, we anticipate that the edge of development here would mirror that of the development along the B1299 and therefore not reduce the current distance between edge of settlements and does not represent a merging of settlements.

3. To assist in safeguarding the countryside from encroachment:

STC assessment = C (Moderate Impact which can be mitigated).

Our Comments: Development in this location represents a logical, linear extension to an existing settlement. The extension would be controlled through appropriate masterplanning and provide increased opportunities for the public to access local open space and the wider countryside.

4. To preserve the setting and special character of historic towns:

STC assessment =D (Adverse impact with some mitigation feasible)

Our Comments: Although there are listed buildings within the settlement of Whitburn, these are focused on Front Street and Church Lane, and a considerable distance from the site. The mid-20<sup>th</sup> century housing that lies between land west of Cleadon Lane and the heart of the settlement provides a buffer zone that will screen any development and minimise any visual impact. The site also falls just outside of Whitburn Conservation Area. Development on this site raises an opportunity to provide an attractive village gateway as outlined in the Whitburn Conservation Area Management Plan SPD. The Council's Heritage Impact Assessment also concludes that development of the site will have less than substantial impact. We therefore consider that there is scope to change the assessment score to at least a C (Moderate Impact which can be mitigated).

5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land:

STC assessment = C (Moderate Impact which can be mitigated).

Our comments: Whilst the redevelopment of derelict urban land should be encouraged, the Green Belt Review has established that the release of Green Belt land is needed to meet the housing need. The development of this site will not prejudice the delivery of other brownfield opportunities across the Borough.

The Council's Stage Two Green Belt Review provides an overall assessment of 'C' (Moderate Impact, which can be mitigated). It should be noted that there are only two other parcels which better this score: one relates to a site which has been redeveloped for housing (completed) (ref. WH16) and the other relates to a very small parcel adjacent to White Mare Pool roundabout (ref. SFG040).

In this context it has been clearly demonstrated that development at the site would not prejudice the function of the Green Belt in this location, in line with the purposes set out in the NPPF.

**SHLAA**

In terms of the other assessments of the site, the Council's SHLAA assesses the site as being suitable, available and achievable for development in the local plan period and our client supports this conclusion.

A summary of the SHLAA assessment of the site is included at paragraph 4.158 of the Stage 3 Green Belt Review which considered the site to be in a suitable location with good access to existing services and is well screened from the wider Green Belt.

The site is located in a demonstrably attractive market area. There are no viability or landownership constraints to developing the site and, as such, the site could make a meaningful contribution to the Council's housing land supply within the early part of the plan period.

## **Sustainability Appraisal**

The Sustainability Appraisal (SA) considers the development of the site against 13 objectives: (1) Climate Change; (2) Biodiversity; (3) (a) Contaminated Land, (b) Landscapes, (c) Source Protection Zones, (d) Mineral Resources and (e) Air Quality; (4) Land Use; (5) Green Infrastructure; (6) Cultural Heritage; (7) Sustainable Transport; (8) Town Centres; (9) Economic Growth; (10) Employment; (11) Equality; (12) Housing; and (13) Health.

The SA identifies significant negative effects against (4) Land Use. Whilst it is recognised that the SA does not take into account additional mitigation factors, our client considers that there are no insurmountable constraints to developing the site. In light of this, we set out assurances below to address this concern.

The assessment around land use is based upon the protection of high-quality soils and promotion of brownfield land. The Council have commented that this would result in the loss of Grade 3 agricultural land, however, do not specify whether this is 3a or 3b land. Notwithstanding this, our client is unaware of any assessment of the soil that has taken place for the Council to reach this conclusion.

Whilst the information on the classification of the soil is ambiguous, it should be noted that the site has not had an agricultural use for an extended period of time. The site has been previously used as playing pitches (albeit not for community use) and although these are no longer used, has prevented any agricultural activity on the site. It is therefore considered that any development on this site would not result in the loss of land used for agricultural activity, although the Council's assessment of the site does not take this into account. Notwithstanding this, the site is less than 4 hectares in size and its use for new housing would not result in a material loss of agricultural land. If required, an application on this site could be supported by an Agricultural Land Classification Report, although we would question the need given that the site is no longer in agricultural use and hasn't been for some time.

Our client also wishes to highlight the Council's assessment against the housing objective to provide better housing, neighbourhoods and good design which designates the site as having likely significant positive effects. Our client is committed to provide a scheme which meets this objective and provides housing which caters to the needs of the area.

Our client also generally agrees with the assessment against other objectives. Whilst we acknowledge the Council's assessment of the site against sustainable transport objectives as minor positive effects, we would argue that this should be raised to have significant positive impacts due to its location on a bus route and the majority of the site falling within 400m of a bus stop.

## **Appendix 3 – Site Key Considerations**

The table in Appendix 3 includes nine key considerations for the development of the site on land west of Cleadon Lane. We respond briefly to each one below:

*1. 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.*

The development of the site will follow the principles of the indicative masterplan, which have subsequently been taken forward in the Development Frameworks document. This includes the provision of landscaping along the site edges that will help to create a new and robust Green Belt boundary. Existing vegetation is to be enhanced along the northern and southern boundary to create a strong landscape buffer.

*2. Development must be of a high quality that preserves or enhances the character or appearance of Whitburn Conservation Area and must reflect the local vernacular in terms of scale, massing, layout and design.*

The development seeks to provide approximately 75 new family homes comprising a range of 3, 4, and 5-bedroomed homes which may also include the provision of affordable housing. The proposed development would be consistent with the surrounding context to achieve a cohesive and characteristic design response. The landscape buffer to the western edge will soften the impact of the development and create a gateway entrance into Whitburn.

*3. Developer contributions towards enhanced playing pitch off site provision.*

Although the site encompasses land that has been used previously for playing pitches, these were never available for public use and used as a private training facility. They have since been replaced by the Academy for Light which provides a better quality and quantity of pitches in line with paragraph 99 of the NPPF. As the former playing pitches are no longer in use and have since been reprovided, it is not necessary for any additional playing pitch provision to be provided due to the development of this site. Our client therefore disagrees with the need for a developer contribution.

*4. Enhanced the existing landscape buffer around the site, including the retention of mature trees.*

Please refer to response to the first consideration. Main tree belts are to be retained and enhanced along the northern and southern boundaries.

*5. Surface water management plan would be required*

This will be completed and submitted with a planning application.

*6. Overland surface water flow routes will need to be considered and detailed modelling will be required to inform the surface water drainage strategy.*

This will be considered as part of a planning application if required.

*7. If the surface water discharge connection is via the ditch and culvert system adjacent to the site, further survey work will be required of this system.*

This will be considered as part of a planning application and, if necessary, further technical work will be undertaken.

*8. Proposals must be supported by a site specific transport assessment, with particular focus on the A183, Cleadon Lane, Lizard Lane, North Guards and Front Street along with the importance of active travel links and public transport connections.*

This will be completed and submitted with a planning application. The site provides excellent opportunities for sustainable travel and active travel links into the centre of Whitburn.

*9. Proposals must be supported by a site-specific flood risk assessment.*

This will be completed and submitted with a planning application.

### **Development Frameworks**

We have reviewed the Development Frameworks and, in particular, the four pages relating to land west of Cleadon Lane which present the location (and context/local facilities); constraints; opportunities; and indicative layout.

The images in the document strengthen our view that the site is demonstrably accessible with convenient access to local services, schools and public transport.

Whilst the site has been previously used for playing pitches, this is no longer the case, and the site is not accessible to the public for any recreational uses. As previously stated, the provision has also been reprovided by the Academy of Light. We would therefore disagree that development of the site would result in the loss of playing pitches as stated under the site constraints.

Our client welcomes the indicative layout which is generally consistent with the indicative masterplan submitted in 2019 to the Council in the Call for Sites Supporting Statement. It is important though to ensure that it is treated as indicative to ensure that the street layout and development cells can be considered in further detail, with the benefit of technical work, at the appropriate time through the preparation of a planning application.

### **Policy SP5 and supporting text**

The table in Policy SP5 makes clear that the capacity of each site is indicative and we welcome this flexibility to determine the quantum of development at the planning application stage. Our client has no concerns with the other elements of the policy and supporting text which require the creation of new defensible Green Belt boundaries and sites to be developed to a high standard to make them attractive and sustainable places to live.

### **Summary**

Overall, our client, Story Homes, agrees with the assessment of the Council that the site does justify the exceptional circumstances necessary to make amendments to the Green Belt boundary. Our client also strongly supports the Council's strategy to facilitate sustainable growth in the villages of the Borough, such as Whitburn. They are also in overall agreement with the Council's assessment of the site within the Sustainability Appraisal that development on land west of Cleadon Lane would have a positive impact against the sustainability objectives, and that any potential negative impact can be adequately addressed through mitigation.

Story Homes therefore fully supports the allocation (GA11) at land west of Cleadon Lane in Policy SP5; however, questions any requirement for the contribution towards or replacement of playing pitches given that these have already been reprovided in the area.

