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

LP1963 - Stonebridge Homes

South Tyneside Written Local Plan Representations Submission

[redacted]

Fri 3/1/2024 12:48 PM

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

[redacted]

1 attachments (897 KB)

R002 Local Plan Representations - 28.02.2022 2024 (FINAL).pdf;

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Good afternoon,

Please find attached the local plan representations in response to the draft South Tyneside Local Plan public consultation, which are being submitted on behalf of our client, Stonebridge Homes, for land to the west of Sunniside Lane, Cleadon.

Please could you confirm receipt of this email? If there are any queries, please do not hesitate to contact us.

Kind regards,

Matthew Appleby - Assistant Planner

[redacted]

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RESPONSE TO DRAFT SOUTH TYNESIDE LOCAL PLAN

STONEBRIDGE HOMES

LAND TO THE WEST OF SUNNISIDE LANE, CLEADON

www.dppukltd.com

RESPONSE TO DRAFT SOUTH TYNESIDE LOCAL PLAN

On behalf of: Stonebridge Homes

In respect of: Land to the West of Sunniside Lane, Cleadon

Date: February 2024

Reference: P5882NE

Author: LF/MA

DPP Planning
Studio 015, Haylofts
St Thomas Street
Newcastle upon Tyne
NE1 4LE

Tel: [redacted]
E-mail

www.dppukltd.com

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1.0 Introduction

1.1 On behalf of our client, Stonebridge Homes, we hereby submit this written representation to the Draft South Tyneside Local Plan ('STLP') which is available for public comment until Sunday 3rd March 2024.

1.2 This written representation addresses policies which relate to our client's landholding to the west of Sunniside Lane in Cleadon ('the Site') and will address the Site's Green Belt allocation in the Draft STLP, as well as other relevant policies.

1.3 To aid the plan making process, Section 2 contains our comments on the Draft STLP Policies and the amendments needed to the plan to ensure that the policies are justified and in accordance with the National Planning Policy Framework ('NPPF'). Section 3 is a detailed review of how the Site performs against the five purposes of the Green Belt and proposes modifications regarding the Green Belt policy allocation. An overall conclusion is presented in Section 4.

1.4 The Appendices at the rear of this document contains further information of relevance to the Site which must be considered in the context of the main representations. They also contain the detail of the development proposed at the Site as well as evidence on the need for development, DPP's comments on the Council's Strategic Housing Land Availability Assessment (SHLAA) and assessment of the Site in the SHLAA. For ease of reference, the Appendices comprises the following:

- Appendix A: Site Description and Planning History
- Appendix B: Proposed Development
- Appendix C: Need for the Development
- Appendix D: Comments on SHLAA and Site Assessment assesses the Site's suitability, availability and achievability for housing development in line with the draft policies and NPPF guidance.

2.0 Comments on Draft STLP Policies

2.1 Our client is committed to engaging in consultation at every stage of the Local Plan's preparation in view of its interests in the Borough. Our client principally supports the Council's vision, however, has the following comments in relation to the Draft STLP and we request that these are taken into due consideration as part of the preparation of the Plan.

The Soundness of the Plan

2.2 Paragraph 35 of the National Planning Policy Framework (NPPF) states that Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
b) Justified – an appropriate strategy, considering the reasonable alternatives, and based on proportionate evidence;
c) Effective – deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

2.3 Our client considers the draft STLP to be largely sound on the basis that, overall, the Council has taken a positive approach to boosting the supply of homes within the Borough, recognising the need to release Green Belt land to meet an identified level of demand. Having reviewed the Draft Strategic Policies in the Draft STLP, we are generally supportive of the following overarching policies but seek several changes to ensure that the plan is effective:

- Spatial Vision and Strategic Objectives of the Plan
- Draft Policy SP1 – Presumption in Favour of Sustainable Development
- Draft Policy SP3 – Spatial Strategy for sustainable development
- Draft Policy 1 – Promoting Healthy Communities

2.4 In addition, in order to ensure that the Plan is positively prepared and justified, we seek modifications to the following Draft STLP Policies:

- Draft Policy SP2 – Strategy for Sustainable Development to meet identified needs
- Draft Policy SP7 – Urban and Village Sustainable Growth Areas
- Draft Policy SP16 – Housing Supply and Delivery
- Draft Policy 13 – Windfall and Backland sites
- Draft Policy 19 – Housing Mix
- Draft Policy 41 – Green Belt

Spatial Vision and Strategic Objectives of the Plan

2.5 Our client supports the overall vision of the STLP and, specifically, welcomes the objective to promote positive and healthy choices through improving the physical and mental health and wellbeing of the Borough's communities, whilst recognising the benefits of good quality housing provision in achieving wider health and wellbeing benefits. As set out in the detail, below, our client does not agree that the draft sites allocated in the STLP for housing are the most appropriate to deliver all of the new homes needed in the borough over the plan period and the urban and village sustainable growth areas should include our client's land on the eastern edge of Cleadon village.

2.6 Aligned with this, acknowledgement of the need to accommodate the growth in older residents through more targeted house types and specialist housing and communities is suggested here to better reflect the aspirations contained within the South Tyneside Integrated housing strategy April 2019. The SHMA establishes a need figure of 3,060 units of specialist older person accommodation will be required by 2040 (comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units). Taking an average annual delivery figure of a required 180 older person units per year (2023-2040) and applying this to the derived overall housing need figure from the standard methodology of 309 units per year, it actually means that South Tyneside's stated housing delivery requirement for all dwellings (excluding older person housing, so housing for families, single person, first time buyer etc) is only 129 dwellings a year (or a total of 1290 units over the plan period).

2.7 Such specialist housing at the delivery rates needed to meet this specific demand represents an exceptional circumstance and one which requires an adjustment to the level of housing need above the standard methodology calculation to ensure that the wider stated ambitions of the STLP around sustainable economic growth and healthy and mixed communities can be met through delivery of a broader range of house types to maintain an economically active population and prevent significant outward migration to areas with a better choice of mix of housing.

2.8 Restricting housing supply or, as put forward in the STLP, delivering a significant proportion of housing towards a specific sector of the population (42% of overall housing delivery will be for older person housing) as part of the standard methodology figure will only serve to harm local communities across South Tyneside. The resultant implications of restricting supply for all other sectors of the population of South Tyneside means higher house prices in desirable locations, increased overcrowding, less investment and delivery in affordable housing and resultant outward migration of an economically active population. Restricting housing supply is also shown to create a limit on economic growth potential, stunting the local labour market and job creation.

2.9 It should also be noted that given the amount of land required to facilitate housing for older people i.e. bungalows, such developments would have lower densities which is contrary to both draft Policy 14 – Housing Density which encourages developments to optimise density, and the Council's 2024 Density Study which establishes an average density per ha of 47 in Boldon and Cleadon. This issue is accentuate by the need to provide 10% Biodiversity Net Gain on all major developments also.

2.10 When considering the above restrictions being placed upon general market housing for families and younger people against the stated growth strategies and strategic infrastructure improvements cited within the STLP, there is a clear disconnect and one which renders the plan unsound at present.

2.11 Noting that the plan sets out its economic ambitions clearly, this being:

(a) "South Tyneside are part of the North East Combined Authority and the North East Local Enterprise Partnership (NELEP). The NELEP's Strategic Economic Plan aspires to increase the number of jobs in the North East by 100,000 between 2014 and 2024. The cross-boundary International Advanced Manufacturing Park (IAMP) is also reflective of South Tyneside Council's economic ambitions."

(b) "The South Tyneside Economic Recovery Plan 2020 stresses the need to press on with ambitions set in motion prior to the pandemic, such as schemes like IAMP, the Holborn regeneration project and South Shields town centre regeneration programme. This fits into the three main drivers of growth identified in the Plan, namely:

• Turbocharge productivity by refashioning our skills system, boosting our support for businesses and investing in transport and digital infrastructure

• Catalyse green and sustainable growth by maximising the potential of our low-carbon and digital assets and expertise

• Foster an inclusive recovery by boosting our vibrant communities, cultural assets and amazing places and tackling barriers to health and wellbeing

The STLP also states that the council "remain committed to our twin goals of 25,000 new jobs for South Tyneside by 2031 and 100,000 more and better jobs across the North East Local Enterprise Partnership area by 2024"

Yet goes on to state that "while the council is clearly committed to achieving economic growth (and inclusive growth that reduces inequalities), it considers that the minimum local housing need target of 309 homes per year fully reflects this aspiration. South Tyneside is part of a wider functional economic area extending across Tyne and Wear as evidenced in commuting and travel to work patterns. It is therefore reasonably assumed that new jobs created within South Tyneside could be done by people from within the wider functional economic area (as well as by local people currently not in work given the emphasis within the Strategic Economic Plan upon upskilling and reskilling local residents)."

2.12 The overall approach taken to limit 42% of its new housing supply to the economically inactive (older persons) serves only to counteract the overarching principles of the STLP and the NPPF, and entirely undermines the economic ambitions of the Borough. In taking this approach, it also fails to provide a positive vision for the future of each area, is not prepared with the objective of contributing to the achievement of sustainable development or be prepared positively, in a way

that is aspirational but deliverable in line with section 3 of the NPPF, and an adjustment is therefore necessary to ensure the plan is effective.

Draft Policy SP1 – Presumption in Favour of Sustainable Development

2.13 This draft policy is considered to be in accordance with the National Planning Policy Framework and we welcome the assertion that the council will pro-actively work with applicants to try and find solutions for development that improves the economic, social, and environmental conditions in the Borough. Policies around housing land supply and the spatial strategy must be reflective of this.

Draft Policy SP3 – Spatial Strategy for sustainable development

2.14 We agree with the overall provisions of Policy SP3 where it seeks to focus housing in the main urban areas and the villages, specifically point 2 which encourages growth to secure the sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons. Our previous representations in relation to this Site have outlined that to ensure that the spatial strategy accords with the NPPF Paragraph 70 and is effective, Policy SP3 should make reference to a reasonable allowance for windfall sites and to recognise that windfall sites can make an important contribution to meeting the housing requirement of an area. This has been addressed somewhat through the introduction of Policy 13 – Windfall and Backland sites, but reference to this Policy should be made within Policy SP3 to reflect the important role that windfall sites can make in meeting the area's housing needs. Reference also needs to be given to the constraints within South Tyneside and reflection on its large Green Belt designation. As the SHLAA has identified following a thorough assessment of its town centre, brownfield and edge of centre sites, the calculated level of housing need cannot be met in its entirety within such sites so a compelling need to release land from the Green Belt is recognised. Our representations further establish that additional Green Belt land is required for release to meet the true level of housing need in the borough. Windfall sites forming part of the standard method of housing need will be limited.

2.15 That said, we agree that to promote the development of a good mix of sites, local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within and on the edges of existing settlements for homes.

2.16 To be effective in delivering housing needs, policy should allow for new housing to come forward beyond the allocations and this should be either within the built-up area, or outside the built-up area (but well-related to a settlement) subject to compliance with set criteria. This will be discussed further in our section relating to Policy 19 below.

Draft Policy 1 – Promoting Healthy Communities

2.17 This draft policy aims to meet the Council's changing population and mitigates the impacts of climate change. It is considered to be in general accordance with the National Planning Policy Framework and therefore, we are largely supportive of it. This is particularly pertinent in relation

to our client's site at Cleadon and we wholly welcome the aspiration within Draft Policy 1 to ensure that development is designed to meet the changing population needs and promote safe and sustainable public realm and environments that encourage social interaction and strong communities.

Draft Policy SP2 – Strategy for Sustainable Development to meet identified needs

2.18 Draft policy SP2 states that by 2040 South Tyneside Council will deliver 5,253 new homes and create sustainable mixed communities. As discussed in Appendix C, this housing requirement is based on the Standard Method for calculating Local Housing Need, which identifies a minimum annual housing need figure but does not produce a housing requirement figure. Both the PPG and the Council's SHMA acknowledge that where the Council is targeting substantial growth of the Borough, the actual housing need may be greater than the outcome of the Standard Method.

2.19 The 2023 National Planning Policy Framework (NPPF) (Paragraph 61) states 'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for'. PPG defines housing need as 'an unconstrained assessment of the number of homes needed in an area' (PPG 2019 Paragraph: 001 Reference ID: 2a-001 20190220). In light of our findings above based on the exceptional level of older person housing required, we disagree that the annual figure is correct and suggest that, in order to deliver not only the substantial growth of the Borough in accordance with the Council's stated aspirations but also a reasonable level of housing to meet the needs of the wider population and prevent excessive house price rises and significant outward migration of the economically active, a far greater and more ambitious strategy is necessary. Although, it is noted within the SHMA that there are considered to be no exceptional circumstances to depart from the standard methodology for calculating housing supply, we consider that the compelling level of older persons housing needed (which represents 42% of the stated overall housing supply in the plan period) indicates two factors leading to an ineffective plan:

1. That the LPA are not planning for economic growth or providing sufficient housing provision for families and younger persons as required by their overarching economic growth strategy and are failing local communities by limiting investment in affordable housing, stunting economic growth, limiting access to housing and failing to positively prepare a plan in line with the NPPF; and

2. That there is a distinct mismatch between the stated housing requirements and the sites identified within the SHLAA. The PPG on Housing for Older and Disabled People clearly establishes the importance of offering older people a better choice of accommodation to suit their changing needs. This can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how

the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.(Paragraph: 001 Reference ID: 63-001-20190626)

2.20 The PPG goes on to require that in plan making and providing housing for older persons, the size, location and quality of sites needs considered. For example, older person housing tends to require more land to meet accessibility standards (therefore densities are lower than standard requirements), should be within walking distances to shops and services, and typically cost more to deliver. The SHLAA prioritising brownfield sites which are costly to remediate and take significant time to prepare will not help deliver the stated level of older person housing in the right locations or will serve to create homogenous and closed off communities which become wealthy enclaves for the elderly, pricing families and younger people and the economically active out of South Tyneside. To deliver an effective policy, we suggest that an uplift is required to the housing requirements to both realistically account for the land and locational requirements of older person housing and deliver additional housing which attracts new people into the borough, helps provide an economically active population to meet the economic growth aspirations, and deliver enough viable housing to be able to balance in affordable housing provision. In addition, a full review of the SHLAA is required to assess the sites chosen and apply a realistic rate of delivery and viability in view of the distorted breakdown of the demographic requirements.

2.21 The Council's SHMA acknowledges that alternative demographic scenarios can provide the evidence to confirm if the standard method provides an appropriate base for the assessment of need or whether there are any exceptional circumstances that would justify an alternative approach. There is also provision in PPG to adjust the minimum housing need: 'The standard method for assessing local housing need provides the minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour'. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. In this instance, we consider that there are clear and compelling reasons why the housing need is justifiably higher than the standard method.

Draft Policy SP7 – Urban and Village Sustainable Growth Areas

2.22 The draft policy removes several cited allocated sites from the Green Belt and allocates them for residential development.

Suggested Modification

2.23 As we have stated, the Council is not able to demonstrate a 4-year supply of deliverable housing sites, and only allocates a target of 5,045 residual housing land against the 5,253 housing requirement (accounting for windfall). As set out above, we believe that a higher housing requirement is more appropriate for the plan and that an exception should be made in light of the need to revise the findings to be able to accommodate the stated level of need for older person housing in the right locations whilst also being able to deliver enough housing for the wider population.

2.24 We also recommend that our clients land at East Cleadon is allocated for residential development under Draft Policy SP7. We have assessed this Site as suitable, available and achievable for residential development in Appendix D and an allocation for residential development on this Site would assist the Council in delivering the housing requirement for the Borough.

Draft Policy SP16 – Housing Supply and Delivery

2.25 Policy SP16 sets out that, over the Plan period of 2023 to 2040, South Tyneside Council will make provision for the delivery of at least 5,253 new homes, equating to 309 dwellings each year. It aims to maintain a rolling 5-year land supply.

2.26 As explained at Appendix C of this document, the stated housing requirement is considered to be incorrect. The figures are based upon the Standard Method for calculating Local Housing Need, which identifies a minimum annual housing need figure but does not produce a housing requirement figure. Both the PPG and the Council's SHMA state that, where the Council is targeting substantial growth of the Borough, the actual housing need is likely to significantly greater than the outcome of the Standard Method. Given the significant levels of under delivery in previous years in South Tyneside considered alongside the ONS requirements for 42% of the standard methodology for housing need being required for over 55's housing, we suggest that there are exceptional circumstances for a departure from the standard method of calculation and a compelling need to increase the housing need figure.

2.27 Appendix C demonstrates that the Council's most recent 5-year Housing Land Supply statement related to the 5-year timescale of April 2023 to March 2028, showed that the Council is **not able to demonstrate a 4-year supply** of deliverable housing sites against the ONA. The housing land supply on 1st April 2023 was assessed as **3.2 years.**

Suggested Modifications

2.28 Considering the above, we believe that the housing need is far higher than the Standard Method indicates and presents a compelling case to increase the housing requirement. Therefore, we request that a higher housing requirement is included within the Plan.

2.29 Given that the Council is **not able to demonstrate a 4 year supply** of deliverable housing sites and allocates 3,498 residual housing land against the 5,253 housing requirement, we suggest that additional housing land supply is provided through additional housing allocations relevant to the demographic of the requirements, in order to address a potential under-delivery and to ensure that the final housing requirement figure is a realistic minimum requirement, rather than a maximum requirement, as required by the PPG (Paragraph: 001 Reference ID: 68-001-20190722).

Draft Policy 13 – Windfall and Backland sites

2.30 This draft policy encourages residential development on sites that have not been allocated in the Plan where these sites meet a specific criteria, including being previously developed or small infill sites within settlement limits.

Suggested Modification

2.31 This draft policy should be updated to refer to medium-sized sites in line with NPPF paragraph 70, giving weight to the benefits of using suitable sites within and on the edge of existing settlements for homes as outlined in the NPPF.

Draft Policy 19 – Housing Mix

2.32 This draft policy encourages, amongst other points, increasing the choice of suitable affordable housing on sites identified within the SHMA. This is considered to be in accordance with the National Planning Policy Framework and therefore, we are supportive of this element of the draft policy although more explanation is required in terms of how the necessary levels of affordable housing are going to be delivered against the backdrop of restricting general open market housing supply across the borough.

2.33 Notwithstanding the above, we welcome the supportive text of Policy 19 which relates to Custom and Self Build plots in order to meet demand in the area. We are of the opinion that the Site could be utilised for Custom or Self Build plots which would assist the Council in meeting their housing need targets.

Suggested Modification

2.34 In terms of delivering an appropriate mix in accordance with the SHMA requirements, with a 42% requirement for older person specialist housing, it is difficult to understand how this policy can be adhered to in providing a true choice and mix of housing types, catering for people choosing to stay or move into South Tyneside and sits at odds with the housing delivery requirements.

Draft Policy 41 – Green Belt

2.35 We note that our client's land remains allocated as Green Belt land under Draft Policy 41, which requires that proposals for development within the Green Belt, as shown on the Policies Map, will be determined in accordance with national planning policy. As previously confirmed, our Clients consider that the Site should be removed from the Green Belt on the basis that the land performs weakly against all five purposes of the Green Belt and is situated in a sustainable location in which development would represent a natural extension to the settlement limits of Cleadon Village. This draft policy is assessed in detail in Section 3 and should be read in tandem with the comments above.

3.0 Green Belt Assessment

3.1 The site is allocated as Green Belt land under Draft Policy 41 – Green Belt.

3.2 Draft Policy 41 states that development proposals within the Green Belt will be determined in accordance with national planning policy.

NPPF Green Belt Policies

3.3 Paragraph 145 of the NPPF states that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Paragraph 145 goes on to state that where a need for changes to Green Belt boundaries have been established through strategic policies, detailed amendments to those policies may be made through non-strategic policies, including neighbourhood plans.

3.4 Paragraph 146 of the NPPF asserts that before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, LPAs should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account Paragraph 145, and whether the strategy:

- makes as much use as possible of suitable brownfield sites and underutilised land;
- optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
- has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

3.5 Paragraph 147 stipulates that when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Moreover, LPAs should consider the consequences for sustainable development of channelling development towards villages insets within the Green Belt. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

Local Policy

3.6 We note that a Green Belt Study (2023) has been undertaken by LUC, and that the Study forms part of the Draft STLP's evidence base.

3.7 The South Tyneside Green Belt Study (November 2023) concluded that all of the Borough's Green Belt has been found to perform a similar Green Belt function in relation to the following Green Belt purposes:

- It does not play a role in preserving the setting and special character of historic towns (Purpose 4). This is because there is no notable relationship between the South Tyneside's Green Belt land and the historic setting and special character of surrounding historic towns.
- It all plays a role in assisting in urban regeneration by encouraging the recycling of derelict and other urban land (Purpose 5).

3.8 It was also noted that the release of the areas of the borough's Green Belt containing inappropriate development that abuts urban edges result in low Green Belt harm across the purposes by virtue of the existing loss of openness and the development's existing urbanising influence.

South Tyneside Green Belt Study 2023

3.9 The five purposes of the Green Belt, in which each Green Belt site has been assessed against, are set out below:

1. Purpose 1: Check the unrestricted sprawl of large built up areas;
2. Purpose 2: Prevent neighbouring towns merging into one another;
3. Purpose 3: Assist in safeguarding the countryside from encroachment;
4. Purpose 4: Preserve the setting and special character of historic towns; and
5. Purpose 5: Assist in urban regeneration, by encouraging the recycling of derelict land.

3.10 The Site has not been formally assessed within the Green Belt Study but in Figure 1 below, it is shown as having a 'high' Parcel Harm Rating (Site shown by a star). A scale of four harm ratings is used:

- Very High
- High
- Moderate
- Low/No Harm

3.11 It should be noted that there are no absolute definitions associated with these stated levels of Green Belt harm. The ratings provide a means of relative comparison, and whilst it is clearly desirable to minimise harm levels, it may be that in some instances a parcel associated with a Very High level of Green Belt harm may still, taking other factors into consideration, represent the most sustainable and suitable option for allocation.