## Appendix 2 - Response to Council's Site-Specific Queries



# **Land north of Cleadon Lane, Whitburn**

## **Response to STC Questions**

Story Homes

August 2021

**LICHFIELDS**



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## 1.0 Introduction

- 1.1 This Statement has been prepared by Lichfields on behalf of Story Homes in relation to land north of Cleadon Lane, Whitburn.
- 1.2 It responds to the email received from South Tyneside Council ('the Council') on 19 July 2021 which included the following questions:
- *Have you considered how you will achieve net environmental gains of 10%? If so, then how do you propose to achieve this?*
  - *A strategic development principle is that consideration should be had to the relationship between the proposed scheme and the existing settlement and surrounding landscape, in terms of visual and historic setting. How do you propose to do this?*
- 1.3 The email also referenced possible impacts in highways term at the following junctions to which the Council invited a response:
- *B1299 / North Guards, Whitburn;*
  - *North Guards / A183, Whitburn;*
  - *North Guards / Mill Lane, Whitburn;*
  - *A183 / B1299 / East Street, Whitburn;*
  - *A1018 / Cleadon Lane, Cleadon;*
  - *Implications at the Tiled Level Crossing;*
  - *B1298 / New Road / Benton Road, Boldon.*
- 1.4 The wider consultant project team (including BSG Ecology, Pegasus Group, Eddisons and Lichfields (in relation to heritage)) has assisted in responding to the questions above.

## 2.0 The Proposals

- 2.1 The site measures around 3.9 ha and is capable of accommodating approximately **75 dwellings**. The **Proposed Landscape Framework Plan**, which is included at **Appendix 1**, provides an indication of the proposed layout which has been shaped by landscape, heritage, ecological and other technical considerations.
- 2.2 The subsequent sections provide a direct response to each question and where applicable, further information is included in the appendices.

## 3.0 Ecology

- 3.1 The Council's response included a question relating to ecology and a response, led by BSG Ecology, is provided below.
- Have you considered how you will achieve net environmental gains of 10%? If so, then how do you propose to achieve this?***
- 3.2 An assessment was carried out in 2016 and the Environmental Records Information Centre North East (ERIC NE) provided data on 15 June 2016. This was complemented by a field survey that was carried out by Principal Ecologist Neil Beamsley CEcol MCIEEM on 16 June 2016.

- 3.3 The majority of the site is dominated by poor semi-improved grassland that has previously been managed as a sports pitch. It is regularly mown.
- 3.4 A gappy hawthorn *Crataegus monogyna* hedgerow is present along the western boundary of the Site. A dense strip of bramble *Rubus fruticosus agg* is located alongside the hedgerow on the eastern side.
- 3.5 A number of immature and semi-mature trees were recorded around the boundary of the Site. Along the southern boundary that runs alongside Cleadon Lane there is a mixture of semi-mature broadleaf trees. In the north-west and north-east corners of the site there are dense stands of semi-mature trees, and along the northern boundary there is a narrow belt of semi-mature and mature trees.
- 3.6 An underground tank is located in the south-west corner of the site within the grassland area.
- 3.7 BSG Ecology has considered the potential for a net gain at the site which, as the guidance states, can be achieved through a combination of on site and off site measures.
- 3.8 The current baseline comprises, poor semi-improved grassland (Metric habitat 'improved grassland'), broadleaved woodland (Metric habitat 'other woodland – broadleaved'), hard-standing (Metric habitat 'developed land, sealed surface') and defunct gappy hedgerow (Metric habitat 'native hedgerow').
- 3.9 Taking into account the indicative Landscape Framework Plan (Appendix 1), BSG Ecology considers the development of the site **would achieve in excess of 10% net environmental gain**.
- 3.10 Story Homes remain committed to an open dialogue with the Council on this and, as the proposals progress, would be in a position to assess net gain using the recognised metric.

## 4.0 Landscape and Visual

- 4.1 A response to this question has been led by Pegasus Group with input from Lichfields in terms of the heritage considerations. A separate **Landscape and Visual Note** is included at **Appendix 2**.

***A strategic development principle is that consideration should be had to the relationship between the proposed scheme and the existing settlement and surrounding landscape, in terms of visual and historic setting. How do you propose to do this?***

- 4.2 The appended Landscape and Visual Note considers the baseline and an appraisal of the landscape character of the site and therefore Story Homes and the project team has strong understanding of the considerations which could affect and/or shape the development of the site.
- 4.3 The note confirms:
- The site is a generally level, rectangular shaped grassland field surrounded and contained by hedgerow and tree vegetation and further areas of vegetation in three corners of the site;
  - The site is not covered by any designation at a national, regional or local level that recognises a specific landscape importance;
  - The site lies within the 'Semi-rural Land Use Type and the Urban Fringe, Cleadon Hills' Local Landscape Character Area;

- The Whitburn Conservation Area is located to the south and southeast of the site around the historic core of the settlement. There are no listed buildings within the site or immediate surrounds;
- There are no public rights of way within the site although a footpath runs to the north of the site;

- 4.4 In terms of its visual context, the site area is generally screened from Cleadon Lane by the existing perimeter vegetation which ties into existing vegetation to the east of the site and within the Whitburn Conservation Area.
- 4.5 The site and its perimeter vegetation on the western and southern boundaries forms part of the western gateway to the settlement. This vegetation forms a linear green gateway running right into the heart of the settlement.
- 4.6 Views across the area are available from the higher ground to the north, particularly towards Sunderland and the coast, to the south east. The site area is visible in these views but the existing vegetation on the northern boundary partially screens direct views into the body of the site. The views from the north include existing residential development adjacent to the site.
- 4.7 In terms of historic setting, the site is located outside of Whitburn Conservation Area but is located on the edge of its northern boundary to the north of Cleadon Lane. It is not within the setting of any listed buildings within the conservation area and is not within view of the historic core of Whitburn Village. Historically the site was in agricultural use until the mid-20th century until it was redeveloped as a sports ground and around this time there was extensive post-war residential development to the east of the site.
- 4.8 The site is relatively well screened by mature trees and vegetation along Cleadon Lane which contributes positively to the appearance of the site and to the setting of the conservation area. The site is only partially screened along its western boundary by a hedgerow and small trees. It can be glimpsed in views along Cleadon Lane from the west on the approach to Whitburn. However, it is also possible to see existing post-war development in these views which reduces their sensitivity to further development.
- 4.9 The site is within the setting of the western part of the Whitburn Conservation Area which incorporates sports pitches and open fields towards West Hall. The mature trees in this part of the conservation area are also identified as a positive feature that breaks up the hard urban edge of the village, adding to its character. The rural setting around Cleadon Lane is, therefore, considered to be an important feature in the setting of the conservation area.
- 4.10 The site is also within the wider setting of prominent landmarks including the Grade II\* listed Cleadon Pumping Station Chimney and the Grade II listed Cleadon Windmill. The chimney is located approximately 2km to the north-west and the windmill is located approximately 1.5km to the north-west. The site makes a limited contribution to the setting and is contained by the perimeter vegetation.
- 4.11 The Landscape Framework Plan (Appendix 1) has been developed from the Landscape and Visual constraints and opportunities identified through the site assessment process, to ensure a landscape led approach underpins the masterplanning of the site.
- 4.12 The existing boundary vegetation would be retained and supplemented with new planting to ensure the long term age structure, maximise the screening properties of the vegetation and reinforce the boundaries as wildlife corridors and a defensible new Green Belt boundary. Development would be set back from the southern and western boundaries to protect the site vegetation which forms part of the settlement gateway.

- 4.13 Existing ditches on the boundaries would be retained. Additional wetland habitats would be created with the inclusion of multi-functional SUDs features within the greenspace corridor on the southern edge of the site. The SUD's basins would be planted with native species. The existing species poor grassland would be enhanced and supplemented with wildflowers and bulbs for the benefit of pollinators and seasonal interest. New feature trees would be planted throughout the green spaces.
- 4.14 Within the proposed development cell, incidental open spaces would be interspersed through the layout, furnished with trees, shrubs and hedgerows and the streets lined with trees.
- 4.15 In terms of the historic setting, the proposals respond well to the constraints of the site and its role within the setting of the Conservation Area. The proposals will retain the existing mature tree coverage along the site boundary which are positive features in the setting of the conservation area. The new enhanced buffer that is proposed all the western boundary is an important feature that will help to partially screen the development in views along Cleadon Lane.
- 4.16 Subject to the nature and extent of the enhanced buffer on the western boundary, residential development on the site may be glimpsed in views along Cleadon Lane on the approach to Whitburn. This would bring development slightly further along Cleadon Lane, although given the visibility of existing development in these views the impact is likely to be low. Further supplementary planting is also proposed along the northern and southern boundary to provide additional screening, which will further soften the impact of the development on views along Cleadon Lane. This would also reduce the impact on the setting of the conservation area and preserve the character and appearance of the rural setting of the conservation area.
- 4.17 As identified in the Note in Appendix 2, views to the north-west towards the chimney and windmill would not be significantly affected by development which would be contained by the existing vegetation and supplementary planting. This would have a negligible impact on the setting of these assets and would have no impact on their significance. In summary, the proposed supplementary planting to reinforce the tree buffers around the site could largely mitigate any negative impacts and could help to screen not only the proposed development but the existing areas of post-war housing on the edge of Whitburn.
- 4.18 The appearance of the development would be softened further with the planting of new trees throughout the layout which will contribute to the achievement of a well-designed and beautiful place.

## 5.0 Highways

- 5.1 The final question relates to the potential impact of the development on the highway network. A **Traffic Impact Statement**, prepared by Eddisons, is included at **Appendix 3**.

***The Council has had traffic modelling undertaken which has indicated that this development would impact the following junction***

- ***B1299 / North Guards, Whitburn;***
- ***North Guards / A183, Whitburn;***
- ***North Guards / Mill Lane, Whitburn;***
- ***A183 / B1299 / East Street, Whitburn;***
- ***A1018 / Cleadon Lane, Cleadon;***
- ***Implications at the Tiled Level Crossing;***

• ***B1298 / New Road / Benton Road, Boldon.***

***The Council would like to invite you to show how you propose to mitigate these impacts.***

- 5.2 The Traffic Impact Statement provides a rounded review of the proposals in terms of highway considerations. It concludes that:
- The proposals can be accessed from the Cleadon Lane frontage safely and efficiently.
  - The site has been demonstrated to be accessible by a range of non-car travel modes.
  - The traffic impact of the proposals is likely to be able to be accommodated on the existing highway network with minimal impact at key junctions in the area or a contribution to an already agreed level of mitigation.
  - All transport and highways issues will need to be included within a formal Transport Assessment that will support any future planning application at the site.
- 5.3 In response to the Council's question, section 4 within the appended Statement considers the potential impact at each junction. However, it should be noted that only two of the junctions (North Guards / A183, Whitburn; and A1018 / Cleadon Lane, Cleadon) were included in the 2017 base flow traffic figures that were supplied by the Council.
- 5.4 The modelling undertaken by the Council assumes the site would accommodate 102 dwellings and therefore the work by Eddisons is based on 75 new homes in line. As explained in paragraphs 4.3.3-4.3.4 in the appended statement, there are also suspected errors relating to the way this site has been modelled.
- 5.5 No capacity issues have been raised in the Systra Study as part of their modelling exercise at all junctions or locations where the Council have confirmed a potential impact issue with regards to the Cleadon Lane site, with the exception of the A1018/Cleadon Lane junction.
- 5.6 There is a potential improvement scheme proposed at the A1018/Cleadon Lane junction to mitigate the impact of the Local Plan sites which has been confirmed by Systra as requiring only adopted highway land and at an approximate cost of £500,000. Whilst the site is likely to generate a minimal number of additional movements at this junction, an appropriate level of contribution can be discussed with the Council at the time of a planning application.
- 5.7 Figure 5.1 below is an extract from the appended statement which provides a concise summary of the assessment undertaken. Please refer to the statement which provides a more detailed response in relation to each junction.

Figure 5.1 Traffic Impact Assessment Summary

Junction	AM Peak Impact	PM Peak Impact	Comments
B1299 / North Guards, Whitburn	9	9	Systra confirm no capacity issues and minimal impact
North Guards / A183, Whitburn	3	6	Systra confirm no capacity issues and minimal impact
A183 / B1299 / East Street, Whitburn	7	11	Systra confirm no capacity issues and minimal impact
A1018 / Cleadon Lane, Cleadon	28	29	Systra confirm mitigation scheme
Tiled Level Crossing	8	9	No issues raised by Systra and minimal impact
B1298 / New Road / Benton Road, Boldon	8	9	Systra confirm no capacity issues and minimal impact

- 5.8 The traffic impacts based on the data which has been made available. If any impacts subsequently differ from what has been assessed (possible regarding cumulative impact from other sites) discussions could take place in relation to the mitigation and proportionate contributions at the planning application stage.

### Summary

- 5.9 There are no material highways or transport reasons which would prevent the allocation or delivery of the site in the emerging South Tyneside Local Plan.

## 6.0 Conclusions

- 6.1 The Statement provides a response to each of the questions posed. Where any impacts of the development have been identified, it is demonstrated that they can be successfully mitigated.
- 6.2 Should any queries arise following the Council's consideration of the submitted information, Story Homes and project team would be more than willing to assist.





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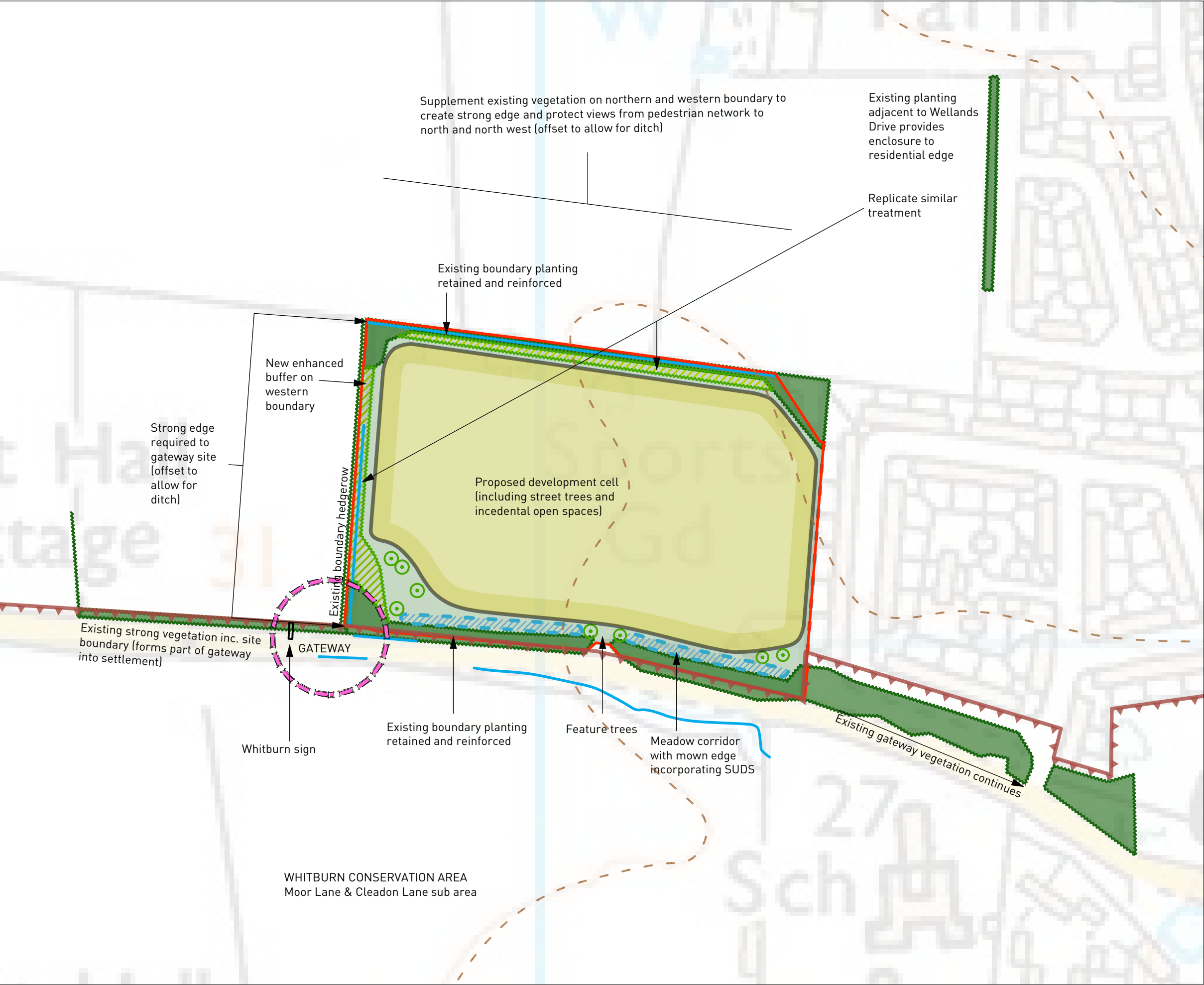
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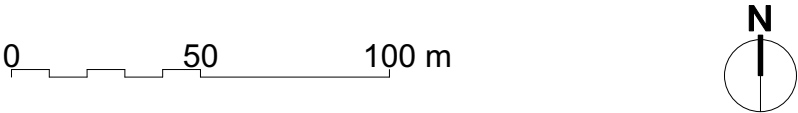
**KEY**

- Site Boundary
- Whitburn Conservation Area
- Existing vegetation
- Contour lines
- Existing drainage ditches
- Proposed vegetation
- Feature trees within meadow
- Proposed meadow corridor with mown edge
- Proposed development cell
- Proposed SUDS corridor
- Key node

**Proposed Landscape Framework Plan**  
**Land at Cleadon Lane, Whitburn**

Client: Story Homes  
 DRWG No: P21-2565.001  
 Drawn by : SE  
 Date: 27/08/2021  
 Scale: 1:2,000 @ A3

REV: A  
 Approved by: KC  
**Pegasus**  
 Environment



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## **P21-2565 – CLEADON LANE, WHITBURN – LANDSCAPE AND VISUAL NOTE**

**August 2021**

### **Introduction**

1. This note responds to recent correspondence from South Tyneside Council which includes the following question:

***‘A strategic development principle is that consideration should be had to the relationship between the proposed scheme and the existing settlement and surrounding landscape, in terms of visual and historic setting. How do you propose to do this?’***

2. The note sets out an appraisal of the landscape and visual baseline which has informed the identification of landscape opportunities and constraints which underpin the development of a landscape framework for the site. (See accompanying Pegasus plan P21.2565.001rev.A) The proposed landscape framework considers the relationship between the site, (including the proposed development) with the existing settlement and surrounding landscape, in terms of the visual and historic setting.