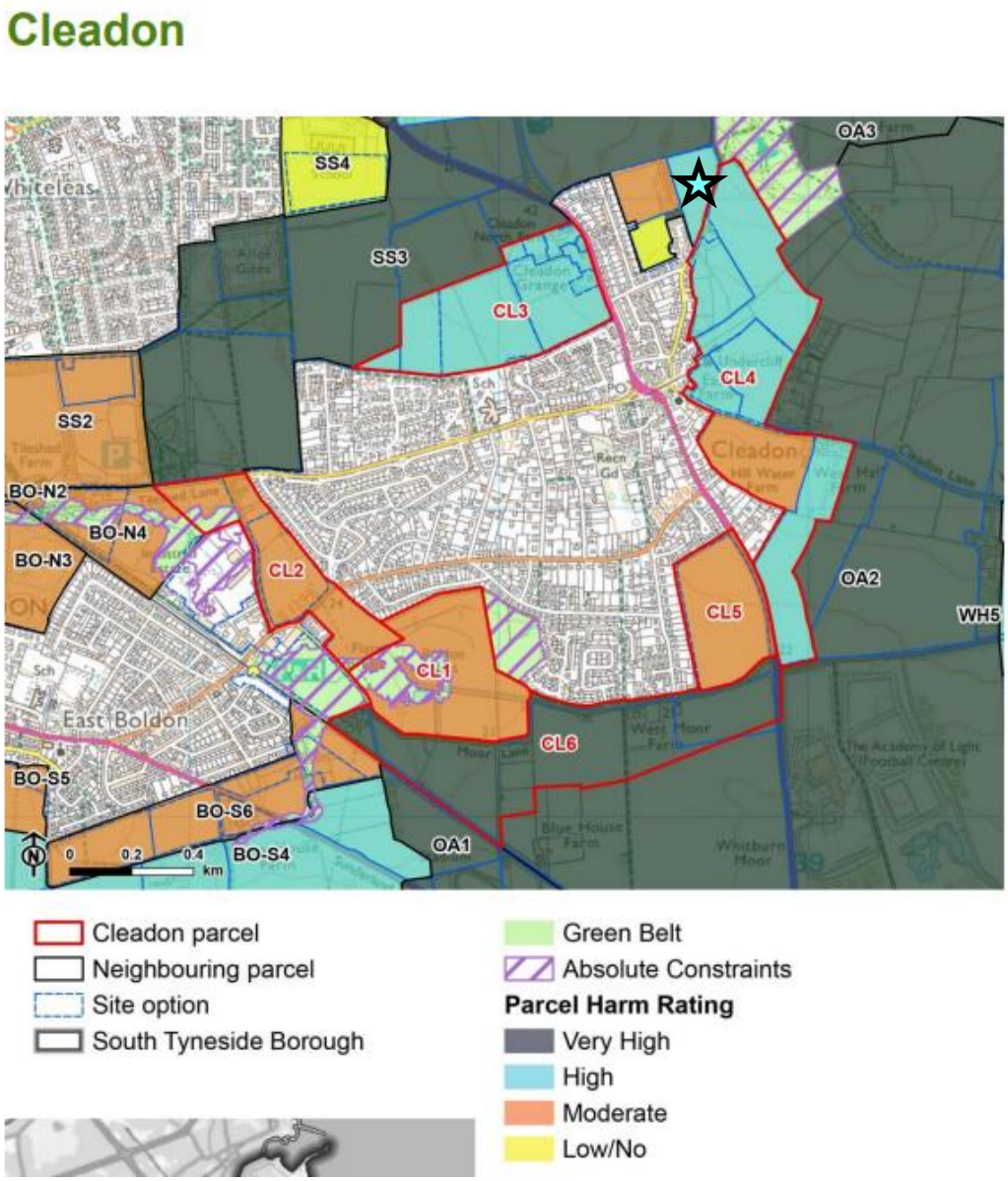


Figure 1 - Parcel Harm Rating Extract

Green Belt Assessment of the Site

3.12 We disagree with the LPA's Green Belt assessment of the Site and the assertion that the Site would have a 'high' amount of harm against the purposes of the Green Belt. Our position is set out below.

3.13 The Site is a well contained edge of settlement Site on which development would form a natural and logical sustainable extension of Cleadon Village. It is well served by public transport and within walking distance of all local shops and services. Paragraph 147 stipulates that when reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account, and that LPAs should consider the consequences for sustainable development of channelling development towards towns and villages inset within the Green Belt. Moreover, Paragraph 147 states that where it is necessary to release Green Belt land for development, plans should give first consideration to land which is well-served by public transport.

3.14 The character of the Site reads like part of the current village. It is distinctly different from the countryside beyond to the north as it features strong landscape buffers and man-made boundaries to its east, south and west. In addition to the tree planting along the eastern boundary, Sunniside Lane itself acts as a distinct physical and visual buffer between the Site and Cleadon Hills to the east. The southern boundary of the Site is also bound by Sunniside Lane and serves as the existing access into the Site, whilst large trees are present along the Site's western boundary, providing screening from the residential development to the south-west and the allotments to the north-west.

3.15 Each of these five purposes of the Green Belt are considered below in relation to the Site:

Purpose 1 – to check the unrestricted sprawl of large built-up areas

3.16 The Green Belt Review identifies development on this Site as having a likely adverse impact on this purpose. The Site is well contained with defensible boundaries on all sides; by Sunniside Lane to the east and south, residential development to the south-west and the allotments to the north-west. The existing settlement boundary of Cleadon Village extends as far north as the northern boundary of the Site itself (Thornleigh Gardens to the west) so the building line will be no closer to nearby settlements than existing and established housing. In addition, any development on this Site would provide additional boundaries in the form of a prominent landscaped northern boundary between the Site and the agricultural fields to the north, retaining the openness of the Green Belt land to the north and ensuring that the unrestricted sprawl of the village is prevented. The Site does not fulfil Purpose 1 and should be assessed as 'low' against this purpose.

Purpose 2 – to prevent neighbouring towns from merging

3.17 The Green Belt Review identifies development on this Site as having a likely moderate impact on this purpose. As the site is bound by large agricultural fields to the north and Sunniside Lane to the east and south and existing housing extending northwards along the A1018 (to which the Site itself will not extend beyond this established settlement edge) and there are no neighbouring settlements, it does not fulfil this role and should be assessed as 'low'.

Purpose 3 – to assist in safeguarding the countryside from encroachment

3.18 The Green Belt Review identifies development on this Site as having a likely adverse impact on this purpose. We disagree. The character of the Site is distinctly different from the wider surrounding open countryside. It is well contained by physical boundaries and reads as part of the settlement of Cleadon rather than as part of the wider countryside. The northern-most extent of built form of the village extends up to Thornleigh Gardens and Elmleigh Gardens to the north-east of the Site, so the northern extent of the Village is already firmly established. The development of the Site would not extend beyond this northern settlement edge.

3.19 The northern boundary of the Site is characterised by agricultural land but with a field boundary already in place. Any development of this Site would introduce a wider landscape buffer to establish a defensible boundary to the north. The Site does not fulfil purpose 3 and should be assessed as 'moderate'.

Purpose 4 – to preserve the setting and special character of historic towns

3.20 The Green Belt Review identifies development on this Site as having no impact on this purpose. The predominant character of the Village in this location is of relatively modern residential developments. There is no direct relationship with the character of Cleadon Village and it does not contribute to the setting of the Cleadon Conservation Area. The site does not fulfil purpose 4 and we acknowledge that the impact is assessed as 'no impact'.

Purpose 5 – to assist in urban regeneration by encouraging the recycling of derelict and other urban land

3.21 The Green belt Review identifies the Site as having moderate impact on this purpose. It is worth noting that all Green Belt sites are expected to have the same level of impact in relation to Purpose 5 by their very nature.

3.22 Although this Site comprises greenfield land, it is evident that there are no available or suitable derelict or other brownfield sites within Cleadon Village which have the potential to deliver significant residential development. The site should be assessed as 'low'.

Nearby Green Belt Release

3.23 The site assessed in Appendix D of this Report have been proposed to be released from the Green Belt and allocated for residential development under Draft Policy SP7 of the Draft STLP. We will discuss this sites below:

Land at West Hall Farm, Cleadon

3.24 A parcel of former Green Belt land in the south of Cleadon Village has been allocated for residential development in the Draft STLP – Allocation GA4: Land at West Hall Farm. This site is outlined in red below:

3.25 The Green Belt Study 2023 assesses this site (ref: GA4) as scoring as follows against the 5 purposes of the Green Belt:

- Purpose 1 – Moderate
- Purpose 2 – Moderate
- Purpose 3 – Moderate
- Purpose 4 – Low/No
- Purpose 5 – Equal (all Green Belt land makes an equal contribution to this purpose)

3.26 In relation to Purpose 1, the assessment states that the site is contained by the inset area from the north and west. Moor Lane to the south and Sunderland Road to the west represent relatively strong, regular alternative Green Belt boundaries. Although sparse tree-cover along their edges maintain open views of the wider countryside, the countryside beyond would remain distinct and maintain a strong association with the wider countryside.

3.27 For Purpose 2, it is noted that the release of the site would have a narrowing effect by reducing the open area between the towns. However, the containment of the site to the north and south limits its significance. Moor lane to the south and Sunderland Road to the west represent relatively strong, regular alternative Green Belt boundaries with the countryside in the gap beyond clearly distinct from the urban edge and having a strong association with the wider countryside.

3.28 In regard to Purpose 3, it is stated that the site is contained by the inset area from the north and west. Moor Lane to the south and Sunderland Road to the east represent relatively strong, regular alternative Green Belt boundaries Although sparse tree-cover along their edges maintain open views of the wider countryside, the countryside beyond would remain distinct and maintain a strong association with the wider countryside.

3.29 Purposes 4 and 5 are not particularly relevant to this site.

It is noted that this site is relatively well contained to the south and east where it adjoins the surrounding Green Belt, by Moor Lane and the A108 respectively, as well as sparse tree cover along these boundaries. Potential mitigation measures could include the retention and enhancement of vegetation and tree planting to the east and south, which would reduce the visual impact of development on adjacent Green Belt. Similar points are considered to apply to the proposed development Site also, meaning that there is no reason why the Proposed Development Site cannot be deleted from the Green Belt also.

Suggested Modification

3.30 Considering the above, the Site performs weakly against all five purposes of the Green Belt. The prominent boundaries and current access into the Site from the south set the Site apart from the surrounding open countryside and it represents a natural extension to the residential development to the south-west and the settlement limits of Cleadon Village, fully in accordance with paragraph 147 of the NPPF, which stipulates that LPAs should promote sustainable patterns of development.

3.31 The Site is well-served by public transport, which the NPPF states should be given priority in consideration for its release. Therefore, the Site provides a sustainable opportunity to deliver

market housing on the edge of Cleadon Village, to the benefit of the services and facilities within the village.

3.32 Moreover, the similar site discussed above is considered to have similar constraints to that of the proposed Site, meaning that if the mitigation measures discussed were incorporated by the proposed development, the Site should also be removed from the Green Belt.

3.33 Taking the above points into account, we request that the Council undertake an objective and consistent reassessment of the site as set out above and, in accordance with the findings and that of similar sites, it is removed from the Green Belt under Draft Policy 41, in accordance with paragraph 147 of the NPPF.

4.0 Summary and Conclusions

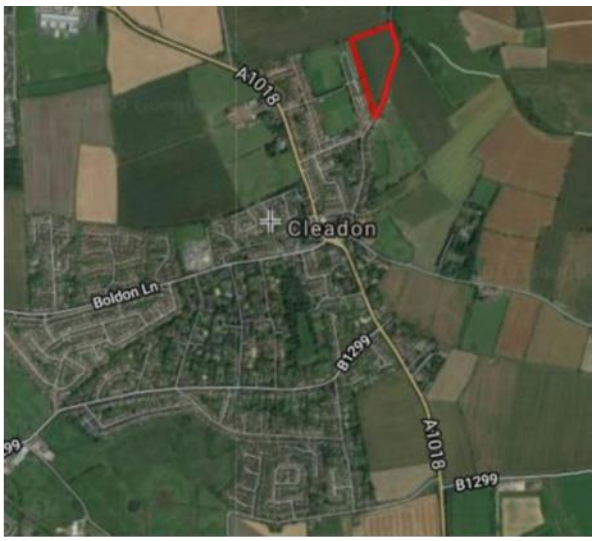
4.1 We are generally supportive of the vision and objectives of the Draft STLP, as well as a number of the draft strategic policies contained within the Plan.

4.2 We have assessed our client's Site in accordance with precedents established in the SHLAA assessments of nearby development sites and have proposed potential mitigation measures which could be implemented by development on the Site to ensure the Site is indeed suitable, available and achievable for residential development and, to ensure consistency and transparency in plan making, the site is allocated for housing as part of the next round of the STLP review to align with the already proposed allocations for Cleadon. We have also demonstrated as set out in the appendices that there is a substantial and demonstrable national and local need for the development on the Proposed Development Site.

4.3 In order to facilitate the above developments, we suggest that the LPA review and consider the recommended modifications to Draft Policies SP7, SP16, 13, 19 and 41.

Appendix A – Site Description and Planning History

The Site



The Site is located to the west of Sunniside Lane, north-east of Cleadon Village in South Tyneside, approximately 6.3km south of South Shields town centre and 7.6km north of Sunderland City centre. The Site extends to approximately 3.1ha and is accessed via Sunniside Lane.

The Site currently comprises of Grade 3 classified agricultural land in private ownership. The west/south-western boundary of the site is tightly bound by Sunniside Lane - the primary route out of the Village. The southern tip of the site is contained by Sunniside Lane and Sunniside Lea housing development and further north-west the site is contained by community allotments and formal recreation/open space provision. Beyond this western edge is an established housing estate following the northern route of the A1018 access road. The housing development here is linear in form and its northernmost edge of development is unequivocally in line with the northern edge of our client's land. Any development proposed on our client's site will therefore not be breaking the established pattern of development to the north of Cleadon and will be fully in keeping with the existing building line.

Cleadon Village centre is approximately 520m to the south-west and there are two bus stops approximately 340m west of the Site, which offer very frequent bus services to South Shields and Durham via Sunderland.

The Site is located to the north-east of Cleadon Village Conservation Area but outside of it and is currently within the designated Green Belt. An adopted wildlife corridor is to the north and the Cleadon Hills are located to the east of the site.

Planning History

An online search indicates that no recent planning applications have been submitted on the Site.

In 2013, the land to the south-west of the Site was subject to an approved full planning application (ST/0046/13/FUL) for the demolition of the former Oakleigh Gardens School buildings for proposed residential development comprising the construction of 16no. detached dwellings with associated landscaping and highway works. This site is now built-out.

The land to the north-west of the Site was subject to an approved planning application (ST/0560/16/LAA) for the change of use to community allotment gardens, comprising of 18 allotment plots and 2-metre-high boundary fence.

Appendix B – Proposed Development

Market Housing

In light of the site's sustainable location on the edge of the settlement, its strong containment by roads, houses and recreational space and the established northern building line of Cleadon Village, the option being considered is to seek removal of the site from the Green Belt to deliver market housing on the Site set within a high landscaped back drop. A prominent and new landscape buffer will be introduced to the northern boundary to align with the existing housing building line at Thornleigh Gardens to the west and to ensure the long-term containment of the site and defensible Green Belt boundaries.

A quantum of around 80 units is proposed with an element of affordable housing in line with Local Policy. The specific mix of this housing development is yet to be determined but the case is set out above for its removal from the Green Belt and allocation for housing as part of the review of the Local Plan (see section 3 above).

Appendix C – Need for the Development

Market Housing

The Council's most recent 5-year Housing Land Supply statement related to the 5-year timescale of April 2023 to March 2028. The housing land supply on 1st April 2023 was assessed as **3.2 years.** This assessment shows that the Council is **not able to demonstrate a 4-year supply** of deliverable housing sites against the ONA (including the NPPF 20% buffer).

Within the Strategic Housing Land Availability Assessment 2023, it is identified that there is a residual housing requirement target of 5045 dwellings and a shortfall in supply of at least 2256 dwellings. As such, the Council has taken a proactive approach to identifying additional sources of land to meet the shortfall and ensure flexibility is built in to the supply. However, since the initial SHLAA assessments did not identify enough capacity to meet the Borough's identified housing need, it was necessary to assess Category 2 sites (as outlined in Section 2), principally Green Belt sites.

In total, of the individual sites assessed in the SHLAA, of which 73 were within the Green Belt, 7 sites were assessed as being developable with a combined capacity for 2308 dwellings. None of the sites were assessed as deliverable. Before development of any of these sites, they would first have to be removed from the Green Belt through the Local Plan process so it is not considered realistic that any of these sites would come forward in the first 5 years. This is shown in Figure 2 below:

	Years 1-5	Years 6-10	Years 11+
SHLAA sites	296	682	220
SHLAA sites currently in the Green Belt	0	1024	1284
Permitted Sites	934	418	236
Totals	1230	2124	1740

Table 9 SHLAA sites capacity

Figure 2 - SHLAA Sites Capacity

Based on the above Totals shown in Figure 2, there is an oversupply of 52 dwellings, equating to 5092 dwellings against the target of 5045.

Notwithstanding the above, the South Tyneside Council's Strategic Housing Market Assessment ('SHMA') 2023 outlines that the overall net housing completions over the period 2014/15 to 2022/23 were meeting targets but, more recently, there have been annual shortfalls compared with targets. The annual average delivery over the past 9 years (2014/15 to 2022/23) has been 304 net new dwellings, however, as shown in Figure 3, there have been deficits of over 100 units per year since 2018/2019 with an overall deficit of over 400 units.

Table 2.10 Dwelling completions 2014/15 to 2022/23

Year	Completions	Demolitions/ losses	Housing target	Net delivery	Surplus/ Deficit against target
2014/15	471	41	365	430	65
2015/16	495	48	365	447	82
2016/17	546	80	350	466	116
2017/18	438	99	350	339	-11
2018/19	399	154	350	245	-105
2019/20	249	15	350	234	-116
2020/21	184	2	341	182	-159
2021/22	220	14	341	206	-135
2022/23	179	4	321	175	-146
Total (past 9 years)	3,181	457	3,133	2,724	-409
Annual average (past 9 years)	**353**	**51**	**348**	**303**	-45

Source: Council data

Figure 3 - Recent Dwelling Completions

It is clear that over the past 9 years, net delivery has averaged 303 compared with an average target of 348 over the period 2014/15 to 2022/23. The standard method calculation identifies a minimum annual need of the Plan Period for 309 dwellings, however, we would question how this will meet the previous delivery deficits discussed above.

In addition to the above, it is noted in the SHMA that further housing need uplifts required as a result of its growth strategies, infrastructure improvements, and jobs growth are not proposed, which seems contradictory with the overall approach recommended within the NPPF and associated PPG's.

Whilst the SHMA rightly acknowledges that the Update continues to evidence a need for affordable housing across South Tyneside. It is claimed that this will be met through new delivery by the Council and housing associations, however, we would question whether this is achievable given the previous undersupply of homes and the current 3.2 year housing land supply.

Aligned with this is the acknowledgement in the SHMA of the need to accommodate the growth in older residents through more targeted house types and specialist housing and communities is suggested here to better reflect the aspirations contained within the South Tyneside Integrated housing strategy April 2019. The SHMA establishes a need figure of 3,060 units of specialist older person accommodation will be required by 2040 (comprising 1,803 C3 units, 885 C2 Extra Care units and 372 C2 Residential care units). Taking an average annual delivery figure of a required 180 older person units per year (2023-2040) and applying this to the derived overall housing need figure from the standard methodology of 309 units per year, it actually means that South Tyneside's stated housing delivery requirement for all dwellings (excluding older person housing, so housing for families, single person, first time buyer etc) is only 129 dwellings a year (or a total of 1290 units over the plan period).

Such specialist housing at the delivery rates needed to meet this specific demand represents an exceptional circumstance and one which requires an adjustment to the level of housing need above the standard methodology calculation to ensure that the wider stated ambitions of the STLP around sustainable economic growth and healthy and mixed communities can be met through delivery of a broader range of house types to maintain an economically active population and prevent significant outward migration to areas with a better choice of mix of housing.

Restricting housing supply or, as put forward in the STLP, delivering a significant proportion of housing towards a specific sector of the population (42% of overall housing delivery will be for older person housing) as part of the standard methodology figure will only serve to harm local communities across South Tyneside. The resultant implications of restricting supply for all other sectors of the population of South Tyneside means higher house prices in desirable locations, increased overcrowding, less investment and delivery in affordable housing, and resultant outward migration of an economically active population. Restricting housing supply is also shown to create a limit on economic growth potential, stunting the local labour market and job creation.

It should also be noted that given the amount of land required to facilitate housing for older people i.e. bungalows, such developments would have lower densities which is contrary to both draft Policy 14 – Housing Density which encourages developments to optimise density, and the Council's 2024 Density Study which establishes an average density per ha of 47 in Boldon and Cleadon. This issue is accentuate by the need to provide 10% Biodiversity Net Gain on all major developments also.

When considering the above restrictions being placed upon general market housing for families and younger people against the stated growth strategies and strategic infrastructure improvements cited within the STLP. There is a clear disconnect with the overall approach taken to limit 42% of its new housing supply to the economically inactive (older persons) serves only to counteract the overarching principles of the STLP and the NPPF and entirely undermines the economic ambitions of the Borough.

The 2023 National Planning Policy Framework (NPPF) (Paragraph 61) states 'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In light of our findings above based on the exceptional level of older person housing required, we disagree that the annual figure is correct and suggest that, in order to deliver not only the substantial growth of the Borough in accordance with the Council's stated economic aspirations but also a reasonable level of housing to meet the needs of the wider population and prevent excessive house price rises and significant outward migration of the economically active, a far greater and more ambitious strategy is necessary. Although, it is noted within the SHMAA that there are considered to be no exceptional circumstances to depart from the standard methodology for calculating housing supply, we disagree and consider that the compelling level of older persons housing needed (which represents 42% of the stated overall housing supply in the plan period) indicates two factors leading to an ineffective plan:

1. That the LPA are not planning for economic growth or providing sufficient housing provision for families and younger persons as required by their overarching economic growth strategy and are failing local communities by limiting investment in affordable housing, stunting economic growth and limiting access to housing; and

2. That there is a distinct mismatch between the stated housing requirements and the sites identified within the SHLAA. The PPG on Housing for Older and Disabled People clearly establishes the importance of offering older people a better choice of accommodation to suit their changing needs. This can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.(Paragraph: 001 Reference ID: 63-001-20190626)

The Council's SHMA acknowledges that alternative demographic scenarios can provide the evidence to confirm if the standard method provides an appropriate base for the assessment of need or whether any there are exceptional circumstances that would justify an alternative approach. There is also provision in PPG to adjust the minimum housing need: 'The standard method for assessing local housing need provides the minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates. In this instance, we consider that there are clear and compelling reasons why the housing need is justifiably higher than the standard method.

It is of note that the Council is unable to demonstrate a 4-year supply of deliverable housing sites against the local and national requirements, which is corroborated by the most up to date SHLAA which states that, without utilising Green Belt land, the Council does not have capacity to meet the Brough's housing need over the next 15 years. Given the Council's housing need, it is clear that the Council will have to rely on additional Green Belt deletions to accommodate its housing need in the plan period, and an updated SHLAA will have to be produced to address this.

In summary, it is evident that there is an outstanding demand for additional market housing in South Tyneside in order to support the Council's housing need not just in the next 4 years but for 10 years and beyond throughout the Plan period.

Appendix D – Comments on SHLAA and Site Assessment

The Council's SHLAA 2023 assesses the Site (SHLAA ref: SBC070) and considers it to be unsuitable, but **available and achievable** for residential development. We fundamentally disagree with the assessment that the Site is unsuitable. Our comments on the SHLAA site assessment are set out below and we request that these are taken into full consideration in further iterations of the STLP.

To inform our assessment, we have firstly reviewed the SHLAA assessments of nearby sites. It is important for plan making and decision taking that the LPA have full regard to ensuring transparency and consistency at all times. It is unreasonable to derive different conclusions from the same evidence and materially similar situations as demonstrated with the site assessment, below.