### **Landscape Baseline**

3. The site area is a generally level, rectangular shaped grassland field surrounded and contained by mature hedgerow and tree vegetation and further areas of vegetation in three corners of the site. Previously a football training ground, intensively mown to produce a suitable playing surface, management of the grassland has been more relaxed since the facility was relocated and is described in the Extended Phase 1 Habitat Survey as, ‘species poor semi improved grassland’. Existing residential development backs onto the eastern boundary of the site.
4. The site is not covered by any designation at a national, regional or local level that recognises a specific landscape importance. The Whitburn Conservation Area is located to the south and southeast of the site around the historic core of the settlement. There are no listed buildings within the site or immediate surrounds.
5. Located at approximately 30m AOD the ground rises to the north west to a height of 83m at Beacon Hill. There are no public rights of way within the site. Local footpaths are limited, a footpath runs to the north of the site between Well House Farm approximately 200m to the north, climbing to the north west to the grade II listed Cleadon Mill approximately 1.6km away.

### **Landscape Character**

6. The site lies within the Semi-rural Land Use Type and the Urban Fringe, Cleadon Hills Local Landscape Character Area, as defined by the South Tyneside Landscape Character Study Part I, March 2012. The site lies in ground that is lower than the majority of the character area, (being generally over 50m OAD) and is not generally reflective of the key characteristics of the wider character area, set out as follows:
  - Prominent high ground within South Tyneside, one of the highest points in the area.
  - Popular recreational resource for walking and open space.
  - Important exposures of Magnesian Limestone geology.

- Site of several key landmarks within the wider South Tyneside landscape.

7. Part II of the South Tyneside Landscape Character Study, March 2012 presents general guidelines for the development and management of the South Tyneside Landscapes and specifically sets out the Landscape Character Guidelines for the Cleadon Hills Character Area. Again these largely relate to the higher ground of the Character Area. The table on p40 of the study is replicated below with an additional column added called 'Site Specific Comment' which provides a response in relation to the site and the proposals in terms of each of the specific guidelines.

Strengths/ Opportunities/ Challenges	Do	Don't	Site Specific Comment
High ground	Retain open undeveloped character, and maintain long views in all directions through management of vegetation Maintain setting of key borough landmarks of the water tower and Cleadon Windmill	Allow development which would affect views of the key landmarks, either within this area or in other areas with key views	Site area is contained by perimeter vegetation. Long views from the high ground to the north west within the wider character area would not be significantly affected by development within the site which would be contained by the existing and supplemented vegetation. The setting of and key views to and from the landmarks of the Water Tower and Cleadon Windmill to the north west would not be significantly affected by development within the site particularly from the local footpath network.
Access and recreation	Continue to promote access as part of a wider network, enhancing links where possible		The site would tie into the existing footpath adjacent to Cleadon Lane providing pedestrian access into the centre of Whitburn.
Habitat Network	Continue efforts to enhance habitat value, promoting links to		Within the areas of proposed public open space within and around the

	wider networks of wildlife corridors		periphery of the site the existing species poor semi improved grassland could be enhanced by introducing a range of additional habitats including meadow areas, wetlands, native hedgerows and additional tree and shrub planting.
Field boundaries	Support efforts to enhance field boundaries, including rebuilding walls and reinforcing hedges, to improve landscape structure		The existing perimeter vegetation could be supplemented to enhance the boundaries and reinforce the existing landscape structure.

### **Visual Context**

8. The site and the perimeter vegetation on the western and southern boundaries forms part of the western gateway to the settlement. The Whitburn sign and the 30 miles per hour speed limit is located to the west of the site boundary. The body of the site is separated from the wider landscape context and is well screened from Cleadon Lane by the existing mature perimeter vegetation which ties into existing vegetation to the east of the site and within the Whitburn Conservation Area. This vegetation forms a linear green gateway running right into the heart of the settlement and the village pond. Retention of the mature, existing landscape features would help to screen and soften the proposed development whilst also providing separation from and limiting impacts on the setting of the Conservation Area.
9. Broad views across the area are available from the higher ground to the north, particularly towards Sunderland and the coast to the south east. The site area is visible in these views but the existing vegetation on the northern boundary partially screens direct views into the body of the site. The views from the north include existing residential development adjacent to the site. The proposed development would bring the line of built form marginally westwards but this would be well screened by existing and supplemented vegetation on the boundaries.

### **Landscape Framework**

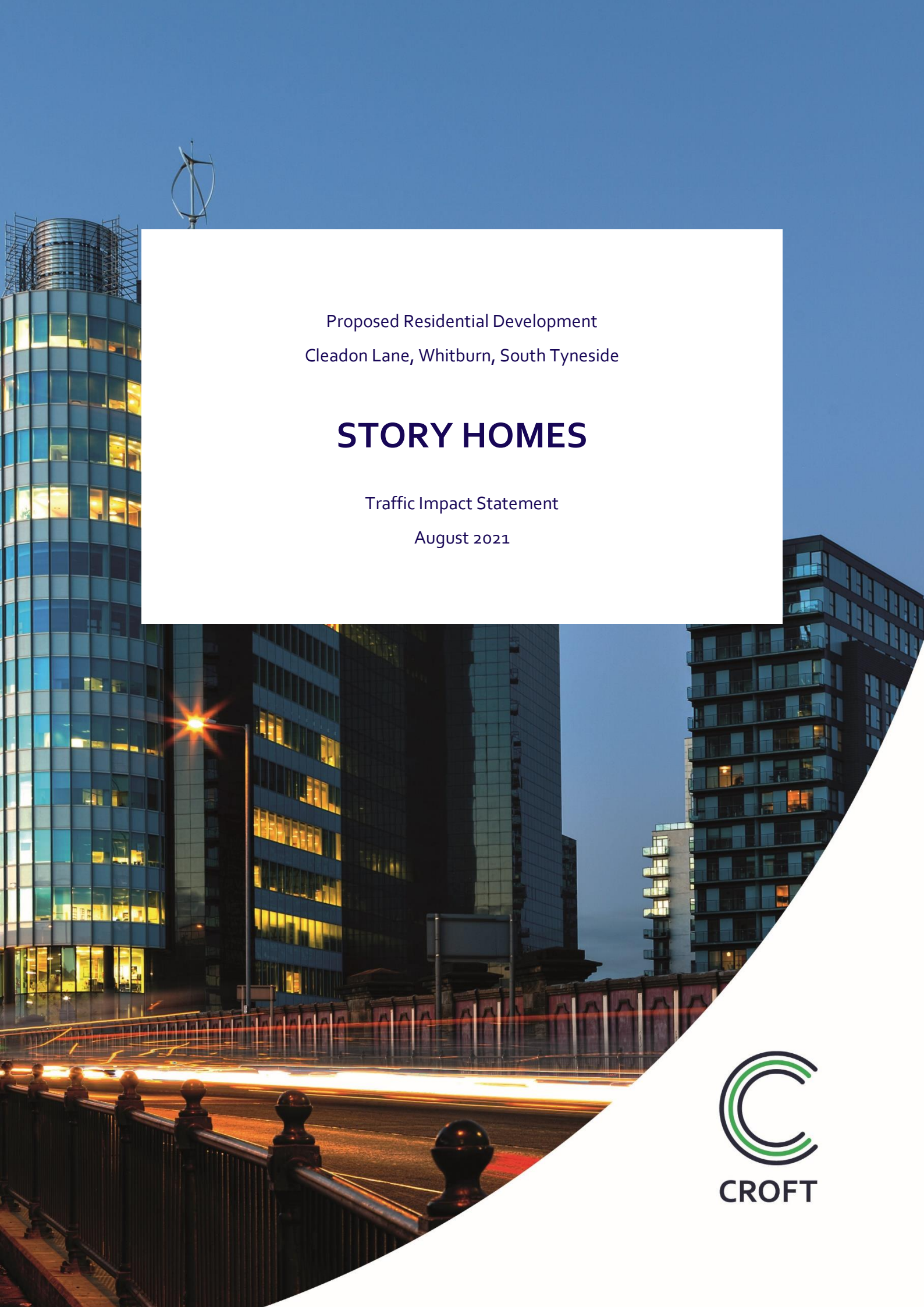
10. The landscape framework plan has been developed from the Landscape and Visual constraints and opportunities identified through the site assessment process, to ensure a landscape led approach underpins the masterplanning of the site.

- 
11. The existing boundary vegetation would be retained and supplemented with new planting to ensure the long term age structure, maximise the screening properties of the vegetation and reinforce the boundaries as wildlife corridors and a defensible new Green Belt boundary. The landscape framework plan highlights effective existing structure planting to the west of Wellands Drive, (to the north east of the site) that successfully softens and integrates the existing built form. The proposed offsets on the northern and western boundaries could accommodate a similar scale of tree planting. Development would be set further back from the southern and south western boundaries to protect the site vegetation which forms part of the settlement gateway, to respect the interface with the adjacent Whitburn Conservation Area and create a greenspace corridor within the site.
  12. Existing ditches on the boundaries would be retained. Additional wetland habitats would be created with the inclusion of multi-functional SUDs features within the greenspace corridor on the southern edge of the site. The SUD's basins would be planted with native species. The existing species poor grassland would be enhanced and supplemented with wildflowers and bulbs for the benefit of pollinators and seasonal interest. New feature trees would be planted throughout the green spaces.
  13. Within the proposed development cell, incidental open spaces would be interspersed through the layout, furnished with trees, shrubs and hedgerows and the streets lined with trees as part of the residential layout. This would form part of a strategy, in partnership with the urban design proposals, to deliver a high quality, beautiful and sustainable place in line with the National Planning Policy Framework 2021.

### **Summary**

14. This note and the accompanying landscape framework plan shows how the proposed development can be accommodated in the surrounding landscape and townscape, by a close consideration of the underlying landscape opportunities and constraints. The proposed development would be underpinned by a strong landscape framework, delivering onsite benefits and would be sympathetic to the visual and historic setting of Whitburn.





Proposed Residential Development  
Cleadow Lane, Whitburn, South Tyneside

# STORY HOMES

Traffic Impact Statement  
August 2021







## REPORT

**Document:** Traffic Impact Statement

<b>Project:</b>	Proposed Residential Development   Cleadon Lane   Whitburn   South Tyneside
<b>Client:</b>	Story Homes
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## 1 INTRODUCTION

### 1.1 Introduction

- 1.1.1 Eddisons have been instructed by Story Homes to advise on the traffic and transportation issues relating to a potential residential allocation on land north of Cleadon Lane in the Whitburn area of South Tyneside.
- 1.1.2 The Statement provides information mainly on the traffic impact aspects of the development proposals and assist the local planning authority in the positive allocation of the site within the emerging South Tyneside Local Plan Partial Review.
- 1.1.3 To inform this process, comments have been provided by South Tyneside Council setting out the scope of information they require to support this particular proposal. This is enclosed at **Appendix 1** and essentially requests traffic impact information relating to each of the Local Plan sites.
- 1.1.4 It must be noted that the consultation is informal, with a limited timescale and dialogue to allow detailed assessment.

### 1.2 Scope of Report

- 1.2.1 Following this introduction, Section 2 of this Statement describes the development site, the potential development and the proposed vehicular access arrangements. Section 3 of this Statement will briefly consider the site's non-car accessibility.
- 1.2.2 Section 4 of this Statement will provide a consideration of the traffic impact of the subject site.
- 1.2.3 Section 5 will draw together the conclusions to this Statement.

## 2 DEVELOPMENT SITE AND PROPOSALS

### 2.1 Introduction

2.1.1 This section of the Statement will describe the site and provide details of the development proposals.

### 2.2 Development Site

2.2.1 The site is known as the Former Charlie Hurley Centre (site ref: SWHo13). The site is situated to the north of Cleadon Lane and immediately to the west of existing residential properties on West Avenue.

2.2.2 There is currently a direct vehicular access to the site's southern boundary from Cleadon Lane, which is in the form of a simple priority T-junction with kerbed bellmouth radii, footways and an access road of approximately 5.5 metres width.

### 2.3 Potential Development

2.3.1 At this stage, the site is proposed to accommodate around 75 residential dwellings. The Council's / Systra's work have assumed would be developed on the site which was 102 dwellings. The proposed allocation in the earlier draft Local Plan is for 75 dwellings.

2.3.2 An Indicative Masterplan enclosed included at **Plan 1**, illustrates how the site could be developed.

2.3.3 The level of car and cycle parking will accord with the Council's current standards and will be provided in detail at the time of a subsequent planning application.



## 2.4 Vehicular Access

2.4.1 Vehicular access to the site can be achieved from the southern frontage of the site onto Cleadon Lane. A standard residential style access would be required which would incorporate the following geometry:

- Access road of 5.5 metre width.
- Footways on both sides of 2 metres wide.
- Junction radii of 10 metres.
- Visibility splays in both directions of at least 2.4 metres by 43 metres.

2.4.2 The visibility splays achievable are well beyond those defined above but this will ensure compliance with a 30mph speed limit which is the current speed limit on Cleadon Lane.

2.4.3 As such, the site can be appropriately accessed for the proposed residential development.

## 3 ACCESSIBILITY BY NON-CAR MODES

### 3.1 Introduction

3.1.1 In order to accord with the aspirations of the NPPF, any new proposals should extend the choice in transport and secure mobility in a way that supports sustainable development.

3.1.2 New proposals should therefore attempt to influence the mode of travel to the development in terms of gaining a shift in modal split towards non-car modes, thus assisting in meeting the aspirations of current national and local planning policy.

3.1.3 The accessibility of the site has been briefly considered by the following modes of transport:

- Accessibility on foot.
- Accessibility by cycle.
- Accessibility by bus.
- Accessibility by Metro.

3.1.4 It is worth noting that the Council have included this site within the emerging Local Plan as Site Reference SWH013. As such, they have clearly concluded that the site can be accessed and is sufficiently accessible by non-car travel modes.

## 3.2 Access on Foot

- 3.2.1 It is important to create a choice of direct, safe and attractive routes between where people live and where they need to travel in their day-to-day life. This philosophy clearly encourages the opportunity to walk whatever the journey purpose and also helps to create more active streets and a more vibrant neighbourhood.
- 3.2.2 Cleadon Lane currently has a footway on the northern side of the road along the site frontage. This footway will provide pedestrian access to the amenities in Whitburn to the east and Cleadon to the west.
- 3.2.3 Within the Institution of Highways and Transportation (IHT) document, entitled "Guidelines for Providing for Journeys on Foot", a distance of 800 metres is identified as the preferred maximum distance for town centres, whilst a distance of 2 kilometres is defined as a preferred maximum for commuting.
- 3.2.4 Walking is the most important mode of travel at the local level and offers the greatest potential to replace short car journeys, particularly those under 2 kilometres. In addition, the DfT National Travel Survey of 2018 confirms that 80% of all trips less than a mile (1.6km) are carried out on foot.
- 3.2.5 A brief review of the proximity of local facilities has been undertaken. **Table 3.1** below, shows the approximate walking distance from the centre of the site to the local retail stores and other nearby key amenities in the vicinity of the site:



Local Amenity	Distance	Guidance Criteria	Meets with Guidance?
Whitburn Primary School	300m	3,200m	YES
Bus Stops	400m	400m	YES
Park	500m	1,600m	YES
Post Office and Store	800m	1,600m	YES
Avenue Pharmacy	800m	1,600m	YES
Whitburn Library	1,000m	1,600m	YES
Doctor's Surgery	1,100m	1,600m	YES
Dental Surgery	1,100m	1,600m	YES
Whitburn Academy	1,300m	4,800m	YES

**Table 3.1 – Approximate Distance from Site to Local Facilities**

3.2.6 As can be seen in the above table, the site is located within close proximity to a number of local amenities including local shops, schools and health facilities.

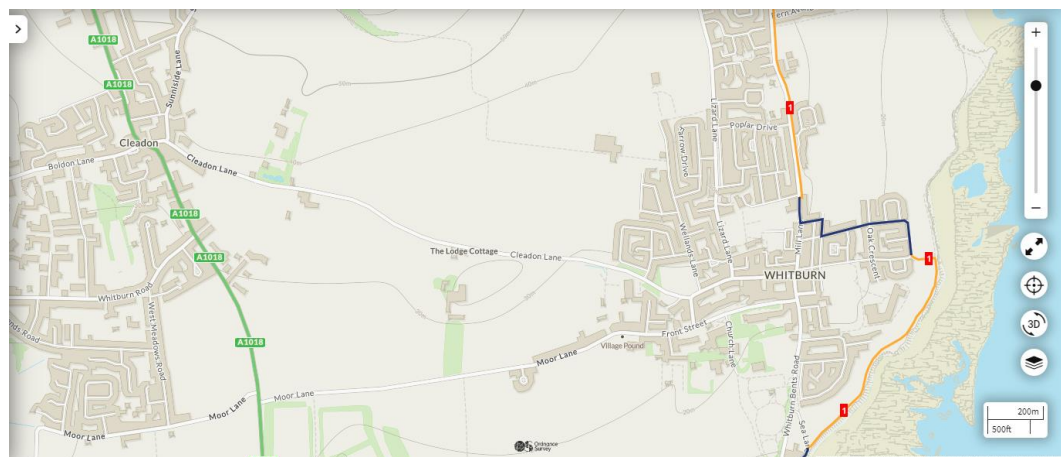
3.2.7 It is therefore considered that the existing pedestrian infrastructure will facilitate safe and direct pedestrian linkages between the site and local destinations.

### 3.3 Access by Cycle

3.3.1 An alternative mode of travel to the site could be achieved by bicycle.

3.3.2 A distance of 5 kilometres is generally accepted as a distance where cycling has the potential to replace short car journeys. This distance equates to a journey of around 25 minutes based on a leisurely cycle speed of 12 kilometres per hour and would encompass most of South Tyneside including Whitburn, Cleadon, North Boldon and Sunderland.

3.3.3 The Sustrans on line mapping indicates that Cleadon Lane forms part of an on road cycle route. Although the route is not part of the National Cycle Network it does link in does link into National Cycle Route 1, as shown on the cycle route map below. It also links to other local cycle routes in the area ensuring good cycle linkages to local and regional destinations.



3.3.4 The site can therefore be considered as being accessible by cycle.

### 3.4 Access by Bus

3.4.1 The nearest bus stops are located to the east of the site on Cleadon Lane, around 400 metres from the centre of the site and therefore within a 5 minute walk.