Other SHLAA Sites

Land at West Hall Farm

Land at West Hall Farm, south of Cleadon Park (SHLAA ref: SBC051) is a 10.3ha Green Belt site which has been assessed as having a developable area of 7.7ha. This site is outlined in red below:

This site

The site is located south-west of the Proposed Development Site and is located in the Green Belt and outside the settlement limits of Cleadon Village. Whilst the small northern boundary of the site is bounded by existing housing, the western boundary has a clear, deep and well-established landscape buffer and the remaining 2 sides are bound by open countryside beyond. It is also noted within the SHLAA that that this site has a history of surface water flooding, which is likely to restrict development. Development on this site has been assessed by the Council as having moderate impact on the Green Belt in South Tyneside Council's Green Belt Study 2023 (ref: GA4), which is discussed further in Section 3.

Despite this conclusion that the development will have a moderate impact on the Green Belt and the open nature of the site on 2 sides, this site has been assessed as suitable, available and

achievable for residential development in the 2023 SHLAA. The SHLAA states that site has an estimated yield of 259 dwellings. Moreover, the Draft STLP predetermines that the site is suitable for housing and proposes its allocation for Urban and Village Sustainable Growth Area for housing under Draft Policy SP7 – Draft Allocation GA4: Land at West Hall Farm. Draft Policy SP7 states that the site will be removed from the Green Belt and allocated for housing development. Development of Urban and Village Growth Areas will be required to create a new defensible Green Belt boundary.

The following site-specific considerations for the site which must be taken into account are outlined in Draft Policy SP7 and set as follows:

- Ensure that the design and layout create clear and defensible boundaries;
- Retain existing mature trees in accordance with Policy 36: Protecting Trees, Woodland and Hedgerows;
- Ensure landscaping is an integral part of the design and ensure built development is set back from the eastern boundary of the site to retain the feeling of openness along the A1018;
- Explore opportunities for improving the existing staggered junction between the site and Sunderland Road; and
- Support at least one season's additional non-breeding monitoring data for wading birds for fields within 500m of the site, including nocturnal survey with appropriate equipment.

Site Assessment

Suitability

The Proposed Development Site is located outside of the Cleadon Village settlement limits, within the open countryside and in the Green Belt and therefore most development (i.e. residential) is acknowledged to be inappropriate However, as set out above, there must be transparency and consistency in this process. There are no materially distinguishable differences between the site reviewed above and our Client's land and in some respects, our client's land more closely aligns with the provisions of the NPPF when reviewing Green Belt boundaries in respect of ensuring clearly defined boundaries using physical features that are readily recognisable and likely to be permanent.

In reviewing the SHLAA, it is clear that the alternative site in Cleadon (SHLAA ref: SBC051) is similar in all respects to our Client's site. Yet, it has been assessed by the Council to be suitable for residential development and has been allocated for such in the Draft STLP.

Development on this Site lends itself to a natural extension to the north-eastern limit of the Cleadon Village settlement, rounding off the settlement well. The Site is in a sustainable location within 7-minutes' walk from Cleadon Village centre, which comprises a number of amenities such as a pharmacy, a nursery, a secondary school, shops, and restaurants and bars. There are also two bus stops approximately 340m west of the Site, which offer very frequent bus services to South Shields and Durham via Sunderland.

Considering the constraints of the Site, as with the SHLAA site discussed above, in order to be considered suitable for development a landscape buffer to the north of the Site could be incorporated which would prevent future incursion into the open countryside to the north of the Site, and would provide an important wildlife corridor . Additionally, the southern portion of the Site could also be subject to a prominent landscape buffer, which would screen the Site from the Conservation Area to the south. Development of the Site will consider a range of densities providing a market led mix and choice of homes including lower densities towards the eastern and southern parts of the Site. This will preserve and enhance the character and appearance of the Cleadon Hills Conservation Area and the Cleadon Village Conservation Area, to the east and south of the Site respectively. The development option would also seek environmental net gains and to incorporate on-site open space together with an appropriate provision of mixed tenure affordable homes in line with policy for local needs.

In light of the above, the Site is considered suitable for residential development as it would seek to incorporate similar mitigation measures as required for development on the above SHLAA site.

Availability

Our client owns the land. The site is therefore available for immediate development.

Achievability

As the Site is considered suitable for residential development, it is also considered achievable.

Summary

In summary, it has been demonstrated that the Site is situated in a sustainable location and that development on the Site would be sensitive to the surrounding landscape and heritage constraints, as well as constituting a rounding-off of the Cleadon Village settlement to the north-east. The proposed mitigation measures are similar to those proposed for development of the nearby SHLAA site discussed above and therefore, if these mitigation measures are applied, there is no demonstrable reason why the Site cannot be considered suitable for residential development and allocated as such in the STLP.

Response ID BHLF-RUCU-JV16-6

Submitted to Sustainability Appraisal 2024
Submitted on 2024-04-16 13:24:33

Have your say

1 Which section(s) of the SA are you responding to?

Section of the SA:

Employment Growth, Housing Growth,

2 Please provide any comments you wish to be considered by the Planning Inspector.

Comments:

2.0 SUSTAINABILITY APPRAISAL
2.1 A starting point for reviewing the Regulation 19 Draft Local Plan is the Sustainability Appraisal (SA) which supports it.
Employment Growth
2.2 As recognised in paragraph 34 of the SA, in the Regulation 18 stage of the draft Local Plan, the Council's preferred scenario for employment land was the 'Baseline Labour Demand Scenario'. This was in recognition of the constraints imposed by Green Belt and the high value placed on this by the local community. However, this has now switched in this Regulation 19 Draft Publication Plan, and now the Council's preferred scenario for employment land requirements over the Plan period is the 'Policy-on Labour Demand Scenario'. This is based on seeking to capture the impacts of the IAMP, which are expected to create significant employment opportunities in the wider supply chain and therefore the ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.
2.3 49.51 hectares of land for economic development is to be delivered as result of this preferred growth option.
2.4 Persimmon Homes are pleased to see a positive approach being taken here to take advantage of significant employment opportunities and reflect a revised approach to Employment Land which is more sustainable than the previous strategy.
2.5 However, it is Persimmon Homes' view that a positive approach to employment land also needs to be reflected in housing growth, to reflect housing opportunities for new workers and reduce the need for inward commuting.
2.6 Persimmon Homes strongly disagrees with paragraph 4.12 of the SA in that 90% of the workers for IAMP will already be living in the North East. The IAMP project will be delivered over the course of many years to come and a lot of the potential future workers at the area will not be of working age yet, instead they will be
3
undertaking engineering courses in college / university, and therefore will require housing at a later stage in the plan period, which this plan is overlooking.
2.7 Furthermore, as stated in the SA, it is expected that the supply chain for IAMP will likely provide a significant boost to employment in existing a future businesses in the Borough, therefore, these businesses themselves will likely grow. To rely on a report from almost a decade ago, which does not reflect new large scale employment growth in the North East, is not in Persimmon's view evidence to overlook the additional housing requirement above OAN. It should be strongly taken into consideration considering the current under delivery the Council is facing and the 20% buffer they are having to apply to their 5 year housing land supply.
Housing Growth
2.8 As identified in paragraph 28 of the non-technical summary, National Planning Policy in 2019 resulted in an overall housing requirement of 321 dwellings per annum (5,778 in total), however, work on the Regulation 19 Draft Local Plan updated the Plan Period and updated the annual housing need figure to 309 dwellings per annum (5,253 houses in total). As identified in paragraph 29 South Tyneside Council (STC) considers that there are no exceptional circumstances which could justify the selection of an alternative growth option.
2.9 As stated in paragraph 35, the Council progressed with 4 options for the distribution of housing growth
1) Option 1: Urban Area Only
2) Option 2: Sustainable Urban Area Growth and Large-scale Green belt (Single land) release

3) Option 4: Sustainable Urban Area Growth and Increased number of Green Belt releases of varying sizes
4) Option 5: Sustainable Urban Area Growth + large scale Green Belt (single land release + additional Green Belt site releases of varying sizes.
2.10 Option 2 (Neighbouring authorities taking our need) was dropped due to no support.
2.11 As stated in paragraph 39 the preferred option is still Spatial option 5 which has been carried on from the Regulation 18 Draft version of the plan. The Council acknowledges the potential negative effects identified of this spatial strategy and has informed the preparation of the local plan and its policies.
2.12 It is Persimmon Homes' view that the growth options have been artificially constrained from the outset. Persimmon Homes agree and echo the comments of the HBF in that the spatial distribution of housing should follow a logical hierarchy, which provides an appropriate development pattern and sustainable development in all market areas, it is not demonstrated in the SA that this was an option explored, or that a hierarchy of settlements has been established. This is a key
4
principle of bullet point a) of paragraph 90 of the NPPF, which shows how housing (inter alia) can be used to help grow and diversify town centres. But a hierarchy of settlements must be established first.
2.13 Furthermore, there is no option which explores the possibility of a new settlement. As stated in NPPF paragraph 74, this is often one of the best ways to achieve the supply of large-scale housing numbers. However, this option was never explored. A large-scale urban extension has been proposed, however, there is no complete way of understanding that this is the most sustainable form of development in the borough when it hasn't been compared against the option of a new settlement.

3 What is your name?

Name:
Persimmon Homes

4 What is your email address?

Email:
[redacted]

5 Who are you responding as?

Other organisation (please specify)

Organisation:
Housebuilder - persimmon homes

6 What is your postal address?

Address:

[redacted]

South Tyneside Council

Regulation 19 Local Plan Consultation Representation Form

Please return this form by midnight on Sunday 3 March 2024.

Data Protection and Freedom of Information

All personal information that you provide will be used solely for the purpose of the consultation on the documents listed in this form. Please note that each comment and the name of the person who made the comment will be featured on our website - comments will not be confidential. Full comments will also be available to view on request. By submitting this response you are agreeing to these conditions.

This form has two parts:

- Part A - Personal details (need only be completed once)
- Part B – Your representation(s).
  Please fill in a separate sheet for each representation you wish to make.

This form can also be completed online at haveyoursay.southtyneside.gov.uk

If you are having difficulty submitting representations, please contact local.plan@southtyneside.gov.uk or call 0191 424 7692

Part A: Your Details

	Personal Details*	Agent's Details (if applicable)
Title	MR	
First Name	SAMUEL	
Last Name	KENNY	
Job Title (where relevant)	[redacted]	
Organisation (where relevant)	PERSIMMON HOMES	
Address	[redacted]	
Postcode		
Telephone		
Email		

** If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) but complete the full details of the agent.*

Part B

Please fill in a separate form for each representation

Name or organisation	Persimmon Homes
Client (if relevant)	

Section 1: To which section of the Local Plan does this representation relate?

Paragraph	Please refer to Persimmon Homes
Policy	Representations Doc - March 2024
Policies Map	

Section 2: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is (tick as appropriate)	Yes	No
1. Legally compliant	✓	
2. Sound		✓
3. In Compliance with the Duty to Cooperate	✓	

Section 3: Details of Representation

If you wish to support or object to the legal compliance or soundness of the Local Plan, 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.
Please refer to Persimmon Homes Representations Doc - March 2024

Section 4: Proposed Modifications

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each 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.*

PLEASE REFER TO PERSIMMON HOMES REPRESENTATION DOC - MARCH 2024

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations based on the original representation at publication stage.

After the Regulation 19 consultation has closed, further submissions will only be at the request /invitation of the Inspector, based on the matters and issues debated at the examination.

Section 5: Participation at the Examination

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? *(Please select one answer with a tick)*			
Yes	✓	No	

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Section 6:

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
PERSIMMON HOMES ARE ONE OF THE LARGEST HOUSEBUILDERS IN THE COUNTRY AND HAVE CONCERNS OVER SEVERAL ASPECTS OF THE LOCAL PLAN AND CONSIDER IT NECESSARY TO PARTICIPATE IN THE ORAL EXAMINATION TO ASSIST IN THE PRODUCTION OF A SOUND LOCAL PLAN FOR THE BOROUGH FOR THE NEXT 15 YEARS.

Section 7: Being Kept Informed

Would you like to be kept informed of the progress of the Local Plan through to adoption? *(Please select one answer with a tick)*			
Yes	✓	No	

By submitting a representation, you will also automatically be added to our database and kept informed of the next stage in the Local Plan process. You can opt out any time.

Persimmon
Together, we make your home

South Tyneside Local Plan

Representations to the new draft Local Plan (Regulation 19).

March 2024

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1.0 INTRODUCTION

1.1 This document includes Persimmon Homes' representations to the consultation of the South Tyneside Council Regulation 19 Draft Local Plan.

1.2 The purpose of these is to try and assist in the preparation of this significant Local Plan which will inform the nature of development across the Borough for the next 16 years.

1.3 This document provides Persimmon Homes' view on a number in the South Tyneside Council Regulation 19 Draft Document and supporting evidence.

2.0 SUSTAINABILITY APPRAISAL

2.1 A starting point for reviewing the Regulation 19 Draft Local Plan is the Sustainability Appraisal (SA) which supports it.

Employment Growth

2.2 As recognised in paragraph 34 of the SA, in the Regulation 18 stage of the draft Local Plan, the Council's preferred scenario for employment land was the 'Baseline Labour Demand Scenario'. This was in recognition of the constraints imposed by Green Belt and the high value placed on this by the local community. However, this has now switched in this Regulation 19 Draft Publication Plan, and now the Council's preferred scenario for employment land requirements over the Plan period is the 'Policy-on Labour Demand Scenario'. This is based on seeking to capture the impacts of the IAMP, which are expected to create significant employment opportunities in the wider supply chain and therefore the ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP.

2.3 49.51 hectares of land for economic development is to be delivered as result of this preferred growth option.

2.4 Persimmon Homes are pleased to see a positive approach being taken here to take advantage of significant employment opportunities and reflect a revised approach to Employment Land which is more sustainable than the previous strategy.

2.5 However, it is Persimmon Homes' view that a positive approach to employment land also needs to be reflected in housing growth, to reflect housing opportunities for new workers and reduce the need for inward commuting.

2.6 Persimmon Homes strongly disagrees with paragraph 4.12 of the SA in that 90% of the workers for IAMP will already be living in the North East. The IAMP project will be delivered over the course of many years to come and a lot of the potential future workers at the area will not be of working age yet, instead they will be

undertaking engineering courses in college / university, and therefore will require housing at a later stage in the plan period, which this plan is overlooking.

2.7 Furthermore, as stated in the SA, it is expected that the supply chain for IAMP will likely provide a significant boost to employment in existing a future businesses in the Borough, therefore, these businesses themselves will likely grow. To rely on a report from almost a decade ago, which does not reflect new large scale employment growth in the North East, is not in Persimmon's view evidence to overlook the additional housing requirement above OAN. It should be strongly taken into consideration considering the current under delivery the Council is facing and the 20% buffer they are having to apply to their 5 year housing land supply.

Housing Growth

2.8 As identified in paragraph 28 of the non-technical summary, National Planning Policy in 2019 resulted in an overall housing requirement of 321 dwellings per annum (5,778 in total), however, work on the Regulation 19 Draft Local Plan updated the Plan Period and updated the annual housing need figure to 309 dwellings per annum (5,253 houses in total). As identified in paragraph 29 South Tyneside Council (STC) considers that there are no exceptional circumstances which could justify the selection of an alternative growth option.

2.9 As stated in paragraph 35, the Council progressed with 4 options for the distribution of housing growth

1) Option 1: Urban Area Only
2) Option 2: Sustainable Urban Area Growth and Large-scale Green belt (Single land) release
3) Option 4: Sustainable Urban Area Growth and Increased number of Green Belt releases of varying sizes
4) Option 5: Sustainable Urban Area Growth + large scale Green Belt (single land release + additional Green Belt site releases of varying sizes.

2.10 Option 2 (Neighbouring authorities taking our need) was dropped due to no support.

2.11 As stated in paragraph 39 the preferred option is still Spatial option 5 which has been carried on from the Regulation 18 Draft version of the plan. The Council acknowledges the potential negative effects identified of this spatial strategy and has informed the preparation of the local plan and its policies.

2.12 It is Persimmon Homes' view that the growth options have been artificially constrained from the outset. Persimmon Homes agree and echo the comments of the HBF in that the spatial distribution of housing should follow a logical hierarchy, which provides an appropriate development pattern and sustainable development in all market areas, it is not demonstrated in the SA that this was an option explored, or that a hierarchy of settlements has been established. This is a key

principle of bullet point a) of paragraph 90 of the NPPF, which shows how housing (inter alia) can be used to help grow and diversify town centres. But a hierarchy of settlements must be established first.

2.13 Furthermore, there is no option which explores the possibility of a new settlement. As stated in NPPF paragraph 74, this is often one of the best ways to achieve the supply of large-scale housing numbers. However, this option was never explored. A large-scale urban extension has been proposed, however, there is no complete way of understanding that this is the most sustainable form of development in the borough when it hasn't been compared against the option of a new settlement.

3.0 POLICY MAP

3.1 The main point of concern in relation to the policy map is that it is not clear, and the significant amount of green hatching and different shades of green make it difficult to understand which protective designation is which, particularly where this could be layered on top of one another. This is something which needs to be addressed to make the policy map more legible.

4.0 SHLAA 2023

4.1 As highlighted in the SHLAA, the housing delivery test shows that the Borough has consistently failed to meet their requirement by a total of 332 dwellings in the 3 years between 2018/2019 and 2020/2021. As a result, a 20% buffer is appropriate.

4.2 As a result of the additional 20% buffer, the housing requirement is 1,854 dwellings.

4.3 The 5 years supply total is only 1,197 dwellings (a shortfall of 657 dwellings – 35%). And represents a supply of 3.2 years. The housing trajectory below, taken from the SHLAA highlights this under delivery.

Table 10 SHLAA housing Trajectory

4.4 A new SHLAA is expected in early 2024, but this has yet to be published. However, as stated in the 2023 SHLAA Delivery in 22/23 is 175 net dwellings, which is the lowest delivery in the monitoring years.

4.5 This demonstrates the issues facing housing delivery in the Borough and the challenges facing the emerging local plan. Housing delivery is going to have to improve quickly if this plan is to avoid a plan review in the early stages of its adoption.

5.0 LOCAL PLAN VIABILITY UPDATE 2023

5.1 Persimmon Homes have significant experience in bringing forward residential development sites in all markets across the country. We have significant experience of the local market and the costs of development.

5.2 The housing industry has faced significant additional challenges in the last few years, there has been a steady decline in house building across the country to what is required and coupled with rising inflation and interest rates it paints a not so pretty picture for the industry in the coming years.

5.3 On top of all of this, the industry has also faced an increasing policy burden from national government, with climate and environmental targets leading to changes to legal requirements for Biodiversity Net Gain, updated Building Regulations and Nutrient Neutrality.

Gross Development Value

5.4 Persimmon Homes prides itself on delivering the right homes at the right prices for the everyday person on the street. Our aim is that anyone can walk into our show home and be able to purchase a house on that day, and this requires sensible pricing as well as a logical mix of housing on each development site we have to be available throughout the build stage. However, in an ever-competitive market this is becoming more difficult to achieve.

5.5 The notion that the landowner will take the hit on land value when taking into consideration all of the factors such as build costs, abnormal costs, policy requirements etc is simply false. What we are seeing instead is, particularly in areas where allocated housing land supply is at a minimum, is bidding wars which actually result in a higher land value achieved for the land owner, and instead of them taking a hit on on-site constraints, the developer is attempting to re-coup this money back through pricing strategies which do not reflect the local housing market, but due to constrained demand are selling at a rate which is making the development work.

5.6 The HBF also recently demonstrated this through the examination of the Durham County Plan, where development was only coming forward in the highest value areas because developers could re-coup the expense of the development through higher sales values.

5.7 Persimmon Homes appreciate that, as stated in paragraph 2.7.6, this is a 'snapshot' of the current market conditions and there may be fluctuations of better and worse times for the market throughout the plan period. However, this is a

precarious position to take for an LPA which currently cannot demonstrate a 5-year housing land supply and one which out of 65 sites in its SHLAA 42 are brownfield and another 2 are mixed brownfield and green field, representing 67% of its current housing land supply, traditionally sites which will have far greater cost in coming forward.

5.8 House prices have seen a rise in the last few years which has slightly offset the additional costs seen by developers, however, this was largely down to the COVID-19 pandemic which seen various lifestyle changes, such as desire for outdoor space, increased personal savings for deposits, new house formation from relationships forming and breaking up, and low housing stock levels. The market has certainly peaked from this and the higher prices which papered over the cracks of higher costs is starting to unravel. This is demonstrated in the Housing price index for South Tyneside which saw average house prices rise from £126,997 at April 2020 to £169,380 in Oct 2023 (an increase of over £40k). However, since October 2023 to December 2023, we have already seen a reduction of nearly £10k.

Plot Construction Costs

5.9 Plot construction costs have seen a steady rise in the last few years, and the Government estimates from 2019 indicate that the additional cost to build a home to the 2022 Part L standard is £2,986 whilst the cost to deliver to Future Homes Standard is £5,280. If these prices are brought up to today's prices using the BCIS index, they are increased by nearly 15%.

5.10 Therefore, it is Persimmon Homes' view that the 'cautious approach' considered in paragraph 2.8.10 is actually not that cautious and indeed could realistically be increased.

Abnormal Costs

5.11 This is Persimmon Homes' greatest area of concern in the viability appraisal and it is something we have seen LPA's consistently undervalue in their viability appraisals.

5.12 As stated in paragraph 2.11.1, a figure of £200,000 per net Ha has been allowed for greenfield sites and £300,000 per net Ha for brownfield sites. As demonstrated in our recent representations through the HBF to the Durham Viability Assessment, our evidence of 14 sites to that consultation demonstrated that the average abnormal costs are some £459k per net Ha on Greenfield sites (10 sites) and £711k per net Ha for Brownfield sites (4 sites). What was demonstrated was a significant lack of deliverability in the lower value areas, which was down to developments simply not generating a return sufficient to cover costs or incentivising a willing landowner to sell in these areas.

5.13 What is particularly concerning for Persimmon Homes is the number of Brownfield sites in the housing delivery for South Tyneside and given how far we are away on valuing abnormal costs, it is Persimmon Homes view that these sites will struggle

to come forward. What we have continually highlighted throughout this representation is that there is not enough flexibility in the plan which caters for this, and it is our view that the current lack of delivery will persist.

5.14 What is concerning is that when you look deeper into the tests in the Viability Update 2023, the majority of sites, particularly those outside of the higher value areas, only start becoming viable once there are reductions in developer contributions. Persimmon consider this highlights how constrained budgets are in these areas and these figures are based on an abnormal figure that we consider to be artificially low.

6.0 PLANNING POLICY REVIEW

Policy SP1: Presumption in favour of Sustainable Development

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

6.1 Persimmon Homes echo the comments of the HBF in that it is not necessary to repeat the requirements of the NPPF.

Policy SP2: Strategy for Sustainable Development to meet identified needs

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

6.2 As stated throughout this document, Persimmon Homes are minded that the Local Plan is not positively prepared. The housing requirement has been reduced from the previous iteration of the plan by circa 500 dwellings. However, on the other hand the LPA are expecting significant employment opportunities as a result of IAMP. There has been no evidence provided to demonstrate the balance of employment needs and housing requirements. Instead, this is swept aside in the SA.