3.4.2 This includes the 558 service that runs hourly between Seaburn, Boldon and Heworth and the 801 school service.

3.4.3 It is therefore concluded that the site is accessible by bus.

### 3.5 Accessibility by Metro

3.5.1 Although the nearest Metro stations fall outside the recommended 2 kilometres walking distance, the stations at East Boldon and Seaburn are accessible via a short bus journey. Both stations also have car parks which could provide the opportunity for Park and Ride journeys. The Metro provides direct services to Sunderland, Gateshead and Newcastle.

3.5.2 This provides opportunities for travel to and from the site via Metro.

### 3.6 Accessibility Summary

3.6.1 The site has been considered in terms of accessibility by non-car modes.

3.6.2 The following conclusions can be drawn from this section of the Statement:

- It has been demonstrated that the site is accessible on foot with a range of day to day amenities located close by.
- It has been demonstrated that the site is accessible by cycle, with a local on road cycle route is situated to the immediate south of the site on Cleadon Lane and National Cycle Route 1 is located within Whitburn a short cycle journey of the site.



- The services from the bus stops on Cleadon Lane, travelling to Seaburn, Boldon and Heworth, demonstrate that the site is accessible by bus.
- The sites are also accessible via Metro with East Boldon and Seaburn stations located just a short bus journey and a short walk from the site.

3.6.3 In light of the above, it is considered the site is accessible by non-car modes and will cater for needs of the development's residents and assist in promoting a choice of travel modes other than the private car.

## **4 TRAFFIC IMPACT**

### **4.1 Introduction**

- 4.1.1 Having established that the site is accessible by modes of transport other than the private car, the following section of this Statement will consider an assessment of the potential traffic generation of the site as well as providing an assessment of the general impact on the local highway network, as requested by South Tyneside Council.

### **4.2 Council Requirements**

- 4.2.1 Systra was commissioned by the Council to assess how the growth planned as part of the South Tyneside Local Plan Pre-Publication Draft (August 2019) will impact on the local road network across the borough.
- 4.2.2 This document has been prepared entitled 'Local Road Network – Traffic Capacity Assessment' prepared by Systra on behalf of the Council and is dated November 2020.
- 4.2.3 This study provided a detailed evidence base demonstrating how the impact of future development on the highway network has been considered and could be addressed.
- 4.2.4 The study then identified indicative types and scale of mitigation measures which could be used to accommodate any such development. An approximate cost has been identified by the study to provide the necessary comfort that the nature and scale of the improvements could be delivered and funded by a future CIL charge, Section 106 Planning Obligations, S278 agreements and/or other funding sources, if necessary.



- 4.2.5 The junctions (numbers 1 to 27) considered within the study are listed in Table 1 of the document and these junctions were identified in partnership with the Council based upon the volume of development traffic generated and the operation of the existing junctions.
- 4.2.6 An additional ten junctions (numbers 28 to 37) have been addressed through separate studies commissioned or undertaken by the Council and therefore have not been investigated further as part of the Systra study. These studies have already resulted in the delivery of a number of schemes provided to deliver immediate capacity improvements and future capacity to facilitate the Local Plan.
- 4.2.7 As part of this process, the Council has provided a spreadsheet containing additional traffic flow information based on a 2017 base flow scenario as well as the forecast generated flows from a number of potential Local Plan sites.
- 4.2.8 This exercise included this site as one of the 'subject' sites (ref: SWH103) but, as confirmed earlier in this Statement. The report allocated 102 dwellings at this site rather than the 75 dwellings proposed at this stage by Story Homes.
- 4.2.9 The Council have stated that the Systra modelling exercise has 'indicated that this development would impact the following junctions'. These junctions are listed below together with their respective junction reference numbers in the Systra Study and in the 2017 base flow traffic figures which are different:
- **B1299 / North Guards, Whitburn** – this is not included within the Study or 2017 base flow traffic figure.
  - **North Guards / A183, Whitburn** – this is J27 in the Systra Study and J33 in the 2017 base flow traffic figure.
  - **North Guards / Mill Lane, Whitburn** – from our investigations this seems to be the same junction as above.

- **A183 / B1299 / East Street, Whitburn** - this is J26 in the Systra Study but not included in the 2017 base flow traffic figure.
- **A1018 / Cleadon Lane, Cleadon** - this is J23 in the Systra Study and J28 in the 2017 base flow traffic figure.
- **Implications at the Tiledshed Level Crossing** - this is not included within the Study or 2017 base flow traffic figure.
- **B1298 / New Road / Benton Road, Boldon** – this is J36 in the Systra Study but not included in the 2017 base flow traffic figure.

4.2.10 As such, of the junctions listed above, only two of these were included within the 2017 base flow traffic figures that were supplied by the Council, these being the following:

- North Guards / A183, Whitburn.
- A1018 / Cleadon Lane, Cleadon.

4.2.11 This particular Statement will therefore utilise the available information provided by the Council to establish the approximate impact of the Cleadon Lane site.

## 4.3 Traffic Impact

4.3.1 The spreadsheet provided by the Council, that formed the basis for the Systra Study, has been used to forecast the impact of the Cleadon Lane site. As detailed earlier in this Statement, the Systra Study and associated spreadsheet, assumed that the site would accommodate 102 dwellings. At this stage, it is envisaged that the site would be likely to only accommodate around 75 dwellings.

4.3.2 As part of the spreadsheet, the forecast traffic generation for this site has been calculated by Systra and this has been established with use of a macro within the spreadsheet.





- 4.3.3 We believe that there is an error relating to the Cleadon Lane site. Looking at how the flows are assigned, the spreadsheet should be assuming that access to the site is off Cleadon Lane but this doesn't seem to be the case.
- 4.3.4 There is also another error that relates to those flows on the A1018 north. The spreadsheet shows flows travelling south and west, but at the next junction south these numbers do not appear. However, they would do if these flows are moved to the right turn towards the south.
- 4.3.5 We have sought clarification of this but at the time of writing the Council and Systra have not confirmed.
- 4.3.6 This level of traffic has been factored down to reflect the 75 proposed dwellings and the resultant forecast traffic generation across the local highway network of assessment is shown on **Figure 1** for the AM peak period and **Figure 2** for the PM peak hour.
- 4.3.7 From this, one can establish the actual traffic impact of the proposed development at each junction listed by the Council earlier in this section. This is summarised in the following paragraphs.

#### **4.4 B1299 / North Guards, Whitburn**

- 4.4.1 During the AM and PM peak hour periods there is forecast to be a total of 9 additional two-way vehicular movements through this junction. Both these impacts equate to less than an additional two-way vehicular movement every 6 minutes during even the busiest periods of the day.





- 4.4.2 It must also be noted that these additional movements would not be in conflict with any other movement at the junction, ie they are all straight through movements rather than turning movements at the junction, and as such, the impact is highly unlikely to have any material effect on the operation of this junction.
- 4.4.3 The Systra Study did not include an assessment of this junction and were therefore content that there were forecast to be no capacity issues at this junction for any of the Local Plan sites.

## **4.5 North Guards / A183, Whitburn**

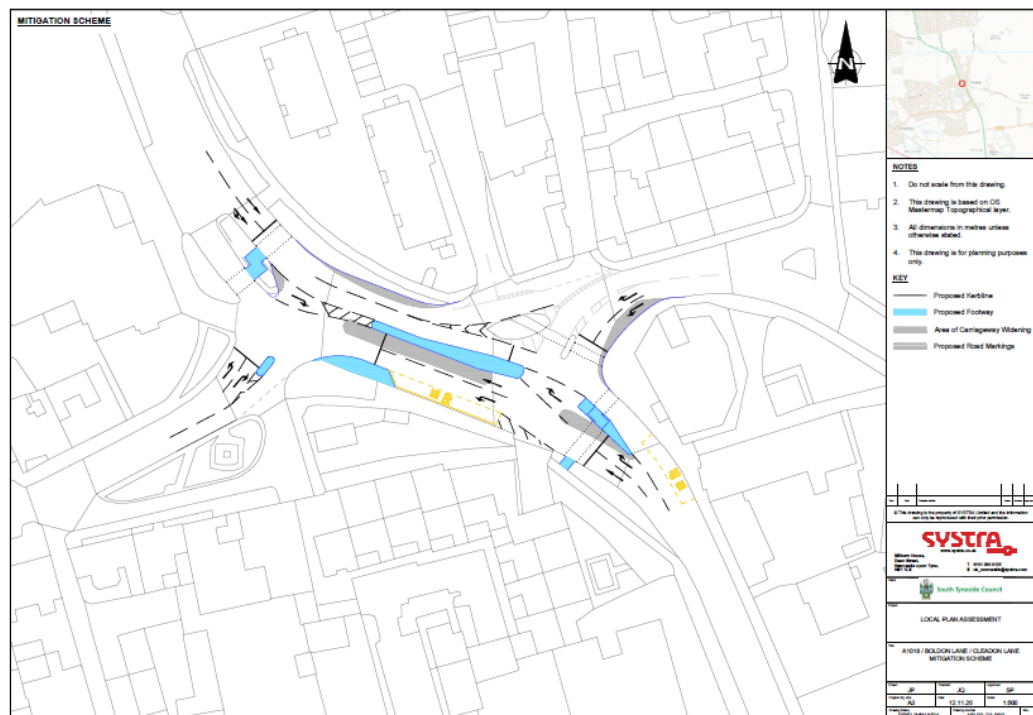
- 4.5.1 The proposals are forecast in the AM peak hour period to have an impact of only 3 additional two-way vehicular movements through this junction and only 6 during the PM peak hour periods. These impacts equate to a maximum of an additional two-way vehicular movement every 10 minutes during even the busiest periods of the day.
- 4.5.2 As such, the impact will not have any material effect on the operation of this junction. The Systra Study has confirmed that there are forecast to be no capacity issues at this junction in all of the Local Plan assessment scenarios.