6.3 As we will come onto later, the plan requires a significant proportion of its housing requirement through new allocations with 3,443 new dwellings required to be allocated out of an overall requirement of 5,253 dwellings in the plan period (65% of the supply), with commitments in November 2023 of 1,475 (28% of the required supply). As mentioned previously, the LPA can currently only demonstrate 3.2-year housing land supply. However, the plan has only sought to allocate 34 sites with the ability to deliver 3,498 (55 dwellings over their required shortfall made up from new allocations).

6.4 Therefore, there are significant pressures on the allocations to come forward, with no flexibility for slippage or non-delivery. Furthermore, nearly half of this delivery is coming from one site (SP6). Therefore, even if we assume all of the other sites deliver, and are delivered to their expected timescales, which in Persimmon Homes' experience is extremely unlikely, if this one site falters, then the whole plan is impacted.

Policy SP3: Spatial Strategy for sustainable development

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

6.5 Persimmon Homes consider that the spatial strategy for sustainable development should reflect a logical settlement hierarchy, with the needs of each market area assessed and reflected in the housing provision. From the back of this the Green Belt review should be undertaken depending on the need for each settlement. This does not appear to have been undertaken.

6.6 Furthermore, the lack of safeguarded land is in direct contradiction to paragraph 148 of the NPPF. As demonstrated in our discussion point to Policy SP2, it is clear that the LPA's current plan requires everything to come forward without fail. There are two issues with this:

1) If, as is expected, delivery doesn't come forward as planned then there is nowhere else for South Tyneside to look and it will inevitably lead to a review of Green Belt within this plan period.

2) If the plan does all come forward as is forecast, then there will have to be further Green Belt release in the next plan period.

6.7 There is therefore an evident need for safeguarded land to prevent conflict with paragraph 148.

Housing allocations:

6.8 Paragraph 67 of the NPPF states: *Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. <u>The requirement may be higher than the identified housing need if, for example,</u> it includes provision for neighbouring areas, <u>or reflects growth ambitions linked to economic development or infrastructure investment.</u>*

6.9 As discussed in SA, this hasn't been an option which was progressed, with it stating that although the LPA see significant employment opportunities coming forward as a result of IAMP, it doesn't think that this will reflect in housing need. Persimmon fundamentally disagrees with this stance.

6.10 As Persimmon Homes have also stated earlier, we do not consider full growth options were considered from the outset in the SA, such as the option for a new settlement, and we therefore do not consider the plan to accord with Paragraph 16 of the NPPF.

Policy SP4: Housing Allocations in the Main Urban Area

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

6.11 The table shows 25 sites bringing forward 841 dwellings, 20 of these sites are under 1ha in size, with 5 sites representing 403 dwellings, approximately half of the delivery. Again, this puts pressure on a limited number of sites in the local plan and failure of any has significant impacts on the housing delivery against the OAN.

6.12 Persimmon don't wish to integrate every site within this table, but a standout is H.8, which in the 2023 SHLAA has delivery this year and next, however according to the SHLAA the site sits undeveloped with a lapsed planning consent. Which although only for 30 dwellings, shows the slippage that can happen and highlights our point under Policy SP2 on a lack of flexibility in the plan period.

Policy SP7: Urban and Village Sustainable Growth Areas

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

6.13 It is not fully understood what is required by the second sentence in the policy. The land proposed for development will be removed from the Green Belt by the Local Plan, following the recommendations of the SA. Therefore, it is not known why compensatory improvements should be required to offset the removal of land from the Green Belt in any forthcoming application. Any application should mitigation for its own impacts.

6.14 Again Persimmon don't wish to comment on all of the allocations within this table, but would like further evidence on the indicative capacity of the sites, has this taken into consideration factors such as Biodiversity Net Gain at 10% for example. Also, we would like further clarity on the delivery rates achieved from the proposals.

6.15 The 6 allocations account for 1,108 dwellings. None of them have an active planning application, assuming that they all have to be allocated for development chances due to current policy burden.

6.16 Apart from GA1, within the 2023 SHLAA, they are all due to deliver housing from 2028. That's means that from expected adoption of the plan in 2025, the LPA are expecting 6 applications for over 1,000 dwellings (around 20% of the entire OAN) to be prepared, submitted, approved, pre commencement conditions discharged, any required facilitating infrastructure in and delivering housing numbers in 3 years.

6.17 In Persimmon Homes' experience, this is simply not realistic and therefore contrary to Part d) of paragraph 74 of the NPPF.

6.18 The problem with this, is that the Authority already identify a shortfall in their five-year housing land supply, and must be realistic with longer term delivery, which is

simply not going to come forward in the timescales which they are stating. Therefore, the delivery rates will likely continue to fall below their need.

Policy SP8: Fellgate Sustainability Growth Area

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

6.19 Persimmon are pleased to see a positive large allocation being brought forward by the local plan, however, we have some concerns over delivery rates and expected start dates in the plan period and potential restrictive policy specific requirements of the proposed allocation.

6.20 On Part 3, it is considered that the wording "will only approve a planning application that adheres to the Fellgate Sustainability Growth Area SPD" is too vague. The Site Capacity and Opportunities Paper (2024) is a very high-level density document, which hasn't been tested against factors such as viability, on site constraints, Biodiversity Net Gain and detailed drainage design. These all have factors which impact developable areas, density and design; therefore, the policy will be strictly controlled by an SPD which we have no sight of at this moment in time.

6.21 Furthermore, as identified in Part 5, including the percentage of affordable housing and requirement for self/ custom built housing in the policy wording is considered greatly restrictive and contradictory to policy 18 'Affordable Housing'. As required by policy 18, the affordable housing can be subject to viability appraisals and even off-site contributions, where appropriate, however, this policy wording bypasses that ability and removes the necessary flexibility. It is also considered that the opportunities for self-build housing has not been viability tested but there is no flexibility within the wording of the policy at present to remove this if it can't be delivered.

6.22 It is also not sure if Part 5 iv a) can be delivered. The red line of the allocation appears to disregard land ownership at this roundabout and although an access probably can be formed, it is more convoluted than a direct access onto this roundabout to which this wording suggests is required.

6.23 This is further stated in paragraph 5.32 of the Local Plan, which indicates that access can be achieved from the A194 / Mill Lane junction, as demonstrated in 'The Sustainable Accessibility Review (2021)', however, the design for the junction (found on page 112 of the document) does not appear to take into account land ownership, and in Persimmon's view it is still not clear if a satisfactory access can be achieved on controlled land.

6.24 It is not sure why Part 5v. is included within the policy wording. This is something which would have to be tested through detailed transport assessment work, which would support any planning application. It seems overly unnecessary to also include this within the policy wording.

6.25 It is not sure what is meant by "creating a new defensible Green Belt Boundary" in Part 5vi. The Green Belt Boundaries have already been assessed and redefined to form the allocations within the local plan.

6.26 Again, Part 5x. places a large emphasis on a document which there has been no sight of yet. A lot of technical and design factors should have been taken into consideration before the land is allocated, which at present appears to be unknown.

6.27 Lastly, this site is expected to deliver the majority of South Tyneside housing requirements at 1,200 dwellings in the plan period. However, Persimmon question the delivery rate of 150dpa during the majority of the delivery period. This would likely have to be achieved by a number of developers / outlets open on the development site at once, but we have seen no evidence of which developer is brining forward the site.

Policy 1: Promoting Healthy Communities

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

6.28 Persimmon Homes would echo the comments made by the HBF in that policies in the Local Plan should be reflective of health issues in the area and where development is in accordance with these policies and HIA should not be required.

6.29 This is reflected in the Public Health England Document (Oct 2022) Health Impact Assessment in Spatial planning which states:

An HIA is most effective when it is undertaken prospectively and concurrently to inform and shape a plan, policy or development project during options appraisal and design (that is before decisions are made and submitted as part of a planning application) (8). The intention to use an HIA should be determined early in the planning process. Depending on the scale of the plan or project, it may be appropriate to integrate or align an HIA with a sustainability appraisal (SA) / strategic environmental assessment (SEA) for plan-making or EIA and other assessments required as part of local information requirements for planning applications. (Persimmon emphasis added).

6.30 Policy SP15: Climate Change

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

6.31 Persimmon Homes echo the comments made by the HBF in their representations to this consultation, in that the policy should reflect the December 2023 Written Ministerial Statement 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. The reason for this is

that Building Regulation changes set a national precedent for building design and construction and as stated in the Statement:

The Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.

6.32 Persimmon Homes therefore consider it would be important to make reference to the Future Homes Standard and the Building Regulations as the appropriate standards for development.

Policy 5: Reducing energy consumption and carbon emissions

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

6.33 Persimmon Homes considers that there needs to be justifiable evidence to request new development meets the highest national standard, it should also be reflected in the viability assessment work produced by the LPA.

Policy 6: Renewables and Low Carbon Energy

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

6.34 Although Persimmon Homes support a move to low carbon energy solutions, this can only happen where practical.

6.35 Part 4 of this Policy 4 of this policy places strong support on District Heating Systems. However, flexibility needs to be included in this policy and this is not seen as a requirement for planning applications. At present, the upfront capital costs of District Heating Systems are often simply not viable for residential development schemes. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered.

6.36 Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.

6.37 Persimmon Homes also consider that this needs to be reflected in the Viability Assessment, which at this present time doesn't appear to do so.

Policy 8: Flood Risk Assessment (FRA and Drainage Strategy)

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

6.38 Part 2 of the policy wording needs to make clear where the sequential test is necessary. At present the wording could be read to suggest a sequential test is always necessary and the exceptions test is optional.

Policy 22: Protecting Employment Uses

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

6.39 It is considered that Part 2 does not accord with the NPPF. Each application would be determined on its own merits and can mitigate for its impact; however, this paragraph suggests a betterment would be required.

6.40 It is considered that Part 4 requires re-wording to better reflect paragraph 193 of the NPPF. Its current wording is vague and instead should be worded to reflect the need for existing businesses to not have unreasonable restrictions placed on them as a result of new development.

Policy SP16: Housing Supply and Delivery

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

6.41 Persimmon Homes have already made our comments in regard to housing delivery and the lack of flexibility in the plan and unlikely delivery rates. As shown in table 2 in the Local Plan, the residual housing requirement is 3,443 dwellings. Yet the Local Plan between policies SP4-SP8 allocates just 3,498 dwellings with 120 of them being extra-care units.

6.42 The table highlights further issues in that windfalls accounts for 8.5% of the entire housing requirement. However, as stated in the SHLAA 2023 due to the call of sites to progress the Local Plan, the number of windfall sites has decreased dramatically, and therefore they are reliant on 27 dwellings per year from year 6 of the plan. However, in Persimmon's view by including these sites within the housing delivery is further removing flexibility from the plan. It is our view that these should be excluded from the housing delivery to increase flexibility of the plan and the shortfall made up from allocations. Persimmon appreciate that South Tyneside could previously justify a larger number of windfall developments, however, due to the plan now allocating sites, would like to see evidence to justify the 27 dwellings per annum they are expecting during the plan period, as required by paragraph 72 of the NPPF. Especially with these sites now having to factor in additional constraints such as Biodiversity Net Gain.

6.43 Persimmon Homes have already raised concerns of the proposed housing trajectory. Persimmon do not consider it achievable that within 4 years of the adoption of the local plan, several major allocations will have submitted and achieved planning permission, be transferred to a house builder, have pre

commencement conditions discharged and have sufficient infrastructure built to double the Council's housing delivery. As well as the delivery of the Fellgate Growth Area, which is yet to have a design SPD produced. This all has to be delivered in the plan period for the LPA to meet its housing needs.

6.44 However, what is further concerning and has been raised earlier in this rep, is the lack of safeguarded land now included in the plan which could provide a release valve to assist in any delay in delivery in the allocations. This concern is further elevated when it is recognised by the LPA in paragraph 8.16 of the Local Plan that further consideration of Green Belt release may be required, should exceptional circumstances be met. As identified earlier in this rep, this is not in accordance with Part E of Paragraph 148 of the NPPF. Persimmon Homes don't believe this can actually be proven even if all of the housing is delivered in the plan period that it intends to. As certainly the next plan period will again be looking to Green Belt land for housing land.

Policy 14: Housing Density

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

6.45 Persimmon Homes acknowledge the need for increased densities and the efficient use of land, certainly in sustainable locations and this is supported by paragraph 146 of the NPPF. The evidence to underpin this is the Densities Report 2024, which assess existing densities in the relevant areas. However, the document, and thus Polic 14 makes no mention to the newly introduced legal requirement of 10% Biodiversity Net Gain. This will have a significant impact on densities on new development and will certainly reduce it from densities achieved previously. This therefore needs to be projected forward into the densities expected from development coming forward.

6.46 Further to this, other policy requirements, such as tree lined streets, M4(2) and M4(3) dwellings, the required mix of dwellings, parking requirements and Increased Building Regulations will all impact densities from what has been achieved previously. Therefore, it is important that an element of flexibility is added within the policy to allow for developments in sustainable locations to come forward and aren't hampered by unachievable policy restrictions.

Policy 18: Affordable Housing

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

6.47 Persimmon have concerns in regard to the percentage of affordable housing required in part 3 of the policy, notably in the south and southeast areas of the Borough, as highlighted on Map 22.

6.48 What stands out as a major concern for Persimmon Homes is the amount of affordable housing required, as identified in paragraph 8.49 of the Local Plan, which states a need for an additional 361 affordable units per year. This is around 50 units per year more than the full housing delivery target. Therefore, even if South Tyneside Council deliver their annual delivery target of 309 dwellings every year, and it was all delivered at the highest affordable housing percentage on site of 30%, this would only deliver 93 dwellings per annum. A shortfall of 270 dwellings even in the unlikely maximum scenario of affordable delivery in the plan. Therefore, if the plan is adopted in 2025 and runs to 2040, that is 15 years of under delivery, totalling approximately 4,000 dwellings, even in the maximum percentage delivery scenario.

6.49 In paragraph 8.50 the Council state that they do not consider an uplift necessary due to them taking positive steps to deliver affordable housing through South Tyneside Homes. However, there is no evidence provided to demonstrate sufficient affordable delivery through this channel to make up this significant shortfall.

6.50 This is going to become particularly significant in the higher value areas of the southeast, in Boldon, Cleadon and Whitburn, where the allocations of GA2, GA4, GA5 and GA6 equate to 593 dwellings, which if all delivered at 30%, will deliver a total of 178 affordable dwellings across the whole plan period.

6.51 This is clearly not addressing the housing needs of those areas in the SHMA and assisting in working age population getting on the property ladder or staying in these areas, which is highlighted by Map 2.3 of the SHMA which shows the geodemographic of this area to be for the majority Older Families & Couples and Elders in Retirement. And as further highlighted by map 3.2 of the SHMA this area already has some of the highest median price properties in the Borough.

6.52 Persimmon believe that instead of trying to deliver affordable in these areas through artificially increasing the percentage of affordable housing on a limited number of allocations, which could impact the overall developability of the developments themselves. The more positive approach and therefore in accordance with NPPF is to have more housing allocations in these areas to address the housing market need.

Policy 19: Housing Mix

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

6.53 Persimmon Homes have no real issues with the housing mix policy, other than clarity is sought over the definition of "accessible to all" in part 2iv of the policy. It is Persimmon Homes' view that this could be interpreted as M4(3) dwelling, when it is assumed not due to the policy wording in policy 20.

Policy 20: Technical Design Standards for New Homes

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

6.54 Persimmon consider that flexibility is added into Part 1 of the policy to allow for site specific factors such as vulnerability to flooding, site topography, and other circumstances.

6.55 Furthermore, M4(3) (Category 3: Wheelchair user dwellings) need would need to be evidenced.

Policy 35: Delivering Biodiversity Net Gain

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

6.56 Persimmon Homes consider that in order to be positively planned the policy on needs to state that Biodiversity Net Gain (BNG) shall be secured and delivered in accordance with the statutory framework.

Policy 47: Design Principles

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

6.57 Persimmon Homes understand the need to be reflective of local character. However, flexibility needs to be built into this policy which allows for dwellings which bring alternative design to an area.

6.58 In part 6 of the policy, it is not fully understood what is meant by good quality internal environments, and what this entails. Furthermore, there is no detail as to what would quantify as harm to amenity in terms of overlooking.

Policy SP26: Delivering Sustainable Transport

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

6.59 Part 4 requires all new residential development to be within 400m from a bus stop, however, this distance has only ever been considered a guidance from the CIHT Planning for Walking document March 2015, and should be given flexibility. There are often cases where new residential developments fall outside of these areas, or the whole development site is not wholly within 400m, however, through improvements to pedestrian infrastructure and incentives can be made just as sustainable.

6.60 Given the uncertainty of bus services at this present time and the ability to divert existing routes or expense of creating a new one, it is not considered the plan would be positively prepared by restricting new development to an artificial walking limit and flexibility should be added.

6.61 Furthermore, there are some housing allocations which are not located in areas served by Metro Stations, it is therefore not understood how they can demonstrate opportunities to improve accessibility to Metro Stations. Again flexibility needs adding to this to state where appropriate.

Policy 52: Safeguarded Land for Metro and Rail

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

6.62 Again, this comes down to an issue over the policy map legibility, it is very difficult to identify the proposed locations of the safeguarded metro and rail land.

Policy 58: Implementation and Monitoring

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

6.63 Persimmon Homes echo the comments raised by the HBF in that the action points are not positive prepared. As highlighted earlier in this document, Persimmon Homes consider there to be little flexibility in the housing numbers coming forward in this plan, so it is not understood how a review of allocations would resolve under delivery in a timely manner. This will require a plan review. A far more positive approach is to have a policy which allows unallocated sites in sustainable locations to come forward to provide a quicker response to under delivery. The LPA already has problems with a lack of housing delivery to meet a 5-year housing land supply and requires on all allocations to come forward in a timely manner to get back into a positive position, however, as seen in Persimmon Homes' experience there are regular delays to planning permissions and seeing development on site. Therefore, it is likely that persistent under delivery will continue.

7.0 Summary

7.0 It is Persimmon Homes' view that the Sustainability Appraisal lacks ambition in the growth options discussed. There is no consideration for the potential a new settlement which is a key consideration in paragraph 74 of the NPPF.

7.1 The housing requirement relies largely on allocations; however, the allocations only just cover the required need. There is no flexibility for under delivery or failure to, which will almost certainly happen. This therefore conflicts with paragraph 16 of the NPPF in that it is not positively prepared. It is also contradictory to paragraph 86 of the NPPF in that the plan lacks flexibility to accommodate needs not anticipated and enable rapid responses to changes in economic circumstances.

7.2 Persimmon are pleased to see a large allocation being promoted, however, there are questions over its estimated start date for deliverability and build out rates, including:

- Potential issues over access;
- Large scale junction improvements on the strategic road network;
- Biodiversity Net Gain;
- Number of developers required for estimated delivery rates in SHLAA.

7.3 This all adds uncertainty over the deliverability timeframe of the plan, and due to the lack of flexibility, could put serious question marks over the housing trajectory and housing land supply within the plan period, potentially leading to a plan review being required at an early stage

7.4 It is well acknowledged that the Borough has a significant portion of Green Belt land, which potentially limits growth opportunities. However, the lack of safeguarded land, as specified by paragraph 148 of the NPPF when defining Green Belt boundaries, means that the LPA will be restricted in where they can address any shortfall and likely require a further review of Green Belt Boundaries in any event upon the next plan review. Therefore, the Local Plan at present does not accord with paragraph 148 of the NPPF in that they cannot guarantee the permanence of the Green Belt boundaries or demonstrate that they will need to be altered at the end of the plan period.

7.5 It is acknowledged by South Tyneside Council that neighbouring LPAs are unable accommodate housing numbers from the borough, both Gateshead and Sunderland have green belt constraints themselves, so this is understandable.

7.6 Gateshead has had persistent issues with housing delivery during their plan period, due to Green Belt constraints which in Persimmons view have not been properly addressed, consistently relying on smaller brownfield sites which have had either technical constraints or viability issues, or in many cases both. However, Sunderland undertook a large Green Belt release strategy and are successfully delivering their housing requirement. Furthermore, they allocated a large area of Safeguarded land, which gives them flexibility in the forthcoming plan review which they are undertaking shortly. It is Persimmon's view that South Tyneside should follow the example set by Sunderland Council in their plan preparation as this also accords with the requirements of the NPPF.

8.0 FUTURE ENGAGEMENT

8.0 Persimmon Homes trust that the Council finds this representation useful in its preparation to the Local Plan, we would be happy to discuss anything within this document in further detail or assist in further discussions later down the line.

8.1 Persimmon Homes would like to be kept informed of all forthcoming consultations upon the Local Plan and Associated Documents.

Persimmon

Together, we make your home

RE: Local Plan Representations - Land at Durham Drive, Fellgate

[redacted]

Sat 3/2/2024 10:35 AM

To:Local Plan <[redacted]
Cc:Andrew Incl[redacted]

1 attachments (447 KB)

Planning Reps - 02.03.24 - FINAL.pdf;

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Dear Sirs

Please find attached representation in relation to my client's land. We would welcome a meeting to discuss the site further.

We look forward to hearing from you in due course.

Kind Regards

Helen Russell MRICS

Development Director

H&H Land & Estates

[redacted]

Introduction

1.1 William Leech Investments Limited are pleased to submit representations in respect of Policy SP8: Fellgate Sustainable Growth Area relative to the consultation of the South Tyneside Publication Draft Local Plan 2023 – 2040.

1.2 We (William Leech Investments) are a landowner with holdings at Fellgate (see Appendix A for ownership plan). Our representations reflect our interest in the land and its surrounding area to ensure the future development intended to come forward under 'Policy SP8: Fellgate Sustainable Growth Area' is appropriately planned. Despite owning a significant and important part of the site we have not been invited to take part in discussions with the Council regarding the use of this land. Going forward, we would like to be informed and engage in such discussions to ensure that the interests of all parties are accounted for.

1.3 We would like to understand the evidence base behind the distribution of uses within the site and the role that our land can play as part of the development. The comments here relate primarily to Policy SP8: Fellgate Sustainable Growth Area and its accompanying evidence base including the Site Capacity and Opportunities Paper (2024) and include additional policies related to Fellgate and housing delivery. These representations are provided in order to assist South Tyneside Council with ensuring that the emerging Local Plan meets the tests of soundness as set out in the NPPF.

1.4 Set out below is our commentary on the Local Plan and its relevant policies.

Vision

1.5 Objective 5 is supported. Encouraging a supply and choice of new high-quality homes throughout South Tyneside which meets the needs of existing residents and those wishing to move to the area whilst incorporating different housing types and tenures (including affordable housing) is a vision we would like to emulate through the development of our land.

Policy SP2 – Strategy for Sustainable Development to meet identified needs

Do you support Policy SP2?

~~Yes~~/No

Comments

1.6 Although generally supportive of Policy SP2, we consider that changes are required to ensure its wording remains consistent with National Planning Policy as set out within the National Planning Policy Framework (NPPF, September 2023[1]).

[1] National Planning Policy Framework, September 2023

1.7 The housing requirement has been reduced from the Regulation 18 stage to the current consultation: previously at 5,778 dwellings (321 per annum) it is now at 5,253 dwellings (309 per annum). The loss in housing numbers is considered significant particularly given the context of the amended Plan period which is now 2023 – 2040 (previously 2021 – 2039) decreasing the length of the plan from 18 to 17 years and thereby an effective loss of 1 years' worth of housing.