## **4.6 A183 / B1299 / East Street, Whitburn**

- 4.6.1 The proposals are forecast to generate 7 two-way vehicular movements during the AM peak hour period and 11 two-way movements during the PM peak hour. These impacts equate to a maximum of less than an additional two-way vehicular movement every 5 minutes during even the busiest periods of the day.
- 4.6.2 As such, the impact will not have any material effect on the operation of this junction. The Systra Study has confirmed that there are forecast to be no capacity issues at this junction in all of the Local Plan assessment scenarios.

## 4.7 A1018 / Cleadon Lane, Cleadon

- 4.7.1 The proposals are forecast to generate 28 two-way vehicular movements during the AM peak hour period and 28 two-way movements during the PM peak hour. Both these impacts equate to less than an additional two-way vehicular movement every two minutes during even the busiest periods of the day.
- 4.7.2 The Systra Study is of the view that the junction operates with capacity issues, although it's clear from the analysis that the junction does not operate over its capacity, and a signalisation scheme is proposed to mitigate the impact of the traffic likely to be generated by the Local Plan sites. The scheme has been costed by Systra at around £500,000. This is shown indicatively below:





4.7.3 At the time of a planning application at the site, the applicant will discuss the potential contributions to the implementation of this scheme with the Council.

4.7.4 On this basis, the impact of the proposals at this junction can be suitably mitigated.

## **4.8 Implications at the Tiledshed Level Crossing**

4.8.1 This level crossing is located east of the B1298/New Road/Benton Road junction. The traffic flows contained at that junction can be followed through across the level crossing. From this information it can be established that the proposals are likely to generate an additional 8 two-way vehicular movements during the AM peak hour period and 9 two-way movements during the PM peak hour.

4.8.2 These impacts equate to less than an additional two-way vehicular movement every 6 minutes during even the busiest periods of the day. As such, the impact will not have any material effect on the operation of the level crossing.

## **4.9 B1298 / New Road / Benton Road, Boldon**

4.9.1 The proposals are likely to generate an additional 8 two-way vehicular movements during the AM peak hour period and 9 two-way movements during the PM peak hour.

4.9.2 These impacts equate to less than an additional two-way vehicular movement every 6 minutes during even the busiest periods of the day. As such, the impact will not have any material effect on the operation of the junction.

4.9.3 The Systra Study confirms that this junction (number 36 in the Study) has recently been improved and that no further mitigation would be necessary to accommodate all of the Local Plan sites.

- 4.9.4 As such, there is unlikely to be any capacity issues at this junction as a result of the Local Plan sites in general and this site in particular.

## 4.10 Summary

- 4.10.1 This section of the Statement has considered the traffic impact of the Cleadon Lane site. **Table 4.1**, below, includes each junction, or location, that the Council have requested to be considered within this assessment.

Junction	AM Peak Impact	PM Peak Impact	Comments
B1299 / North Guards, Whitburn	9	9	Systra confirm no capacity issues and minimal impact
North Guards / A183, Whitburn	3	6	Systra confirm no capacity issues and minimal impact
A183 / B1299 / East Street, Whitburn	7	11	Systra confirm no capacity issues and minimal impact
A1018 / Cleadon Lane, Cleadon	28	29	Systra confirm mitigation scheme
Tiled Level Crossing	8	9	No issues raised by Systra and minimal impact
B1298 / New Road / Benton Road, Boldon	8	9	Systra confirm no capacity issues and minimal impact

**Table 4.1 – Traffic Impact Assessment Summary (vehicles)**



- 4.10.2 As can be seen, no capacity issues have been raised in the Systra Study as part of their modelling exercise at all junctions or locations where the Council have confirmed a potential impact issue with regards to the Cleadon Lane site, with the exception of the A1018/Cleadon Lane junction.
- 4.10.3 There is a potential improvement scheme proposed at this junction to mitigate the impact of the Local Plan sites which has been confirmed by Systra as requiring only adopted highway land and at an approximate cost of £500,000. At the time of a formal planning an appropriate level of contribution can be discussed with the Council.
- 4.10.4 All traffic impact issues will be considered in detail at the time of a formal planning application the scope of which would need to be agreed with South Tyneside and potentially Highways England. At this stage, however, it is considered that there should be no traffic impact concerns relating to the proposals.

## 5 CONCLUSIONS

- 5.1.1 Eddisons have been instructed by Story Homes to advise on the traffic and transportation issues relating to a potential residential allocation on land north of Cleadon Lane in the Whitburn area of South Tyneside.
- 5.1.2 This Statement has been prepared to support the promotion of this site through the South Tyneside Local Plan Review process and provides information mainly on the traffic impact issues on the surrounding highway network.
- 5.1.3 A number of conclusions can be drawn from this Statement, namely:
- The proposals can be accessed from the Cleadon Lane frontage safely and efficiently.
  - The site has been demonstrated to be accessible by a range of non-car travel modes.
  - The traffic impact of the proposals is likely to be able to be accommodated on the existing highway network with minimal impact at key junctions in the area or a contribution to an already agreed level of mitigation.
  - All transport and highways issues will need to be included within a formal Transport Assessment that will support any future planning application at the site.



- In general, we have considered the traffic impacts based on the data which has been made available. If any impacts subsequently differ from what has been assessed (possible regarding cumulative impact from other sites) we would discuss the mitigation and proportionate contributions at the planning application stage.

5.1.4 As such, there are no material highways or transport reasons which would prevent the allocation or delivery of the site in the emerging South Tyneside Local Plan.

## FIGURES



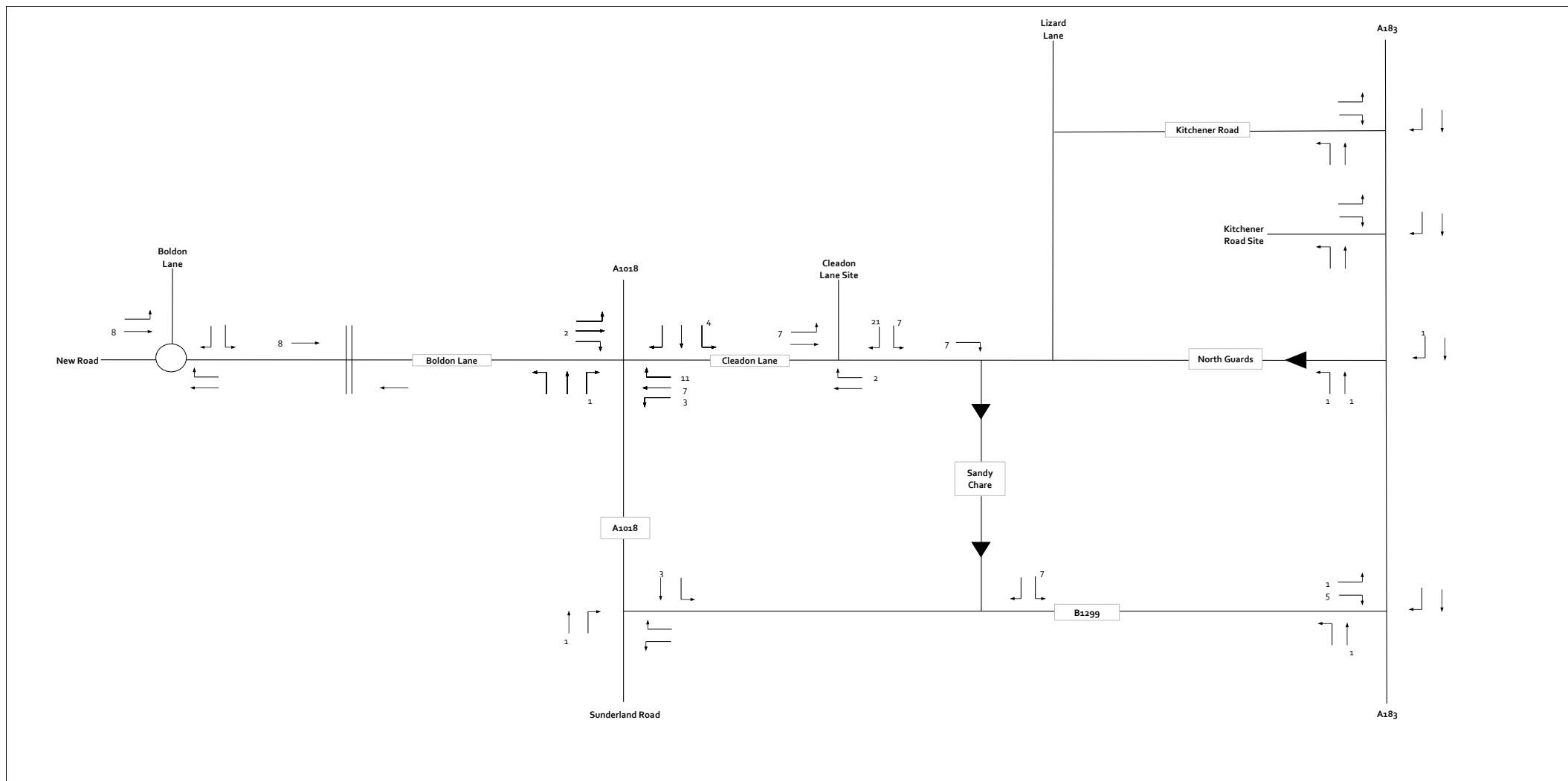


Figure 1 Former Charlie Hurley Centre Site Factored To 75 Units - Weekday AM Peak

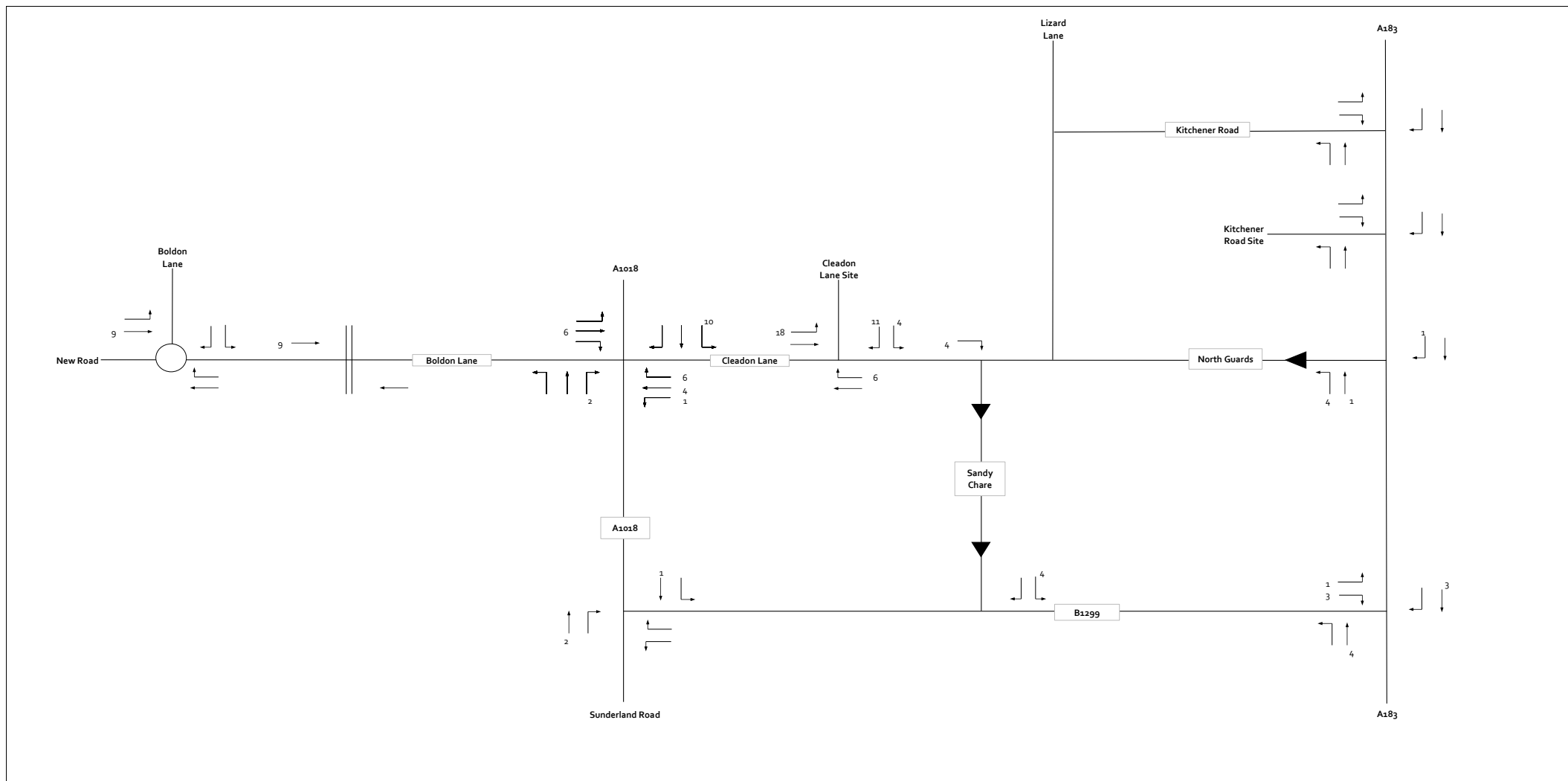


Figure 2 Former Charlie Hurley Centre Site Factored To 75 Units - Weekday PM Peak

## PLANS

Z:\projects\3492 Cleadon Lane, Whitburn\CAD\Croft Drawings\3492-F01.dwg



NOTES

THIS IS NOT A CONSTRUCTION DRAWING AND IS FOR INDICATIVE PURPOSES ONLY.  
THE DRAWING WILL BE SUBJECT TO CHANGE FOLLOWING LOCAL AUTHORITY REVIEW AND CONFIRMATION OF PUBLIC HIGHWAY AND THIRD PARTY LAND BOUNDARIES.

INDICATIVE SITE BOUNDARY

DENOTES NEW KERBS

LOCAL AUTHORITY: SOUTH TYNESIDE COUNCIL  
TOTAL AREA OF SITE: 3.9Ha



SITE LAYOUT NTS

REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT: **STORY HOMES**

PROJECT: **CLEADON LANE, WHITBURN**

DRAWING TITLE: **PROPOSED SITE ACCESS PLAN**

SCALES: **1:500 @ A3**

DRAWN: LB	CHECKED: JC	DATE: AUG 21
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Croft Transport Planning & Design  
340 Deansgate  
Manchester  
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DRAWING NUMBER: 3492-F01	REVISION: -
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## APPENDICES

## **APPENDIX 1**

### **South Tyneside Council Requirements**

**From:** [Richard Swann](#)  
**To:** [Chris Smith](#); [John Winstanley](#); [Hannah Richins](#)  
**Subject:** FW: Land at north of Cleadon Lane  
**Date:** 21 July 2021 16:35:13  
**Attachments:** [image001.jpg](#)

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CAUTION: This email originated from an external source.  
FYI

**Richard Swann**

Planning Manager

**Story Homes Ltd**

Riverview Business Centre, Amethyst Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7Y

t: [REDACTED] | d: [REDACTED] | m: [REDACTED]  
[www.storyhomes.co.uk](http://www.storyhomes.co.uk)



*Please be advised from 21 May 2021, the Story Homes North East team will be occupying a new office space. We're not moving far - just around the corner in fact. Please take note of our new address details below and if you have any questions, don't hesitate to give us a call.*

***New office address: Riverview Business Centre, Amethyst Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7YL***

---

**From:** Matthew Clifford [REDACTED] > **On Behalf Of** Local Plan  
**Sent:** 19 July 2021 10:13  
**To:** Richard Swann [REDACTED] >  
**Subject:** Land at north of Cleadon Lane

**[EXTERNAL EMAIL]** Do not click on links or open attachments unless you are expecting the email and know that the content is safe.

Dear Richard,

The Council is currently seeking to progress towards a new Pre-Publication Draft Regulation 18 Local Plan (scheduled to be published for consultation in December 2021). The Council previously consulted on a Pre-Publication Draft Local Plan over an 8-week period in 2021.

However, at the 17<sup>th</sup> March 2021 Cabinet meeting, Officers were authorised to review the Spatial Strategy and prepare a new draft Local Plan.

As you are aware, a site that you had put forward for consideration as a housing allocation, was allocated for housing in the Pre-Publication Draft Local Plan (August 2019). The Council received a number of objections to the allocation of this site:

- **Land at north of Cleadon Lane**

The Council would like you to respond to the following questions for this site.

- Have you considered how you will achieve net environmental gains of 10%? If so, then

how do propose to achieve this?

- A strategic development principle is that consideration should be had to the relationship between the proposed scheme and the existing settlement and surrounding landscape, in terms of visual and historic setting. How do you propose to do this?

#### Highway impacts

Further to the issues raised by local residents and community groups, the Council has had traffic modelling undertaken to assess the impacts of the proposed allocations on the highway network.

The modelling has indicated that this development would impact the following junctions: -

- B1299 / North Guards, Whitburn;
- North Guards / A183, Whitburn;
- North Guards / Mill Lane, Whitburn;
- A183 / B1299 / East Street, Whitburn;
- A1018 / Cleadon Lane, Cleadon;
- Implications at the Tiledshed Level Crossing;
- B1298 / New Road / Benton Road, Boldon.

The Council would like to invite you to show how you propose to mitigate these impacts. Could you please respond by **Friday 6 August**.

Regards

Matt

Matthew Clifford

Senior Planning Policy Officer

Development Services

Regeneration and Environment

South Tyneside Council

Town Hall & Civic Offices

Westoe Road

South Shields NE33 2RL

Tel: [REDACTED]

Email: [REDACTED]

Co-operative Council of the Year 2019.

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