1.8 The current consultation figure of 309 dwellings per annum is a result of the Local Housing Needs Assessment (LHNA) undertaken by the Council which utilises the Standard Method. The PPG sets out the method for calculating the minimum local housing need figure (ID:2a-004-20201216): here, the Standard Method identifies a minimum local housing figure of 305 dwellings per annum, lower than the consultation figure (the use of 2014 data for the 2022-23 period in the Strategic Housing Market Assessment (SHMA) is to account for this).

1.9 The PPG (ID: 2a-010-20201216) identifies a number of circumstances where it might be appropriate to plan for a housing need figure that is higher than the SM. These circumstances include, (1) where there are growth strategies for the area, (2) where there are strategic infrastructure improvements, (3) where an authority is taking unmet need from a neighbouring authority, and (4) where previous levels of housing delivery, or previous assessments of need, are significantly greater than the outcome from the standard method.

1.10 Whilst the standard method figure is higher than housing need, this is marginal; propagated over the 17-year period of the local plan, delivery equates to a surplus of 68. The PPG identifies circumstances in which it is appropriate for housing need to be greater than standard method including where this has been identified by assessments and previous levels of delivery (criterion 4). Paragraphs 2.6 – 2.8 of the plan set out the changing demographic difficulties faced by South Tyneside, supporting our argument that it should deliver a number homes greater than the minimum requirements. Those difficulties include a declining working age population, increasing aging population (65+), and greater pressure on the local economy for its delivery of services. In order for the plan to achieve its objectives, an appropriate amount of housing delivery is required.

1.11 Having regard to the broader issue of releasing land from the Green Belt to meet identified needs, it is acknowledged that a wider trend in housing delivery exists across South Tyneside. The 2022 Housing Delivery Test (HDT) demonstrates that over the last three years (2019 – 2022 period) a total shortfall of 243 dwellings is accounted for when comparing housing delivery to requirement. Given this, the need to bring forward a sufficient supply of housing is paramount with the release of land from the Green Belt serving as the key mechanism to achieve this.

1.12 On this basis, it is considered that the plan fails to demonstrate a supply that would be wholly robust to ensure sufficient delivery across the duration of its period and further evidence to ensure an uplift over and above the number identified through the Standard Method is required. Notably, greater emphasis will be put on the delivery of housing allocations including the release of Green Belt land which will have to be effectively developed to maximise housing delivery.

Policy SP3 – Spatial Strategy for Sustainable Development

Do you support the Policy?

1.13 Yes/~~No~~

Comments

1.14 We encourage and support criteria 4 and 5 of Policy SP3 regarding the amendments to the Green Belt boundary to allocate Sustainable Growth Areas and the creation of a new sustainable community within the Fellgate

Sustainable Growth Area. Notwithstanding this however, we consider under Paragraph 35 of the NPPF Policy SP3 is not sound on the basis it is not positively prepared, justified, or effective for the reasons set out below.

1.15 The Plan has recognised the land south of Fellgate as an opportunity for sustainable development to deliver approximately 1,200 new dwellings. The South Tyneside Green Belt Study (2023) has determined the most appropriate boundary to accommodate a new sustainable community and explores opportunities for mitigation and compensatory improvements. Whilst we agree with the principle of releasing our land from the Green Belt through the Fellgate Sustainable Growth Area, we hold concerns regarding inconsistencies between the study and subsequent supporting documents for its release set out in further detail below.

1.16 The study acknowledges that a Local Wildlife Site exists immediately west of our land which does not fall within our boundary. Subsequent documents[2] prepared for Fellgate Sustainable Growth Area indicatively present this Local Wildlife Site as a wider area of open space which includes our land. As identified in the Green Belt Study, we consider our land sits independently from this local wildlife area and thereby should not be classified within the same blanket coverage of open space. As aforementioned, there is an obligation to ensure the efficient delivery of Green Belt land to meet housing delivery which includes maximising its utilisation for residential development where possible.

Policy SP8: Fellgate Sustainable Growth Area

Do you support the Policy?

1.17 Yes/~~No~~

Comments

1.18 We are generally supportive of Policy SP8 and its ambition to release land from the Green Belt to bring forward residential development. We do however hold concerns regarding the scope of the development across the allocation and the indicative layouts which have been prepared. Given this, under Paragraph 35 of the NPPF, Policy SP8 is not justified or effective for the reasons set out below.

1.19 A Site Capacity and Opportunities Paper (2024) forms part of the evidence base for the allocation. Whilst largely in support of this document and its ambitions to see Fellgate developed, we hold reservations regarding the extent of the developable area proposed which currently indicate our land is to come forward as open space; in the context of the above and as set out below, we do not consider this to be appropriate.

1.20 The land is suitable for residential development and is a logical extension of the existing residential built form of Fellgate east. It maintains strong transport links with an existing bus stop directly adjacent and the A194 north which is part of the strategic road network for the area. As identified within the Paper, the most appropriate area for higher densities will be *"close to local services, public transport stops and existing development"* - a trio our land achieves.

1.21 The land currently forms part of an indicative blanket area of open space/natural green space which includes a proposed cycle network that retains the existing ponds on site. The layouts however do not take account of the merit of our land (and its opportunities for development) and instead associate it as part of an existing local wildlife site (as identified within the Green Belt Study (2023)) where in fact the land sits independently to this and is associated only by way of its boundary relationship. The layout also differs and fails to take account of the

[2] SP8 Fellgate Sustainable Growth Area Site Capacity and Opportunities Paper (2024)

constraints identified in the Site Frameworks Document (2022)[3] with the Wildlife Corridor and noise from the A194 not wholly considered.

1.22 The land does not hold any features (such as ponds) which would immediately prohibit an opportunity for its development. The proposed cycle connection along the northern boundary could be incorporated into a scheme together with a pedestrian network providing access to the open space to the west and areas beyond. Green infrastructure could also be incorporated through a buffer to the north which would mitigate noise from the A194.

1.23 The open space corridor which follows the form of the existing powerline and pylons as shown on the Indicative Layout Plan differs from the Net Developable Area Plan. Here, an easement (serving as a buffer) is shown alongside the pylons but does not show this area as open space on the Developable Area Plan. Furthermore, the plan identifies a large area of protected open space within the Green Belt which is not incorporated into the indicative layout; the Opportunities Plan identifies 'views over the green space' from this southern boundary but does not incorporate any green space in this area. There is an opportunity to incorporate green space here (or low-density housing amongst green space) which would align with the constraints and opportunities of the wider site and compensate for developing our land for housing. Here, there would also be an opportunity to provide a pathway/corridor which connects to the proposed corridor along the pylons.

1.24 There are several high-density parcels identified on the layout which do not serve their purpose as defined in the Paper (quoted above) including, amongst those, being well related to existing development. Our land would serve as a logical form of development and be well related to the existing form of Fellgate; given this, it should be utilised effectively to serve the purposes of the allocation. Going forward, we welcome discussions with the Council and the development of our land for housing to achieve effective delivery of the strategic allocation and address issues of housing need.

[3] South Tyneside Site Frameworks 2022

Ownership Plan

LP1966 - NHS Property Services Ltd

South Tyneside LP Publication Draft - NHSPS Response March 2024

[redacted]

Fri 3/1/2024 12:34 PM

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

Cc: [redacted]

1 attachments (199 KB)

South Tyneside LP - NHSPS Response March 2024.pdf;

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Good afternoon,

Thank you for the opportunity to respond to the South Tyneside Local Plan – Publication draft consultation.

Attached are the comments submitted by NHS Property Services (NHSPS).

If you could kindly provide confirmation these comments have been received, that would be greatly appreciated.

Should you have any questions, please do let me know.

Kind regards
Hyacynth

Hyacynth Cabiles | Graduate Town Planner

NHS Property Services Ltd

[redacted]

-

www.property.nhs.uk | @NHSProperty

Customer Service Centre: T: [redacted] **| E** [redacted]

connect.property.nhs.uk

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NHS
Property Services

South Tyneside Council
Economic Regeneration – Development Services
Town Hall & Civic Offices
Westoe Road, South Shields
Tyne & Wear, NE33 2RL
Local.Plan@southtyneside.gov.uk

town. [redacted]

1st March 2024

BY EMAIL ONLY

RE: Consultation on the South Tyneside Publication draft Local Plan

Thank you for the opportunity to comment on the above document. The following representations are submitted by NHS Property Services (NHSPS).

NHS Property Services

NHS Property Services (NHSPS) manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare environments. We partner with local NHS Integrated Care Boards (ICBs) and wider NHS organisations to help them plan and manage their estates to unlock greater value and ensure every patient can get the care they need in the right place and space for them. NHSPS is part of the NHS and is wholly owned by the Department of Health and Social Care (DHSC) – all surplus funds are reinvested directly into the NHS to tackle the biggest estates challenges including space utilisation, quality, and access with the core objective to enable excellent patient care.

General Comments on Health Infrastructure to Support Housing Growth

The delivery of new and improved healthcare infrastructure is significantly resource intensive. The NHS as a whole is facing significant constraints in terms of the funding needed to deliver healthcare services, and population growth from new housing development adds further pressure to the system. New development should make a proportionate contribution to funding the healthcare needs arising from new development. Health provision is an integral component of sustainable development – access to essential healthcare services promotes good health outcomes and supports the overall social and economic wellbeing of an area.

Residential developments often have very significant impacts in terms of the need for additional primary healthcare provision for future residents. Given health infrastructure's strategic importance to supporting housing growth and sustainable development, it should be considered at the forefront of priorities for infrastructure delivery. The ability to continually review the healthcare estate, optimise land use, and deliver health services from modern facilities is crucial. The health estate must be supported to develop, modernise, or be protected in line with integrated NHS strategies. Planning policies should enable the delivery of essential healthcare infrastructure and be prepared in consultation with the NHS to ensure they help deliver estate transformation.

Detailed Comments on Draft Local Plan Policies

Our detailed comments set out below are focused on ensuring that the needs of the health service are embedded into the Local Plan in a way that supports sustainable growth. When developing any additional guidance to support implementation of Local Plan policies relevant to health, for example in relation to developer contributions or health impact assessments, we would request the Council engage the NHS in the process as early as possible.

Policy 1 Promoting Healthy Communities

Policy 1: Promoting Healthy Communities looks to improve the health, wellbeing and quality of life for residents in South Tyneside, which includes requiring the submission of a Health Impact Assessment (HIA) for certain developments. Identifying and addressing the health requirements of existing and new development is a critical way of ensuring the delivery of healthy, safe, and inclusive communities. NHSPS welcomes and supports the requirements for an HIA on significant residential developments of 100 dwellings or more.

Policy 5 Reducing energy consumption and carbon emissions

Policy 5: Reducing energy consumption and carbon emissions seeks to ensure carbon reduction measures are incorporated in all developments and supports developments which achieves zero carbon. The NHS requires all new development projects to be net zero carbon, and NHSPS fully support policies that promote carbon neutral development. In considering the implementation of policies related to net zero, we would highlight that NHS property could benefit from carbon offset funds collected where on-site carbon mitigation requirements cannot be met. This would support the NHS to reach the goal of becoming the world's first net zero healthcare provider.

Policy 18 Affordable Housing

In support of the principle of affordable housing provision, we further recommend that as part of implementing Policy 18: Affordable Housing, the Council consider the need for affordable housing for NHS staff and those employed by other health and care providers in the local authority area. The sustainability of the NHS is largely dependent on the recruitment and retention of its workforce. Most NHS staff need to be anchored at a specific workplace or within a specific geography to carry out their role. When staff cannot afford to rent or purchase suitable accommodation within reasonable proximity to their workplace, this has an impact on the ability of the NHS to recruit and retain staff.

Housing affordability and availability can play a significant role in determining people's choices about where they work, and even the career paths they choose to follow. As the population grows in areas of new housing development, additional health services are required, meaning the NHS must grow its workforce to adequately serve population growth. Ensuring that NHS staff have access to suitable housing at an affordable price within reasonable commuting distance of the communities they serve is an important factor in supporting the delivery of high-quality local healthcare services. We recommend that the Council:

- Engage with local NHS partners such as the local Integrated Care Board (ICB), NHS Trusts and other relevant Integrated Care System (ICS) partners.
- Ensure that the local need for affordable housing for NHS staff is factored into housing needs assessments, and any other relevant evidence base studies that inform the local plan (for example employment or other economic policies).

- Consider site selection and site allocation policies in relation to any identified need for affordable housing for NHS staff, particularly where sites are near large healthcare employers.

Policy 47 Design Principles

Policy 47: Design Principles sets out the Council's commitment to making sure that new developments are well-designed to foster healthy communities. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

Policy 50 Social and Community Infrastructure

Points (1.) and (2.) of Policy 50: Social and Community Infrastructure focuses on the provision of new community facilities and will support proposals which seek to ensure identified needs for community infrastructure are being met. Point (3.) of Policy 50 seeks to protect existing community infrastructure and sets out the criteria required to be satisfied for the loss of a community facility or service to be supported.

NHSPS supports the provision of sufficient, quality community facilities but does not consider the proposed policy approach to be positively prepared or effective in its current form where it pertains to the loss of community facilities or services under point (3.). Where healthcare facilities are included within the Local's Plan definition of community facilities, policies aimed at preventing the loss or change of use of community facilities and assets can potentially have a harmful impact on the NHS's ability to ensure the delivery of essential facilities and services for the community.

The NHS requires flexibility with regards to the use of its estate to deliver its core objective of enabling excellent patient care and support key healthcare strategies such as the NHS Long Term Plan. In particular, the disposal of redundant or no longer healthcare suitable sites and properties for best value (open market value) is a critical component in helping to fund new or improved services within a local area. Requiring NHS disposal sites to explore the potential for alternative community uses and/or to retain a substantial proportion of community facility provision adds unjustified delay to vital reinvestment in facilities and services for the community.

All NHS land disposals must follow a rigorous process to ensure that levels of healthcare service provision in the locality of disposals are maintained or enhanced, and proceeds from land sales are re-invested in the provision of healthcare services locally and nationally. The decision about whether a property is surplus to NHS requirements is made by local health commissioners and NHS England. Sites can only be disposed of once the operational health requirement has ceased. This does not mean that the healthcare services are no longer needed in the area, rather it means that there are alternative provisions that are being invested in to modernise services.

Where it can be demonstrated that health facilities are surplus to requirements or will be changed as part of wider NHS estate reorganisation and service transformation programmes, it should be accepted that a facility is neither needed nor viable for its current use, and policies within the Local Plan should support the principle of alternative uses for NHS sites with no requirement for retention of a community facility use on the land. To ensure the Plan is positively prepared and effective,

NHSPS are seeking the following modification (*shown in italics*) to Policy 50 to make specific reference to healthcare facilities.

Proposed Modification to Point (.3) of Policy 50:

"3. Development which would lead to the loss of community facilities and community services, including public houses, will not be supported unless proposals demonstrate that:

i Through a robust viability statement, that retention of the existing use would not be economically viable; and

ii. The proposal would provide an alternative use which is demonstrably of equivalent value to the local community.

4. Where healthcare facilities are formally declared surplus to the operational healthcare requirements of the NHS or identified as surplus as part of a published estates strategy or service transformation plan, the requirements listed under Part 3 of the Policy will not apply."

Policy 59 Delivery Infrastructure and Policy 60 Developer Contributions, Infrastructure Funding and Viability

Together, Policy 59 and Policy 60 set out the approach to ensuring that new development provides or contributes towards provision of measures that mitigate the impacts of the development and contribute towards the delivery of essential infrastructure identified in the Infrastructure Delivery Plan (IDP). We note that health is included in the IDP as essential infrastructure and welcome the recognition in the IDP that Section 106 contributions should be linked to the Primary Care Network (PCN) geography rather than individual practice buildings as this will ensure that the ICB has flexibility in determining the most appropriate means of meeting the relevant healthcare needs arising from a new development.

Supporting paragraph 16.10 to Policy 60 states that where there are evidenced viability challenges that the council will need to consider its priorities in selecting the infrastructure for which contributions should be sought. The provision of adequate healthcare infrastructure is in our view critical to the delivery of sustainable development. In areas of significant housing growth, appropriate funding must be consistently leveraged through developer contributions for health and care services to mitigate the direct impact of growing demand from new housing. Given health infrastructure's strategic importance to supporting housing growth and sustainable development, it should be given a significant amount of weight in decision-making and identified as high priority infrastructure in the supporting text.

Implementation of the policy is to be supported by the Planning Obligations SPD. To support effective implementation of Policies 59 and 60, we recommend the council update the SPD to set out the process to determine the appropriate form of developer contributions to healthcare. This would ensure that the assessment of existing healthcare infrastructure is robust, and that mitigation options secured align with NHS requirements. Additionally, the supporting text to Policy 59 (or alternatively Policy 50: Social and community infrastructure) should emphasise that the NHS and its partners will need to work with the Council in the formulation of appropriate mitigation measures.

NHSPS recommends that the Council continue its engagement with the Integrated Care Board (ICB) to add further detail within the IDP and Planning Obligations SPD regarding the process for determining the appropriate form of contribution towards the provision of healthcare infrastructure where this is justified. As a starting point, we suggest the following process:

- Assess the level and type of demand generated by the proposal.
- Work with the ICB to understand the capacity of existing healthcare infrastructure and the likely impact of the proposals on healthcare infrastructure capacity in the locality.
- Identify appropriate options to increase capacity to accommodate the additional service requirements and the associated capital costs of delivery.
- Identify the appropriate form of developer contributions.

Where new developments create a demand for health services that cannot be supported by incremental extension or internal modification of existing facilities, this means the provision of new purpose-built healthcare infrastructure will be required to provide sustainable health services. Options should enable financial contributions, new-on-site healthcare infrastructure, free land/ infrastructure /property, or a combination of these. It should be clarified that the NHS and its partners will need to work with the council in the formulation of appropriate mitigation measures.

Site Allocations

NHSPS currently own the freehold to Monkton Hall Hospital, Monkton Lane, Monkton, Jarrow NE32 5NN (the "Site") (below). Under the adopted Local Plan Site Specific Allocations (2012) document, Monkton Hall Hospital (site 'a') is allocated under Policy SA9 (Cxii) for the delivery of 10 dwellings. This allocation has not been built out, nor carried forward within the Draft Local Plan.

The Site is due to become surplus to requirements, and we confirm redevelopment for residential use on the Site is going to be pursued. We therefore request re-allocation of the Site within the emerging Local Plan.

We request the Council to include both Monkton Hall (site 'a') and the occupational therapy building (site 'b') in an allocation within the emerging Local Plan as these buildings will become surplus to NHS requirements and can therefore contribute towards the Council's housing delivery targets. In terms of anticipated development quantum, the current allocation on only the Monkton Hall building proposes 10 dwellings. Noting that architectural feasibility work has not yet been undertaken, at this stage we would suggest an indicative capacity of 20 dwellings would be reasonable for an allocation that covers both site 'a' and 'b' shown above. Noting that the emerging Draft Local Plan includes policies on design, density, and housing mix, we consider it suitable that the draft Strategic Allocations section sets out that capacity is indicative. This will ensure that development comes forward which makes best use of land through a design led approach, with the ability to address other emerging policies and balance any relevant site-specific considerations.

As Monkton Hall and the occupational therapy building are due to become surplus to requirements, there is a realistic prospect that housing will be delivered within five years, meeting the NPPF definition of 'deliverable' for the purposes of inclusion within a five-year housing supply. We consider residential redevelopment of Monkton Hall and the occupational therapy building will assist the Council in increasing its 5-year housing supply position, which we currently understand to be 3.2 years, and it's Housing Delivery Test position, which was 72% in 2023. NHSPS would therefore welcome the inclusion of an allocation for the Sites for residential development and we would be happy to discuss wording of the allocation should the Council be minded to include this in the Draft Local Plan.

Conclusion

NHSPS thank South Tyneside Council for the opportunity to comment on the Publication draft Local Plan. We trust our comments will be taken into consideration, and we look forwarding to reviewing future iterations of the plan. Should you have any queries or require any further information, please do not hesitate to contact me.

Yours faithfully,

Hyacynth Cabiles
Town Planner
[redacted]
For and on behalf of NHS Property Services Ltd

LP1967 - Port of Tyne

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

[redacted]

Fri 3/1/2024 9:24 AM

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

[redacted]

1 attachments (395 KB)

L001 Written Reps (March 2024 - FINAL).pdf;

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Good morning,

Please see attached our written representations on behalf of the Port of Tyne, in response to the consultation on the Regulation 19 publication draft Local Plan.

I would be grateful if you could confirm receipt of this email and the attached letter.

Kind regards,

Joe Kirtley - Assistant Planner

[redacted]

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Spatial Planning
Development Services
Regeneration and Enivornment
South Tyneside Council
Town Hall
Westoe Road
South Shields
NE33 2RL

Ref: LF/JK/L001/4771NE

Date: 1st March 2024

Dear Sir/Madam,

South Tyneside Draft Local Plan 2023 to 2040

These representations are submitted on behalf of the Port of Tyne (the 'Port'), to South Tyneside Council (the 'Council') in response to the consultation on the South Tyneside Draft Local Plan (STDLP).

The Port owns large areas of land along the north and south banks of the River Tyne, and as such is a key stakeholder and has a warranted interest in the outcome of the Local Plan and the future of South Tyneside. The Port of Tyne is one of the UK's major deep seaports, and consequently is a vital trading gateway between six continents. In recent times, the Port have diversified, and currently operate five core business areas (car exports, conventional and bulk cargo, cruise/ferry, estates and logistics) into the offshore and renewables sector. This includes the delivery of a 'Clean Energy Park' at Tyne Dock, South Shields Equinor and SSE Renewables, the two companies behind the world's biggest offshore wind farm Dogger Bank, building a new Operations and Maintenance (O&M) Base at the Park.

The Port is committed to engaging in consultation at every stage of the Local Plan's preparation in view of its interests in the Borough, and principally supports the Councils vision, however, has the following comments to make.

The Soundness of the Plan

Paragraph 35 of the National Planning Policy Framework (NPPF December 2023) states that Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, considering the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Our client considers the STDLP to be sound, on the basis that the Council has taken a generally positive approach to economic development and addressing key employment issues that relate to the Port of Tyne's activities and requirements. However, the Port does consider that the role of the Port could be further advocated within the Spatial Vision and Strategic Objectives.

Introduction

The support for the contribution of Port of Tyne to the economic strength of the Borough as identified within the introductory pages to the STCDLP and with reference to the work of the Local Economic Assessment (2022) (LEA) that found evidence of clear strengths in both the advanced manufacturing and energy/offshore wind sectors (para 2.40) is very much welcomed by the Port.

Likewise, reference to the Port of Tyne at paragraph 2.42 is welcomed and the recognition of its role within the offshore wind supply chain, including as the operations base for Dogger Bank wind farm.

It is noted that Map 1, Key Diagram, identifies the Port of Tyne and former McNulty's Yard for 'Port and River Related Employment' and sets the context for the Spatial Vision, Objectives and policies within the Plan. This allocation is not, however, fully reflected on the Draft Local Plan Policies Map, which excludes a small area to the north east from the area identified for 'Port and River Related Development' (draft policies SP17, SP19 and Policy 22). The Port, therefore, requests that the Draft Policies Map is revised to reflect the Key Diagram on pages 14 and 15 of the Draft Plan and Map 24 (Port of Tyne Available Sites).

Spatial Vision and Strategic Objectives

In view of the introductory section to the draft Plan the Port requests acknowledgement of its role and contribution within the Spatial Vision at pages 25 to 27, reflecting the paragraphs referred to above.

Furthermore, Strategic Objective 6 is understood to generally relate to the promotion of economic growth within South Tyneside during the Plan period. The Port, however, request that a new sub header is created, called 'Port and River related activity' to more appropriately reflect the provisions of SP3: Spatial Strategy for sustainable development.

Policy SP2: Strategy for Sustainable Development to meet identified needs

Whilst the Port supports the criteria within Policy SP2 as drafted, including enhancing existing economic strengths by delivering 49.41 ha of land for economic development, it is keen to understand the implications of the Employment Land Review 2023 on the Draft Local Plan and how the 49.41 ha figure under Policy SP2 has been informed.

The ELR, as acknowledged in the Draft Plan, recognises the Port of Tyne's intrinsic value as an employment land asset, with it being selected as the Operations and Maintenance Base for Dogger Bank (the world's largest offshore wind farm). The importance of sites at the Port of Tyne and along the riverside was identified by stakeholders, including the difficulty in re-providing such sites once the supply has been exhausted.

The ELR 2023 provides the number of years' supply of available employment land, assessing 14 general employment sites and 12 specialist employment sites. 4 were excluded from further analysis, leaving 22 available employment sies providing an estimated net developable area of 101.32 ha. Nine of the 12 specialist employment sites were identified at the Port of Tyne, providing a total net area of 25.38 ha specialist employment land, approximately a quarter of the total 101.32 ha developable sites.

A full list of the sites identified is provided at page 55 of the ELR 2023, and a screenshot from the Employment Sites 1 Map (2023) is shown below, with the specialist employment sites highlighted in red:

Employment Sites 1 Map from Employment Land Review 2023

In the ELR 2023, using Council data (supplemented and verified by their own research), LSH has identified take-up of employment land on a site-by-site basis for the period 2000-2021. Take up for specialist uses is stated separately and over the period 2000-2021, all take up for specialist uses has occurred within the Port of Tyne estate.

The conclusions of the ELR 2023 find that within the Port of Tyne, an implied supply of 16 years is broadly appropriate for the proposed plan period, and highlights that *'as a trust port that is required to reinvest its income, the Port has a proactive approach to site preparation and infrastructure provision which has enabled a remodelling of its landholdings to meet occupier requirements. The fact that much of the land is required for external storage means that development viability is less of a constraint'* under paragraph 6.74.

The Port is investing heavily in converting quayside and landside infrastructure to support the off shore wind market including investment at Tyne Renewables Quay. Demand from these uses is high for large areas of land, the result being that land availability is at a premium and this is expected to remain the case going forward.

Given the scale and weight of the off shore infrastructure stored and constructed the Port of Tyne has and continues to invest in its existing land holdings to support and attract operators. Rationalisation of existing uses on site is also taking place to make further space available for off shore infrastructure. The point made at paragraph 6.74 of the ELR is not, therefore, accurate as it relates to general storage and is not reflective of the Port's diversification into the off shore market.

Policy SP3: Spatial Strategy for sustainable development

This policy extends on the overall employment aims set out in policy SP2, with criteria 7 setting out economic development will be prioritised in designated Employment Areas, including the Port of Tyne, recognising the strategic sites accessibility through a range of transport modes. The priority given to the Employment Areas is supported by the Port.

Policy SP10: South Shields Riverside Regeneration Area

The policy extends to Holborn Middle Dock, and Windmill Hill with criteria 1 setting out support for the development of Holborn Middle Dock and Windmill Hill.

'Holborn Middle Dock and Windmill Hill will deliver a mixed use residential (approximately 299 homes) and office development. Development proposals shall include the creation of a new promenade that allows public access to the riverside area.'

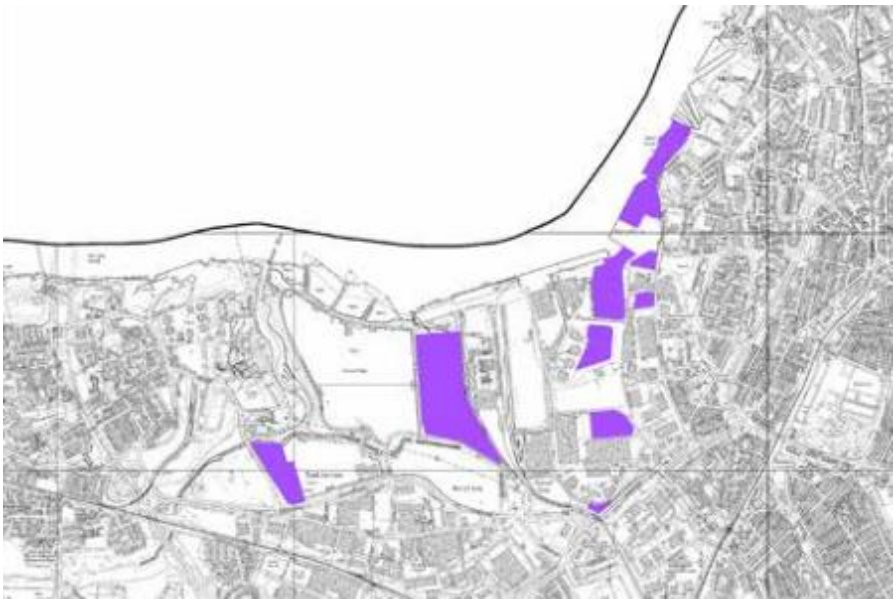
Map 10 from Draft Local Plan: South Shields Riverside Regeneration Area

The Port has been consistent in its opposition to the introduction of residential development to Windmill Hill and wrote in objection to planning application reference ST/0245/21/FUL that was subsequently granted at Planning Committee on the 22nd November 2021 for circa 350 homes, including detailed consent for 48 dwellings. The Draft Local Plan is still proposing an allocation of 299 homes at Holborn Middle Dock and Windmill Hill, in line with the extant hybrid planning permission, and to which the Port of Tyne continues to have significant concerns given the relationship to its landholdings and operations.

The Port's principle concern is the impact that residential development will have on its operations at Tyne Dock Enterprise Park. The Port again requests that South Tyneside Council gives due consideration to the interrelationship between the two land uses and that this is acknowledged within the supporting text to Policy SP10.

The Port acknowledges the removal of reference to the approximate 200,000 sq. ft of office development at Middle Dock and Windmill Hill in the previous Draft Plan given the restoration works that have now taken place at the former docks. The inclusion of reference to office or commercial space on land immediately north of the TDEP was previously intended to act as a buffer between TDEP and the regeneration of the Regeneration Area. The Port is aware that the hybrid consent does not extend to the full land allocation to include the former docks. It is, however, requested that reference is made within the draft plan at policy SP10 to the regeneration around the former docks to secure it in perpetuity and provide the buffer to the TDEP previously intended by the employment land.

Policy SP19: Provision of Land for Port and River-Related Development



Map 24 Port of Tyne available sites

The inclusion of a Port specific policy is very much welcomed by the Port of Tyne that has been lobbying South Tyneside Council for the inclusion of such a policy within the Local Plan for a number of years, so reflecting the approach of other authorities, including Sunderland. The inclusion of 'green technologies' within the definition of uses that will be supported as part of Policy SP19 is also welcomed. The Port also welcomes the acknowledgement of its Permitted Development rights with regards port related development for land within its ownership at paragraph 9.17.

The information contained at the table that supports the policy is endorsed by the Port in that a total of 141.3 hectares of land is currently within use within the Tyne Dock estate with a total of 25.38 hectares available. The Port's current position is slightly revised with 24.2 hectares currently considered to be available. Further information on this point can be provided if required.

Policy 22: Protecting Employment Uses

This draft policy sets out that development within allocated Employment Areas (Policy SP19) for alternative uses will be supported in some instances where the relevant criteria is met. The Port does welcome the inclusion of the Policy and its overall aim in protecting established employment uses, but is concerned at the scope this provides for alternative uses in the Port area. The Port would therefore welcome more specific reference of the Port of Tyne within Policy 22, and the protection that should be offered to established employment uses.

Policy SP17: Strategic Economic Development

Consistent with draft policy SP19, the support for the Port of Tyne is welcomed within general economic development policy SP17, including maintenance of the 141.3 ha of land within the Borough for specialist port and river related development and the support for the Port of Tyne as an economic asset to the Borough and region, reinforced by paragraph 9.9. The Port does however question why reference to the Tyne Dock Enterprise Park is not included as part of Policy SP17 or in the supporting text and would request that reference is added.

Draft Policies Map

The port previously requested revisions to the Draft Local Plan Policies Map to include Tyne Dock Enterprise Park (former McNulty's Yard) within the area identified for 'Port and River Related Development'. It is encouraging to see the wider Port of Tyne has been identified as land for Port and River Related Development, whilst it is noted the Tyne Dock Enterprise Park allocations have been picked up in the Employment Land Review Sites 1 document, as Specialist Employment Sites.

Therefore, whilst the Port considers the STCDLP to be sound it requests that South Tyneside Council has regard to its representations when preparing further drafts of the Plan to include.

- Reference to the role of the Port of Tyne within the Spatial Vision;
- Within Strategic Objectives 6, include reference to specific employment sectors such as Port and river related activity and advanced manufacturing.
- Within the supporting text to Policy SP7, acknowledge the relationship between Holborn Middle Docks and Windmill Hill and the Port of Tyne's existing operations;
- Include Tyne Dock Enterprise Park within the Port and River Related Development' as shown on the Draft Policies Map

We hope that the Council take into account the Port of Tyne's representations as set out above when reviewing the content of the STCDLP, and recognise the issues and opportunities identified in this representation. We request an invitation to participate in any further consultations, including at examination and are more than happy to meet with representatives in the interim to discuss the Port's concerns if this would be considered beneficial.
Yours faithfully,

Helen Marks
Director
DPP

LP1968- Network Rail

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

[redacted]

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OFFICIAL

Dear Sir or Madam,

Thank you for your recent correspondence inviting us to comment on the South Tyneside Publication Draft Local Plan.

Network Rail owns, operates and develops Britain's railway infrastructure. Our role is to deliver and maintain a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis. We have reviewed the documentation and supporting plans provided and would make the following comments and observations.

Railway Level Crossings
We do have some concerns relating to housing allocations throughout the area and the potential impact of these schemes upon operational railway safety should the sites come forward for development, particularly where they are in proximity to railway level crossings. The safety of railway level crossings and all crossing users is of paramount importance to us, and we would have concerns over any proposals that may impact on the operational safety and risk of a railway crossing.

In this instance, the South Tyneside administrative area includes several level crossings; the road crossings at Boldon Lane, Tileshed Lane and East Boldon Station, as well as Blue House Farm and Monkton footpath level crossings. It should be noted that Boldon and Tileshed level crossings are in the top three highest risk crossings on the Eastern Route, and amongst the highest risk crossings in the country due to traffic volume and crossing misuse.

It should be noted that where development comes forward in proximity to these crossings, we will be seeking funding for mitigation measures to address the safety impacts of such development. As an example of the sort of mitigation measures that may be sought, the provision of red light traffic cameras installed at the crossings would be likely to cost in the region of £300,000 (at 2024 prices).

<u>Housing Allocations</u>

SP6 Land at former Chuter Ede Education Centre
We have concerns over this allocation for a mix of extra-care residential units and residential dwellings, due to its proximity to Boldon and Tileshed Level Crossings. We note that section 5 of the policy states that the proposals must be supported by a site-specific transport assessment. Whilst this wording includes the Boldon Level Crossing, due to its proximity this should be expanded to include Tileshed Level Crossing. We assume that East Boldon Station will be included in this assessment as a 'public transport connection' referenced in the policy. Based on the outcome of this transport assessment it is highly likely that Network Rail would be seeking funding for measures to mitigate against

the increase in risk imported by this scheme. We would ask that wording to reflect this is included in the policy so that it is captured in the local plan.

SP7 Urban and Village Sustainable Growth Areas
We have particular concerns in relation to allocations GA2 (Land at North Farm) and GA4 (Land at West Hall Farm). Allocation GA2 is in very close proximity to both Boldon and Tileshed level crossings (approximately 200m away) and as stated above these are already extremely high-risk crossings and we would anticipate that further development in the area will import additional risk. Should this site come forward for development, it must be supported by a robust Transport Assessment that details the impact of this scheme upon number and type of users (for example, vehicular, pedestrian, cycle) at the crossing. Additionally, it should consider the impact on passenger numbers at East Boldon Station. Again, based on the outcome of this assessment, it should be noted that Network Rail will be seeking funding from the development for measures to mitigate the additional risk imported by the development.

Similarly with allocation GA4 this is likely to generate additional traffic over the level crossings, and in addition has the potential to generate pedestrian traffic over Blue House Farm footpath crossing. As with GA2, a robust Transport Assessment must be provided in support of the application so that Network Rail can assess the impacts of the scheme upon railway safety and where appropriate identify mitigation measures that must be funded by the scheme. It should be noted that we would be happy to explore options for the closure of Blue House Farm in connection with surrounding development if such opportunity arises. We would ask that wording to reflect the above is included in the policy relating to these allocations so that it is captured in the local plan.

SP8 Fellgate Sustainable Growth Area
We note that the proposed Fellgate Sustainable Growth Area includes a housing allocation of approximately 1,200 homes. The development is in proximity to Monkton footpath crossing. We would anticipate that this would facilitate a desire line to the nature reserve to the north of the railway and increase pedestrian use at the crossing. As with the above schemes, this proposal must be supported by a robust Transport Assessment that includes an assessment of the impact upon Monkton footpath crossing and the broader rail network in this area. Again, it is likely that Network Rail would seek funding from the developer to mitigate the impacts of the scheme upon the safety of the crossing, which would include the potential closure of the crossing should the opportunity arise to do so. We would ask that wording to reflect this is included in the policy so that it is captured in the local plan.

Policy

Policy SP26 Delivering sustainable transport
We note that in Section 2 it is stated that new development will be supported by a Transport Statement or Transport Assessment and a Travel Plan which is also reiterated in paragraph 14.14 which we are supportive of. We would state that any such documentation should also include consideration of the impact of the scheme upon operational railway level crossings and railway stations so that these impacts can be fully considered and mitigated against where appropriate.

In section 4(v) of policy SP26 we would ask that this section is amended to 'Demonstrate how they have sought to maximise opportunities to improve accessibility to Metro *and National Rail* stations'

It should be noted that Network Rail supports in principle any proposal to improve or extend Metro services. Where this impacts Network Rail infrastructure, this is subject to detailed capacity and engineering analysis and the relevant agreements being reached/entered in to.

Policy 51 Improving capacity on the road network
We note that the policy includes section 2(vii) in respect of working with Network Rail to assess the implications of full barrier operation at Tileshed and Boldon Level Crossings and we welcome the opportunity to work closely with the Council in respect of these sites.

Policy 52 Safeguarding land for Metro and Rail development
We are supportive of this policy and welcome the inclusion and consideration of heavy rail as outlined in section 1, and safeguarded land being protected through the planning process. However, we note that the policy makes no reference to the potential for rail freight to be included when considering the reinstatement of the Leamside Line or any other rail route. Given the economic benefits of rail freight and its sustainability in terms of removing lorries from

the road network, this should be a consideration when looking at the reinstatement of railway lines, especially when considering connections to the broader railway network.

We note and support the content of paragraph 14.27 relating to the delivery of new stations and the reopening of the Leamside Line and are willing to work closely with the Council in delivery of these objectives.

We note the content of paragraph 14.28 relating to pan-regional network rail upgrades, and again we welcome the opportunity to work closely with the Council in the development of rail services. However, we do not feel that this section is particularly clear and would be grateful for further clarity in respect of the pan-regional network rail upgrades being referred to in this section.

Thank you again for the opportunity to comment on this consultation. We trust that the above is useful and will be considered for inclusion in the local plan as it moves forward. If you need any further information in respect of the above, please let us know.

Kind regards

NetworkRail

Matt Leighton

[redacted]

Please note I am on study leave on Thursdays for the foreseeable future and will be unavailable on these days

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

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Dear Sir / Madam,

Please see attached a copy of representations that have been made on behalf of my client, Sunderland Association Football Club in response to the Regulation 19 public consultation on the Draft South Tyneside Local Plan.

If possible, please could you confirm receipt of these representations.

Kind regards,

Andrew

Andrew Hird

[redacted]

Cundall

[redacted]

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Representations on the South Tyneside Local Plan Pre-Publication Draft (Regulation 19)

Sunderland Association Football Club

Job No:	1036593
Doc ref:	1036593-RPT-PG01-REPS-RevA
Revision:	B
Revision date:	28 February 2024

Project title	Representations on the South Tyneside Local Plan Pre-Publication Draft (Regulation 19)	**Job number**
Report title	Report title	1036593

Document revision history

Revision ref	Issue date	Purpose of issue / description of revision
A	28 February 2024	Draft
B	1st March 2024	Issue to Client

Document validation (latest issue)

X
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2.2	**Chapter 4: Delivering the Strategy**	3

Representations to the South Tyneside Local Plan Pre-Publication Draft (Regulation …)

1.0 Introduction

The following representations have been prepared on behalf of Sunderland Association Football Club (SAFC) to the South Tyneside Local plan Pre-Publication Draft (Regulation 19).

Figure 1: SAFC Land ownership surrounding the Academy of Light (AoL)

These representations are being made having regard to the documents contained within the supporting evidence library and having assessed the compliance of the Draft Local Plan against paragraph 35 of the National Planning Policy Framework (NPPF). Paragraph 35 states that for a plan to be found "sound" it should be:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy

Cundall are making the following representations to the Draft Plan, addressing a number of the proposed policies considered relevant to the interests of SAFC. Each relevant section of the draft plan will be considered in turn with all paragraph numbers referred to, relating to paragraphs of the plan unless otherwise stated.

2.0 Representations

2.1 Spatial Vision and Strategic Objectives

We support the overall spatial vision for South Tyneside Local Plan which clearly sets out the aspirations of South Tyneside over the plan period. The Local Plan details how and why South Tyneside Council have declared a climate change emergency ('Sustainable South Tyneside 2020 – 2025: Climate change strategy and action plan'), which details the Council's climate change strategy and five-year action plan, with the goal of bringing about carbon neutrality for the Council.

We strongly support this strategy, and specifically the utilisation of renewable energy which is recognised within the Draft Local Plan as pivotal to the reduction of carbon emissions. However, we feel that the role of solar energy, especially within the Green Belt is an area that requires further detail, clarity, and greater support for its potential in contributing to this climate change action plan, and the Borough's goal of carbon neutrality by 2030.

Whilst we understand (and are supportive of) demonstrating that there will be no adverse impacts on the receiving and/or further surrounding environment, we do consider that the policies could be more positively worded and set out the circumstances in which schemes could be approved. This would still be in alignment with NPPF paragraph 156, which details the need to demonstrate 'very special circumstances' if renewable energy projects are to proceed. (check please)

2.1.1 Current Paragraph 4.3 Wording

"4.3 When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out in the NPPF. The Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the borough."

2.1.1.1 Suggested Paragraph 4.3 Wording

"When considering development proposals, South Tyneside will seek a positive approach ***to maximise opportunities for renewable energy technologies, such as solar energy, taking a proactive approach to utilising land, including Green Belt land for the development and operation of renewable energy technologies, but only where very special circumstances can be demonstrated, and further, where there are no adverse impacts on the receiving and/or further surrounding environment****."*

2.2 Chapter 4: Delivering the Strategy

2.2.1 Policy SP1: Presumption in favour of Sustainable Development

Policy SP1: Strategy for Sustainable Development sets out policies for the overall strategy for sustainable development in South Tyneside by 2040. It identifies how and where the development needs of the borough will be met over the plan period. This policy is generally supported however, where reference is made to protecting the openness and permanence of the Green Belt, due regard should also be given to paragraph 150 of the NPPF which states the following:

> *"Once Green Belts have been defined, local planning authorities should plan positively to* ***enhance their beneficial use*** (emphasis added) *, such as* ***looking for opportunities to provide access; to provide opportunities*** *for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity****; or to improve damaged and derelict land*** *(emphasis added)."*

It is acknowledged that the supporting text (para 4.3) of policy SP1 makes specific reference to taking a:

> *"positive approach that reflects the presumption in favour of sustainable development"* that will *"work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the borough".*

However, it is believed that further emphasis and clarity should be placed upon defining what an improvement in environmental conditions means for the Borough. Given the Council's climate change strategy and action plan, it is considered essential that further emphasis upon renewable energy projects, specifically solar energy would be beneficial, particularly if the Council are serious about meeting their own targets and aspirations for the borough.

Furthermore, it is considered that further clarity must be provided within the Policy regarding what would and would not be classified as sustainable development, especially in reference to development within the Green Belt. Here, it is considered that there are opportunities to utilise Green Belt land in a sustainable manner, especially where there are no demonstrable adverse impacts on the receiving and/or surrounding environment as a result of a proposed development.

2.2.2 Current Policy SP1 Wording

"2. The Council will work proactively with applicants to try to find solutions which mean that development can be approved, where possible, and will seek to secure development that improves the economic, social, and environmental conditions in the borough.:

2.2.2.1 Suggested Policy SP1 Wording

"The Council will work proactively with applicants to try to find solutions which mean that development can be approved, where possible, and will seek to secure development that improves the economic, social, and environmental conditions in the borough. ***South Tyneside Council will also seek to maximise, where applicable and appropriate, opportunities for renewable energy projects within the Borough, utilising a range of renewable energy technologies, such as solar energy. Here, South Tyneside Council will take a proactive approach to utilising land, including Green Belt land for the development and operation of renewable energy technologies, but only where very special circumstances can be demonstrated, and further, where there are no adverse impacts on the receiving and/or further surrounding environment."***

2.2.3 Policy SP2: Strategy for Sustainable Development to Meet Identified Needs

Policy SP2: Strategy for Sustainable Development to meet identified needs sets out how the Borough will deliver sustainable development to meet the needs of South Tyneside by 2040. Within this Policy, specific reference is made to the need to:

> *"Ensure that sufficient physical, social and* ***environmental infrastructure is delivered to support identified needs*** *(emphasis added)".*

This policy is generally supported, however, where reference is made to Minerals and Waste within the supporting text of the Policy, specifically the *"strategic objective to manage the prudent use of the borough's natural resources"* (para 4.14), due regard should also be given to paragraph 156 of the NPPF which states:

> *"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases* ***developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*** *(emphasis added)"*

Therefore, given para 156 of the NPPF above, and South Tyneside Council's commitment to the 'Sustainable South Tyneside 2020 – 2025: Climate change strategy and action plan', it is considered that specific reference should be made within Policy SP2 for the role of the Green Belt in providing opportunities to utilise renewable energy technologies, specifically solar energy in contributing to the management, use and production of the borough's resources.

However, reference to this should also highlight that this will only be considered where it can be demonstrated that there are no adverse impacts on the receiving and/or further surrounding environment.

2.2.4 Current Policy SP2 Wording

"To deliver sustainable development and to meet the needs of South Tyneside by 2040, the Plan will: 3. Ensure that sufficient physical, social and environmental infrastructure is delivered to support identified needs".

2.2.4.1 Suggested Policy SP2 Wording

"To deliver sustainable development and to meet the needs of South Tyneside by 2040, the Plan will ensure that sufficient physical, social, and environmental infrastructure is delivered to support identified needs. ***In light of this, when located in the Green Belt, proposals for environmental infrastructure, such as renewable energy projects, will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Furthermore, proposals within the Green Belt will also need to demonstrate that there are no adverse impacts on the receiving and/or further surrounding environment."***

2.2.5 Policy SP15: Climate Change

Policy SP15: Climate Change sets out how South Tyneside Council aim to meet the challenge of mitigating and adapting to the effects of climate change, through a comprehensive approach to delivering sustainable development and reducing carbon emissions. We strongly support Policy SP15 and acknowledge the need to mitigate and adapt to the effects of climate change.

Of particular note here, is that Policy SP15 acknowledges the need to meet the significant rise in electricity demand that will arise from the move away from using fossil fuels to supply power for homes and vehicles. However, it is considered that the failure to mention the importance of utilising Green Belt land to meet this significant rise in electricity demand within the Policy requires addressing and represents a missed opportunity.

Regarding this, Policy SP15 currently states:

"To meet the challenge of mitigating and adapting to the effects of climate change, a comprehensive approach to delivering sustainable development and reducing carbon emissions is required. This will be achieved by: 3. Reducing greenhouse gas emissions through the delivery of low carbon heating networks ***and renewable energy generation, where appropriate****" (emphasis added).*

2.2.6 Current Policy SP15 Wording

"To meet the challenge of mitigating and adapting to the effects of climate change, a comprehensive approach to delivering sustainable development and reducing carbon emissions is required. This will be achieved by: 3. Reducing greenhouse gas emissions through the delivery of low carbon heating networks and renewable energy generation, where appropriate."

2.2.6.1 Suggested Policy SP15 Wording

"To meet the challenge of mitigating and adapting to the effects of climate change, a comprehensive approach to delivering sustainable development and reducing carbon emissions is required. This will be achieved by: 3. Reducing greenhouse gas emissions through the delivery of low carbon heating networks and renewable energy generation, where appropriate. ***Here, proposals relating to the provision of environmental infrastructure will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.****"*

2.2.7 Policy 6: Renewables and Low Carbon Energy Generation

We also strongly support Policy 6: Renewables and low carbon energy generation, as it is considered that a good level of detail is provided within this policy regarding measures of appropriateness for development of renewable and low carbon energy schemes within varying land uses, allocations, buildings, and locations. A sufficient level of details is also provided here regarding the Green Belt.

However, it is considered that more emphasis within the Policy should be given to the significant impact and potential of solar energy projects. Here solar energy development appears to be overlooked in terms of the impact and contribution it can make in mitigating and adapting to the effects of climate change, as the only reference to forms of solar renewable energy comes in para 7.25, stating:

> *"This policy applies to all development proposals for renewable and low carbon technologies as stated in the policy, and proposals for schemes which may include photovoltaics, solar thermal systems and/or air/ground source heat pumps".*

Paragraph 164 of the NPPF specifically addresses the importance of utilising renewable solar energy technologies, stating:

*"In determining planning applications, **local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements** to existing buildings, both domestic and non-domestic (**including** through installation of heat pumps and **solar panels where these do not already benefit from permitted development rights**). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.(emphasis added)".*

This lack of detail likewise also extends to the level of detail provided regarding measures of appropriateness for the development of renewable and low carbon energy schemes within varying land uses, allocations, buildings, and locations. Here, para 7.28 states:

> *"The Local Plan does not explicitly identify locations that may be suitable for large scale solar schemes. Applications will be assessed on a case-by-case basis."*

It is considered that greater emphasis and clarity should be placed upon measures of appropriateness for the development of renewable solar energy schemes It is also considered that there is a lack of detail regarding the nature of the developers involved within renewable energy development, specifically the scale of commercial operations within renewable energy development. Here, there should be a greater recognition of the increasing commercial scale within the renewable energy sector, and the contribution it can make to the Borough's goals for reducing carbon emissions

2.2.8 Suggested Text Addition for Policy 6

"Solar Energy Development: New solar energy developments will be supported where the proposal conforms with the following criteria:

- ***I. The location, scale and design of the proposal is considered acceptable;***
- ***II. Any unacceptable significant adverse impacts, such as noise nuisance, glint and glare, overbearing, and interference with telecommunications, air traffic operations and MOD safeguarding areas are satisfactorily mitigated;***
- ***III. Any proposed development is subject to Habitats Regulations Assessment and where likely significant effects are identified, permission would be dependent on the assessment ruling out adverse effects on integrity, alone or in combination.***
- ***IV. Any proposals which come forward in the Green Belt, it is demonstrated that the proposals represent a very special circumstance, which may include the wider environmental benefits associated with increased production of energy from renewable sources***
- ***V. And there are no adverse impacts on the receiving and/or further surrounding environment."***

2.2.9 Policy 41: Green Belt

Policy 41: Green belt sets out how development proposals within the Green Belt will be determined in accordance with national planning policy. It is considered that more detail and clarity should be provided within Policy 41 with regards to appropriate development within the Green Belt. The policy simply states the purpose of the Green Belt, which is already well established within National Policy, as the supporting text within the Policy largely just reiterates paragraph 154 and 155 of the NPPF.

Given the Borough's 'Sustainable South Tyneside 2020 – 2025: Climate change strategy and action plan', which details the Council's climate change strategy and five-year action plan, with the goal of bringing about carbon neutrality for the Council, it is considered that further detail regarding the development of renewable energy schemes within the Green Belt would beneficial.

Therefore, it is considered that Policy 41 could provide further clarity regarding measures of what comprises 'very special circumstances', and further, how specific forms of development, such as renewable energy projects are assessed. This

would align the Policy with how paragraph 156 of the NPPF defines renewable energy projects and the parameters of very special circumstances.

2.2.9.1 Current Paragraph 11.76 Wording

"There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The NPPF sets out several exceptions:

- *Buildings for agriculture and forestry*
- *Appropriate facilities for outdoor sport, outdoor recreation, and cemeteries*
- *Proportionate extensions or alterations of a building • Replacement buildings which are not materially larger*
- *Limited infilling*
- *Limited affordable housing for community needs*
- *Partial or complete redevelopment of previously developed land which does not have a greater impact on openness."*

2.2.10 Suggested Text Addition for Policy 41

*"There is **also a** presumption against inappropriate development in the Green Belt, unless very special circumstances can be demonstrated. **Here, proposals relating to the provision of environmental infrastructure will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. However, reference to this should also highlight that this will only be considered where it can be considered that there are no adverse impacts on the receiving and/or further surrounding environment."***

Cundall Johnston & Partners LLP
4th Floor Partnership House Regent Farm Road
Gosforth Newcastle upon Tyne NE3 3AF
[redacted]
Asia Australia Europe MENA UK and Ireland
www.cundall.com

ZERO CARBON DESIGN 2030

LP1970 - Nelson Petcare Ltd (trading as 'mypetstop')

Representations to South Tyneside Draft Local Plan (Regulation 19)

James Cullingford [redacted]

Sat 2/24/2024 4:14 PM

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

1 attachments (719 KB)

Reps to South Tyneside Local Plan Reg 19.pdf;

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Dear/ Sir/ Madam,

On behalf of our client, Nelson Petcare Ltd trading as 'mypetstop', please find attached our representations to the above consultation document.

I would be grateful if you could confirm receipt of the attached statement.

Kind regards

James

Lambert Smith Hampton

James Cullingford BA MA MRTPI
Associate Director - Planning Consultancy
Planning, Regeneration + Infrastructure
[redacted]

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Representations to the South Tyneside Publication Draft (Regulation 19) Local Plan 2023-2040 on behalf of Nelson Petcare Ltd trading as 'mypetstop'

1. Introduction

1.1 This Statement sets out our response to the South Tyneside Draft (Regulation 19) Local Plan and the following evidence base documents:

- Employment Land Review (2023);
- Employment Land Technical Paper (2024);
- South Tyneside Green Belt Study (2023); and
- Site Selection Topic Paper (2024).

1.2 Having reviewed the above documents, we believe that the Council's approach to allocating new employment sites (as set out in the Employment Land Technical Paper) is flawed in its interpretation of the findings of the Employment Land Review ('ELR'). In this respect, we believe that our client's site, *land at 'mypetstop', Follingsby Lane* (ELR Site Ref: P13), should be allocated for employment use to ensure the Council has a robust supply of employment land in appropriate locations (as required by Strategic Objective 6 and Policy SP17 of the Draft Local Plan).

1.3 In line with guidance set out in the National Planning Policy Framework (NPPF) (2023), our concluding comments relate to the four tests of soundness, namely whether the Draft Local Plan is:

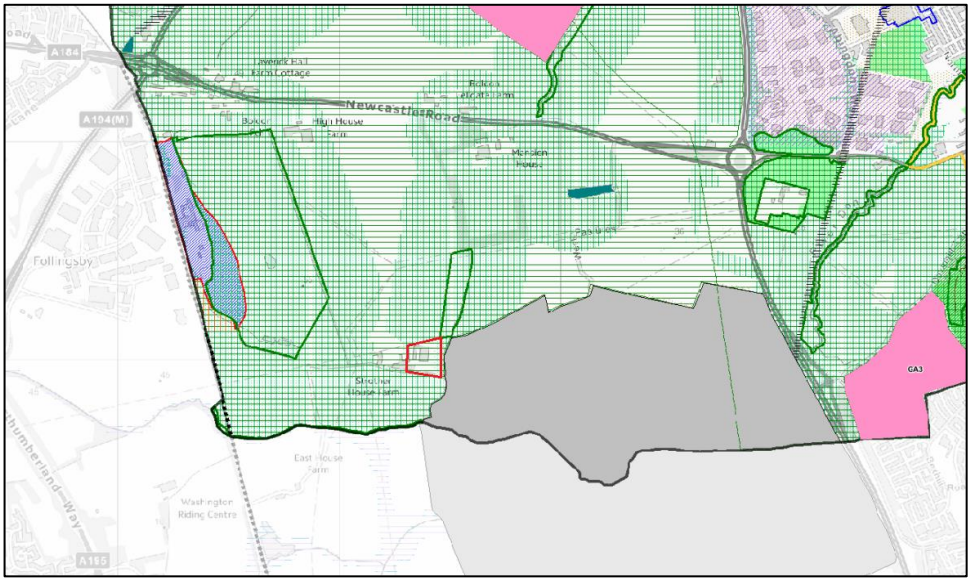
- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy.

2. Land at mypetstop - Background and Context

2.1 Land at mypetstop is identified in the Council's Strategic Housing Land Availability Assessment ('SHLAA') (2023) and Employment Land Review ('ELR') (2023). A full description of the site and its context has been provided in our previous representations to the Local Plan so is not repeated here. The salient points are summarised below:

- the site is approximately 2.5ha in size;
- it is currently located within the designated Green Belt;
- it is previously developed land with existing buildings covering a large proportion of the site and a man-made bund around the east and south of the site;
- it is accessed via Follingsby Lane, which connects the site to the surrounding strategic road network;
- it is adjacent to the western boundary of IAMP Two.

2.2 The extract of the Draft Local Plan Policies Map below shows the location of our client's site (edged in red) within the Green Belt, adjacent to the IAMP (shaded grey) and east of land at Wardley Colliery identified for employment uses (shaded purple).



Extract of the Draft Local Plan Policies Map

2.3 Our client has owned and operated mypetstop for over twenty years. The existing business provides pet care facilities and currently employs between 25 and 30 members of staff. However, due to ongoing economic challenges including rises in overheads, minimum wages and business rates, as well as potential future disruption from the IAMP Two development, the existing business is no longer considered viable. As such, our client intends to cease operations and sell the site at the earliest opportunity.

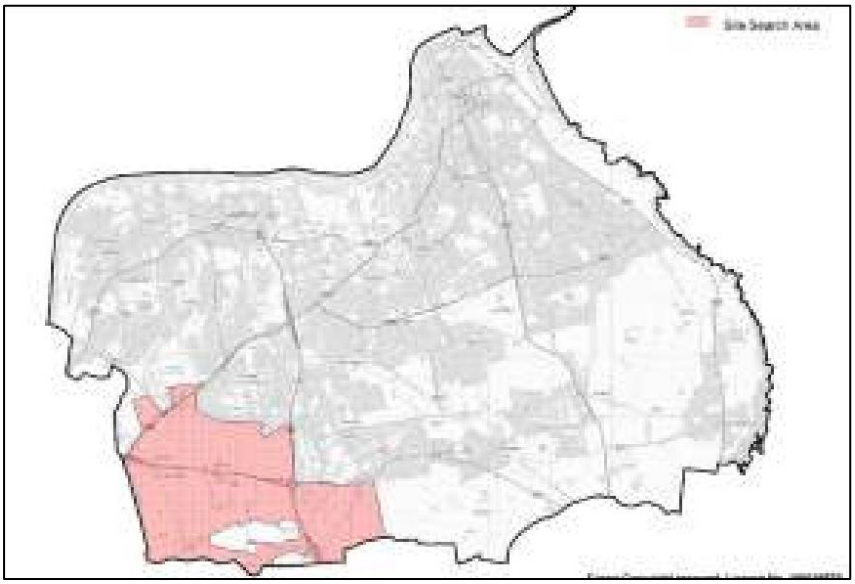
2.4 The site has been promoted for alternative uses through the Draft Local Plan since 2019.

3. Comments on the Council's approach to identifying employment sites as set out in the Employment Land Technical Paper (2024)

3.1 The ELR states that there is 41.70 ha of existing allocated employment land available in South Tyneside. Whilst this equates to a quantitative surplus of 1ha, the ELR concludes that this is modest as the supply of employment land does not align spatially with market demand. In this regard, the existing supply of sites is predominantly in the north of the borough where supply is tight and there are sites of poor quality that would require considerable investment to make them attractive to occupiers. Given the location and quality of the existing employment sites, the ELR notes that some businesses have relocated outside of the borough and there are indications that this trend may continue.

3.2 With regards to IAMP, the ELR notes that the development is expected to create significant employment opportunities in the wider supply chain. However, it cautions (at paragraph 7.45) that the ability to fully take advantage of these opportunities will depend on the '*ability to offer good quality employment sites, with good access to the strategic road network and in close proximity to the IAMP*'. It also states (at paragraph 6.70) that whilst the IAMP can accommodate large manufacturing uses, it is unlikely to meet the demand for warehousing and logistics premises, nor will it cater for the demand for small industrial premises where vacancy rates are particularly low in South Tyneside.

3.3 The ELR identifies a demand 'hotspot' in the south west of the borough and recommends that the Council identifies new employment allocations (totalling 25 – 35 ha) in this location where there is good access to the strategic road network. These recommendations have informed the Council's Employment Land Technical Paper (2024) which includes a map showing the areas of the borough that are suitable for new employment sites (shaded red). An extract of the map is provided below:



Map showing site search area for new employment sites (Employment Land Technical Paper, 2024)

3.4 Based on the findings of the ELR, the Council's Employment Land Technical Paper acknowledges that Green Belt boundaries would need to be altered in order to identify new employment land in the south west area. It goes on to state (at paragraph 9.10):

"From a purely economic development perspective therefore, the logical next step would be to identify a location suitable for a new business park. However, this would necessitate the release of approximately 25 ha of greenfield land from the Green Belt. Pending consideration of whether this is acceptable and deliverable therefore, the search identified a variety of sites of different sizes for assessment".

3.5 Whilst the above states that "*the search identified a variety of sites of different sizes for assessment*", we note that site assessments (Table 15 of the Employment Land Technical Paper) discounted several potential employment sites for falling "*below the minimum 20 ha site size threshold for a new business/industrial park*". In short, the Council have only sought to identify potential employment sites of over 20 ha and have unnecessarily discounted several sites that fell below this threshold.

3.6 It is our view that the Council's approach to identifying new employment sites (as set out above) is a misguided interpretation of the ELR recommendations and is, therefore, fundamentally flawed. The ELR does not specify that the Council should identify a new single 25 ha business / industrial park. It simply recommends that the Council should plan to meet future employment needs of between 25 and 35 ha. The Council's Employment Land Technical Paper provides no reason why this should only be provided on a new single site (as opposed several smaller sites) other than it is a "*logical next step*".

3.7 In taking such an inflexible approach to the employment site search, the Council have unnecessarily ruled out appropriate previously developed sites in suitable locations (such as land at mypetstop). Such sites, collectively, would assist in providing the additional employment land required in the right locations.

3.8 The Employment Land Technical Paper identifies sites at Wardley Colliery as the only suitable location for economic development but acknowledges that this is not a ready fit for a business/industrial park. As such, the Paper concludes that it is not feasible to take forward a strategic 25 ha site due lack of suitable and available sites and the Green Belt impact.

3.9 The conclusions of the Employment Technical Paper make the Council's approach even more perplexing. In particular, if the Council has concluded that it is not feasible to take forward a strategic 25 ha site, why have they discounted suitable alternative options, such as meeting employment land needs through other smaller sites that are previously developed, in proximity to IAMP and that would have limited impact on the Green Belt?

4. Comments on the Council's assessment of land at mypetstop as a potential employment site

4.1 The ELR identifies potential employment sites throughout the borough, including land at mypetstop. An extract of the map showing the potential employment sites is provided below (Land at mypetstop shaded green, Ref: P13):

ELR Map of Employment Sites showing Land at mypetstop as a Potential Employment Site (Map 3)

4.2 The ELR provides analysis of all employment sites in the borough according to a range of market and sustainability criteria. With regards to land at mypetstop, the ELR (Appendix 3 – Site Assessment Matrix) makes the following recommendation:

"*As previously developed land within but on the edge of the Green Belt and adjoining allocated employment land the Council should consider allocating for employment or other compatible use*".

4.3 Despite the recommendations of the ELR, the Employment Land Technical Paper states that the Council discounted land at mypetstop as a potential employment allocation for the following reasons:

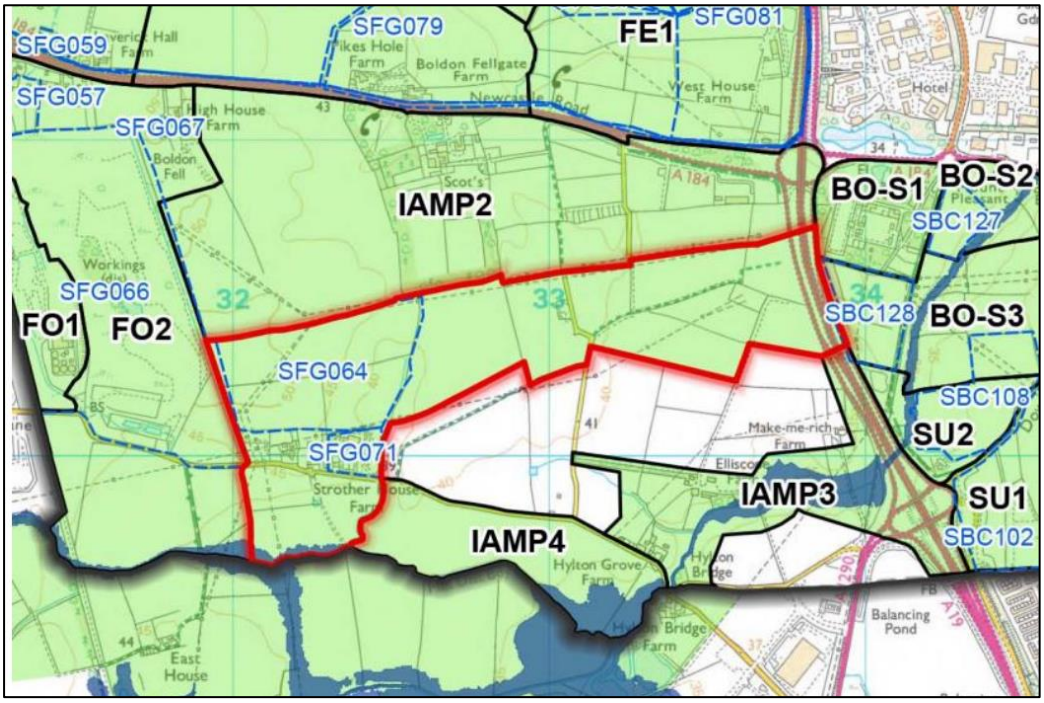
(i) it falls below the minimum 20 ha site size threshold for a new business/industrial park to be viable; and

(ii) it falls within land that has been assessed as scoring highly against the Green Belt purposes in the Council's Green Belt Study (November 2023).

4.4 As set out above, we consider that the Council's approach to identifying a single 25 ha site for business/ industrial park (and discounting sites below 20 ha) is fundamentally flawed.

4.5 With regards to conclusions derived from the Green Belt Study, we consider that these are not robust for the reasons set out below:

4.6 The Green Belt Study identifies and assesses various parcels of land within the Green Belt. Within these parcels, the Study identifies specific SHLAA sites which are also subject to assessment. Land at mypetstop is identified as a SHLAA site (Ref: SFG071) falling within a wider parcel of land (Ref: IAMP1), alongside a second SHLAA site (SFG064). The map below shows the extent of the parcel IAMP1 (outlined in red) and the two SHLAA sites within it (outlined in blue):



Extract Map of Green Belt Study (2023)

4.7 The above map shows that IAMP1 is a large parcel of land mainly comprised of open fields. SHLAA site SFG064 also comprises open fields. However, land at mypetstop (SFG071) is distinct from the wider land parcel in the following ways:

(i) it is previously developed land;

(ii) it has man made bund along the south and eastern boundaries;

(iii) it is adjacent to the IAMP Two development site;

(iv) it is adjacent to / accessible via Follingsby Lane.

4.8 Despite the clear distinction with the open fields of the wider IAMP1 parcel, the Green Belt Study concludes that the development of land at mypetstop would have the same level of harm as it would in the wider the IAMP1 parcel.

4.9 For the reasons set out above, we strongly disagree with the findings of the Green Belt Study in respect of its assessment of land at mypetstop. Moreover, it is clear that the site has not been subject to a thorough and robust assessment. In this respect, with regards to land at mypetstop (SFG071), the Green Belt Study (Appendix B – Green Belt Parcel Assessment Pro Forma) merely states:

"*The harm ratings for the parcel [IAMP1] as a whole also apply to the above promoted sites [SFG071 and SFG064] that fall within or partially within this parcel*".

4.10 The findings of the Green Belt Study, therefore, cannot be considered robust in respect of land at mypetstop and cannot be relied upon to inform the assessment of the site in the Employment Land Technical Paper.

4.11 We also highlight that the Council's assessment of land at mypetstop is inconsistent with their own assessment of the allocated Wardley Colliery site, as summarised at paragraph 12.9 of the Employment Land Technical Paper:

"*Although the proposed removal of the Wardley Colliery site from the Green Belt would involve a Green Belt deletion, the site is previously developed and very well screened and parts of the site already have commercial activity following the implementation of planning consents*".

4.12 The exact same conclusion could also be made in respect of land at mypetstop.

5. Land at mypetstop – Site Assessments

5.1 Given our concerns regarding the robustness of the Council's evidence documents, we set out below our own assessments of land at mypetstop. These comprise:

(i) an assessment of the site for employment use based on the site assessment criteria of the ELR (Appendix 4); and

(ii) an assessment of the site against the five purposes of the Green Belt using a scale of the four harm ratings used in the Green Belt Study (2023).

Employment Land Site Assessment

Criteria	Commentary	Score 1-5
Access to Strategic Highway Network	The site is located midway between the A19, A184 and A194 and is accessed via Follingsby Lane, an unconstrained road that connects the site to the surrounding strategic road network.	5
Site Characteristics and Physical Constraints	There are no significant constraints to development. The site is level and is not identified as an area that has landscape value or historical or archaeological significance. Whilst a small part of the site is subject to surface water flood risk, we highlight that any flooding issues can be suitably addressed and mitigated as part of a future development scheme. It is also protected from any river flooding by an existing bund	5
Infrastructure	The site is well served by good quality site infrastructure, including roads, lighting, landscaping and mains utilities.	5
Market Attractiveness	The site is within an area of strong demand (within the south west 'hotspot') and would suit a broad range of businesses. As such, it is a viable development location.	5
Barriers to Development	There are no contamination issues affecting the site. The site is a serviced plot with existing utilities / infrastructure in place.	5
Ownership Factor	The site is in single ownership and therefore provides certainty in terms of availability.	3
Local Road Access	The site is accessible via Follingsby Lane, a free moving road which avoids housing areas and bad junctions. Follingsby Lane and the surrounding network will be subject to highway improvements as a result of the IAMP Two development	5

	which will include improved public transport, cycle and pedestrian links.	
Proximity to Urban Areas	The site is outside of the urban area but is within 2km of existing bus stop. However, a new bus route along Follingsby Lane is proposed as part of the IAMP Two proposals.	3
Compatibility of Adjoining Uses	The site is adjacent to IAMP Two, a large employment allocation subject to a planning consent for initial works.	5
Planning Sustainability	The site is previously developed land and, therefore, compliant with wider Local Plan and NPPF objectives.	5
Sequential Status	The site is in an out of town location.	1

Green Belt Assessment

Assessment Criteria	Assessment	Score
Check unrestricted sprawl	The site is previously developed land that is contiguous with the urban boundary (IAMP Two). The site is bound to the south by Follingsby Lane and the southern boundary benefits from an existing bund that screens views into the site from the south. The site will be enclosed by existing and proposed development on two sides and boundary screening on the others. Furthermore, any future development would be required to provide a strong, permanent and 'defensible' boundary thus limiting the potential for future unrestricted sprawl. As the site is previously developed, any harm to the strategic function of the Green Belt would be significantly reduced.	Low
Prevent Neighbouring towns from merging	The site is adjacent to the IAMP Two boundary. It is separated from other urban area boundaries by existing Green Belt land. Moreover, the development of IAMP Two will substantially change the character of the Green Belt in this location. The Policies Map shows that the closest allocated development site to the west of our client's site is approx. 1km away with Green Belt land in between, which would reduce any prospect of the two urban areas merging.	Low

	In any case, the site is previously developed land so any harm would be significantly reduced.	
Assist in safeguarding the countryside from encroachment	The site is previously developed land and is not subject to any designations relating to ecological conservation or landscape protection. As such, the site is not as sensitive to encroachment as other Green Belt sites in the wider area. The character of the surrounding area will continue to change substantially as the IAMP Two development comes forward and provides an urban edge character to the site. The open areas within the site would be maintained and potentially enhanced to allow the opening up of land to the public and ecological enhancements that could be linked to those proposed as part of the IAMP Two development.	Low
To preserve the setting and special character of historic towns	The fourth purpose of the Green Belt relates to very few settlements in reality. The site and surrounding area is not subject to any designated Conservation Areas and there are no statutory listed building in the immediate vicinity. As such, this area of the Green Belt is not considered to contribute in any way to the setting and special character of a historic town.	N/A
To assist in urban regeneration	The site is not located within an urban area, there are limited opportunities within the urban areas of South Tyneside for additional development. Moreover, the NPPF prioritises the redevelopment of existing brownfield sites.	N/A

5.2 The above assessments demonstrate that land at mypetstop is in a suitable and sustainable location for employment development. It is previously developed land adjacent to IAMP Two, so would be well related to the emerging built environment of the area. It is also within single ownership and falls within an area of the borough where there is strong market demand.

5.3 The development of the site would only have a limited impact on the Green Belt. As a previously developed site, in proximity to IAMP, it is clearly more suitable for development than other sites identified for development within the Local Plan.

6. Tests of Soundness

6.1 We do not consider the Draft Local Plan to be sound for the following reasons;

- **Not justified** - The plan is not justified as potential employment sites in a strong market area have been discounted due to the Council's inflexible and flawed approach to site selection. This approach has not considered potential alternatives and does not make best use of existing previously developed sites. Moreover, the findings of the Green Belt Study are not robust in its assessment of individual SHLAA sites.

- **Not consistent with national planning policy:** national planning policy within the NPPF regarding Green Belt boundaries is clear that land which is unnecessary to be kept permanently open should not be included within the Green Belt. It also states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The evidence base of the Draft Local Plan is not consistent with national planning policy in respect of its assessment of land at mypetstop.

LP1971 - Thomas Armstrong

STMBC Local Plan - Reg 19 Consultation Submissions

[redacted]

Thu 2/29/2024 3:09 PM

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

3 attachments (3 MB)

STMBC LP SP18 Reps Form-combined.pdf; STMBC LP SP14 Reps Form-combined.pdf; STMBC LP Reps Form P1.pdf;

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Dear Sir/Madam

STMBC Local Plan - Reg 19 Consultation Submissions

With reference to the ongoing consultation on the Reg 19 plan, please find attached our submission on behalf of our client Thomas Armstrong Ltd. We look forward to acknowledgment of receipt in due course and thank you for your help in this matter.

Kind regards

Robin Wood

R & K Wood Planning LLP

[redacted]

South Tyneside Council

Regulation 19 Local Plan Consultation Representation Form

Please return this form by midnight on Sunday 3 March 2024.

Data Protection and Freedom of Information

All personal information that you provide will be used solely for the purpose of the consultation on the documents listed in this form. Please note that each comment and the name of the person who made the comment will be featured on our website - comments will not be confidential. Full comments will also be available to view on request. By submitting this response you are agreeing to these conditions.

This form has two parts:

- Part A - Personal details (need only be completed once)
- Part B – Your representation(s).
  Please fill in a separate sheet for each representation you wish to make.

This form can also be completed online at haveyoursay.southtyneside.gov.uk

If you are having difficulty submitting representations, please contact local.plan@southtyneside.gov.uk or call 0191 424 7692

Part A: Your Details

	Personal Details*	Agent's Details (if applicable)
Title		MR
First Name		ROBIN
Last Name		WOOD
Job Title (where relevant)		PARTNER
Organisation (where relevant)	THOMAS ARMSTRONG LTD	R & K WOOD PLANNING LLP
Address	[redacted]	[redacted]
Postcode		
Telephone		
Email		

** If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) but complete the full details of the agent.*

Part B

Please fill in a separate form for each representation

Name or organisation	R & K WOOD PLANNING LLP
Client (if relevant)	- [redacted]

Section 1: To which section of the Local Plan does this representation relate?

Paragraph	6.62 - 5.71
Policy	SP14
Policies Map	

Section 2: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is (tick as appropriate)	Yes	No
1. Legally compliant	✓	
2. Sound		✓
3. In Compliance with the Duty to Cooperate	✓	

Section 3: Details of Representation

If you wish to support or object to the legal compliance or soundness of the Local Plan, 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.
Please see Accompanying Letter

Section 4: Proposed Modifications

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each 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.*
Policy SP14: Wardley Colliery 16.4 hectares of land, as defined on the Policies Map, is allocated at Wardley Colliery for general economic development and will be removed from the Green Belt. 1. In taking forward the economic development component, development proposals must: i. Ensure they do not prejudice the implementation of the full 16.4 hectare allocation for employment development ii. Ensure that adverse ecological impacts are dealt with through the mitigation hierarchy and are delivered within Wardley Colliery Local Wildlife Site iii. Include compensatory improvements to the environmental quality of remaining Green Belt land to offset the impact of the removal of the land from the Green Belt. *(Continue on a separate sheet if necessary)*

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations based on the original representation at publication stage.

After the Regulation 19 consultation has closed, further submissions will only be at the request /invitation of the Inspector, based on the matters and issues debated at the examination.

Section 5: Participation at the Examination

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? *(Please select one answer with a tick)*			
Yes	✓	No	

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Section 6:

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
To allow proper consideration and discussion regarding the evidence base and associated policy

Section 7: Being Kept Informed

Would you like to be kept informed of the progress of the Local Plan through to adoption? *(Please select one answer with a tick)*			
Yes	✓	No	

By submitting a representation, you will also automatically be added to our database and kept informed of the next stage in the Local Plan process. You can opt out any time.

R & K Wood Planning LLP

M [redacted]

By Email Only

Our ref: RW/JF

Date: 29th February 2024

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

Dear Sir/Madam

South Tyneside Local Plan - Regulation 19 Local Plan Consultation
Details of representation pursuant to policy SP14 paragraph 5.62 - 5.71
Submission on behalf of Thomas Armstrong (Holdings) Ltd

This letter sets out our details of representation pursuant to Part B of the representation form, the text of which could not be accommodated within the space available. This letter should therefore be read as section 3 of the submitted form.

Overall, we welcome and support the allocation of 12.7ha of land at the former Wardley Colliery, for the purposes of general economic development. The principle of this allocation under SP14 and its corresponding removal from the Green Belt is considered to be appropriate and consistent with the evidence base, as demonstrated within the Employment Land Review 2023 and the South Tyneside Green Belt Study 2023. Both of these documents form part of the evidence base and have appropriately led to the proposed allocation of the site and its removal from the Green Belt.

In reviewing this evidence base for the local plan, it is clear that there is a significant demand for employment land in the correct geographic locations within the borough. The Employment Land Review identifies a requirement for employment land in the southwest of the local plan area in order to capitalise on the identified demand in this location and the current undersupply. The location is identified to be appropriate based on its sustainability and accessibility. In this context, it is considered that every opportunity should therefore be taken for the provision of employment land to be brought forward.

It is not considered at present however that policy SP14 does capitalise on all of the land that is available and suitable for allocation for employment use. This matter has been previously raised in earlier consultation on the local plan (Reg18) and it is considered necessary again to repeat this point. It is clear that the employment related evidence base identifies a need for further employment land in this area. The

corresponding Green Belt evidence does not however, it is considered, accurately assess the appropriateness of the potential to release all available Green Belt land for this purpose. Within the Green Belt Study, the land at Wardley is assessed as two separate land parcels, these being titled FO1 and FO2 (FO denoting Follingsby). FO1 consists of the 12.7 hectares of land proposed to be allocated for employment purposes and removed from the Green Belt. This is on the basis of its limited contribution to the objectives of the Green Belt and the low levels of harm which can be mitigated in relation to any residual impact on the Green Belt. For the avoidance of doubt, we fully support this assessment and conclusion. In contrast however, parcel FO2 which includes the rest of the Wardley site to the east and north is identified to result in very high levels of harm to the purpose of including land within the Green Belt, and, in this context, is not considered suitable for deletion from the green belt.

It is considered that the Green Belt assessment, as was the case with previous iterations, has failed to accurately and correctly consider land parcel FO2 and the opportunities this provides for the provision of employment land in this location. Land Parcel FO2 is not uniform in character, most notably in relation to its topography and appearance. These differing characteristics demand that the land within FO2 should more appropriately be considered as two separate land parcels for the purpose of green belt assessment. These separate land parcel arise from the lower-level flat land at the north edge of FO2 and the remaining elevated land to the south.

In addition to the land already proposed to be allocated, we again would submit that further opportunity exists for additional employment land to the brought forward at the north end of the Wardley Colliery site. A present level area of land at the north edge of the colliery site forming part of FO2 has been discounted from the allocation. It is considered that this is a significant omission, which if included could substantially further contribute to the employment land available. The land in question totals 3.7 hectares in area and is broadly rectangular in shape and is located to the north of the raised Wardley Colliery landform. The land is shown on the attached submitted map.

The site occupies the same topography and land level as the land within FO1 and directly abuts the existing developed site at the north edge of FO1. Notwithstanding that this level parcel of land exists and is contiguous with existing development and FO1, the land has continued to be assessed as part of a larger land parcel, as denoted as FO2 within the Green Belt assessment. This is notwithstanding the matter being raised in previous consultation responses, including at Regulation 18 stage. Within the evidence base at Regulation 18 stage, it was highlighted that the Green Belt assessment had incorrectly incorporated this land with the elevated landforms within Wardley Colliery and had in effect assessed the land as raised above the surrounding landscape. In the context of the current 2023 green belt evidence base, this same approach appears to have been adopted. As can be noted on page 125 of the latest Green Belt Assessment document, when considering the impact of releasing the FO2 land on the remaining Green Belt, one of the determining factors is stated to be that the *release of high ground within the parcel would exert a significant urbanising influence on the wider Green Belt to the north, east and south.* It is however the case that the land we refer to and shown on the accompanying map is not elevated and an assessment on site clearly demonstrates that greater refinement is required in the assessment of the Green Belt and the impact that the development of this level of parcel of land to the north would actually have. The site is clearly of a very different topography to the land to the south, which rises steeply from the land parcels southern boundary.

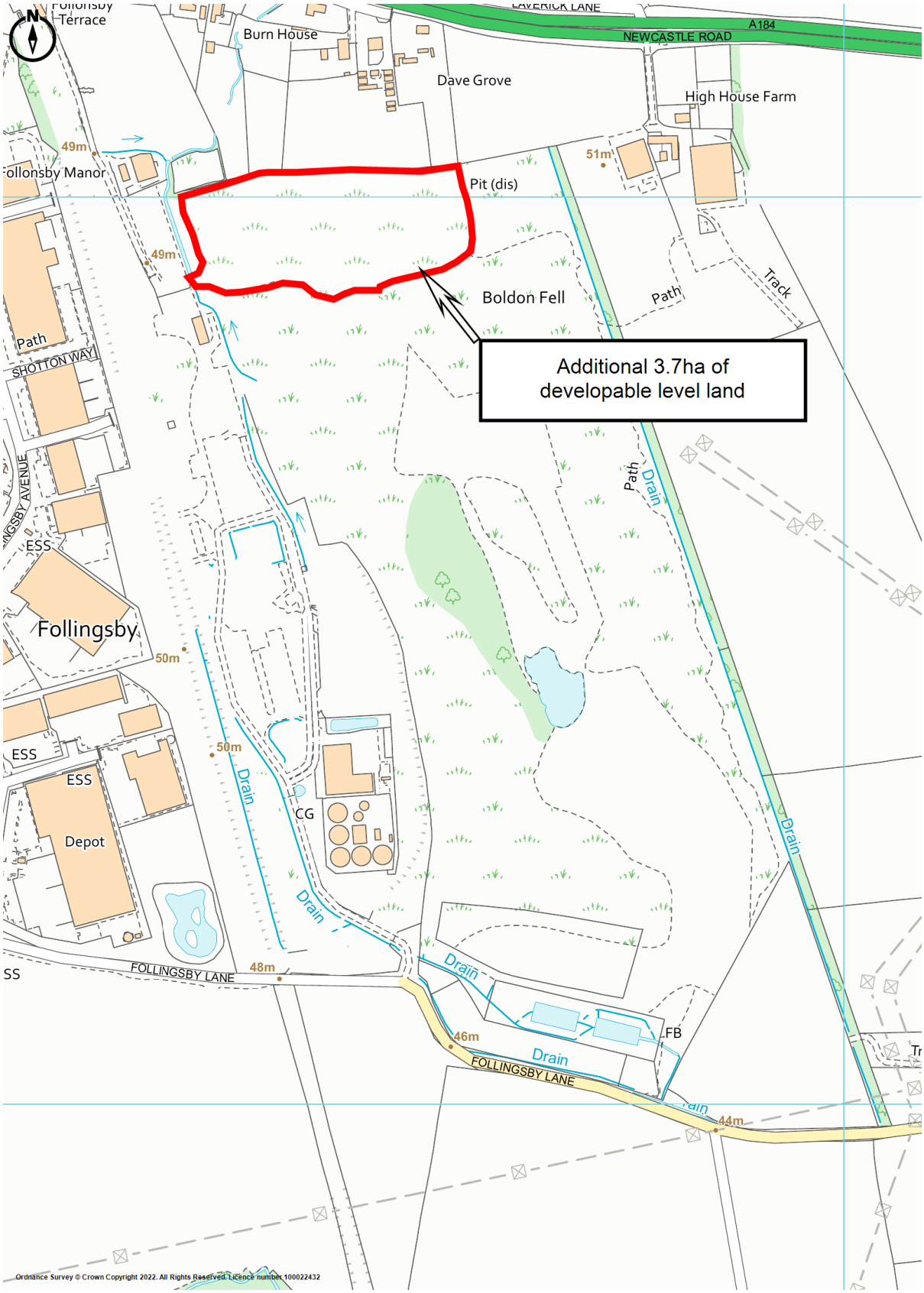
This elevated land is quite rightly considered to not be suitable for Green Belt release for the reasons detailed. The land to the north, as shown on the map, however, does have strong and distinctly different characteristics, including defined boundaries which would allow it to be developed as part of the wider FO1 allocation. It is considered that the site could be developed as part of FO1 without markedly impacting upon the purpose of the Green Belt and its retention. It is therefore considered that the evidence base has not accurately or correctly assessed the Green Belt in this location and that an opportunity for the inclusion of a further 3.7 hectares within the SP14 allocation of land should be considered. It is not considered that the current omission of these 3.7ha from the proposed allocation is evidentially supported. In this respect SP14 and the wider plan is not considered to be sound. We would therefore submit that the current allocation under Policy SP14 should be increased in order to deliver 16.4 hectares of land with associated release from the Green Belt.

We trust that the detail of this representation is helpful and clear and can be read as part of Part B of the submitted form.

Yours faithfully

[redacted]

Robin Wood


Follonsby Terrace
Burn House
LAVERICK LANE
A184
NEWCASTLE ROAD
Dave Grove
High House Farm
49m
Follonsby Manor
51m
Pit (dis)
49m
Boldon Fell
Path
Track
Path
SHOTTON WAY
Additional 3.7ha of developable level land
Path
Drain
ESS
Follingsby
50m
50m
ESS
ESS
Depot
Drain
CG
Drain
Drain
FOLLINGSBY LANE
48m
46m
FB
Drain
FOLLINGSBY LANE
44m
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Part B

Please fill in a separate form for each representation

Name or organisation	R & K WOOD PLANNING LLP
Client (if relevant)	[redacted]

Section 1: To which section of the Local Plan does this representation relate?

Paragraph	ED.9
Policy	SP18
Policies Map	

Section 2: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is (tick as appropriate)	Yes	No
1. Legally compliant	✔	
2. Sound		✔
3. In Compliance with the Duty to Cooperate	✔	

Section 3: Details of Representation

If you wish to support or object to the legal compliance or soundness of the Local Plan, 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.
Please see Accompanying Letter

Section 4: Proposed Modifications

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 3 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each 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.*
FELLGATE ED.9 Wardley Colliery B2/B8 16.4 10.41**
(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations based on the original representation at publication stage.

After the Regulation 19 consultation has closed, further submissions will only be at the request /invitation of the Inspector, based on the matters and issues debated at the examination.

Section 5: Participation at the Examination

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? *(Please select one answer with a tick)*			
Yes	✔	No	

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Section 6:

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
To allow proper consideration and discussion regarding the evidence base and associated policy

Section 7: Being Kept Informed

Would you like to be kept informed of the progress of the Local Plan through to adoption? *(Please select one answer with a tick)*			
Yes	✔	No	

By submitting a representation, you will also automatically be added to our database and kept informed of the next stage in the Local Plan process. You can opt out any time.

R & K Wood Planning LLP

[redacted]

By Email Only

Our ref: RW/JF

Date: 29th February 2024

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

Dear Sir/Madam

South Tyneside Local Plan - Regulation 19 Local Plan Consultation
Details of representation pursuant to policy SP18 ED.9
Submission on behalf of Thomas Armstrong (Holdings) Ltd

This letter sets out our details of representation pursuant to Part B of the representation form, the text of which could not be accommodated within the space available. This letter should therefore be read as section 3 of the submitted form.

Overall, we welcome and support the allocation of 12.7ha of land at the former Wardley Colliery, for the purposes of general economic development. The principle of this allocation under policy SP18 ED.9 is considered to be appropriate and consistent with the evidence base, as demonstrated within the Employment Land Review 2023.

In reviewing this evidence base for the local plan, it is clear that there is a significant demand for employment land in the correct geographic locations within the borough. The Employment Land Review identifies a requirement for employment land in the southwest of the local plan area in order to capitalise on the identified demand in this location and the current undersupply. The location is identified to be appropriate based on its sustainability and accessibility. In this context, it is considered that every opportunity should therefore be taken for the provision of employment land to be brought forward.

It is not considered at present however that policy SP18 does capitalise on all of the land that is available and suitable for allocation for employment use. This matter has been previously raised in earlier consultation on the local plan (Reg18) and it is considered necessary again to repeat this point. It is clear that the employment related evidence base identifies a need for further employment land in this area. The corresponding Green Belt evidence does not however, it is considered, accurately assess the appropriateness of the potential to release all available Green Belt land for this purpose. This manes that the allocation under SP18 ED.9 is not as large as it can

Robin Wood BA Hons MTP MRTPI mob: [redacted] Katie Wood BSc Hons MTP MRTPI mob [redacted]
Company Registration OC365226 VAT Reg. No. 116677890

be. Within the Green Belt Study, the land at Wardley is assessed as two separate land parcels, these being titled FO1 and FO2 (FO denoting Follingsby). FO1 consists of the 12.7 hectares of land proposed to be allocated for employment purposes and removed from the Green Belt. This is on the basis of its limited contribution to the objectives of the Green Belt and the low levels of harm which can be mitigated in relation to any residual impact on the Green Belt. For the avoidance of doubt, we fully support this assessment and conclusion. In contrast however, parcel FO2 which includes the rest of the Wardley site to the east and north is identified to result in very high levels of harm to the purpose of including land within the Green Belt, and, in this context, is not considered suitable for deletion from the green belt.

It is considered that the Green Belt assessment, as was the case with previous iterations, has failed to accurately and correctly consider land parcel FO2 and the opportunities this provides for the provision of employment land in this location. Land Parcel FO2 is not uniform in character, most notably in relation to its topography and appearance. These differing characteristics demand that the land within FO2 should more appropriately be considered as two separate land parcels for the purpose of green belt assessment. These separate land parcel arise from the lower-level flat land at the north edge of FO2 and the remaining elevated land to the south.

In addition to the land already proposed to be allocated, we again would submit that further opportunity exists for additional employment land to the brought forward at the north end of the Wardley Colliery site. A present level area of land at the north edge of the colliery site forming part of FO2 has been discounted from the allocation. It is considered that this is a significant omission, which if included could substantially further contribute to the employment land available. The land in question totals 3.7 hectares in area and is broadly rectangular in shape and is located to the north of the raised Wardley Colliery landform. The land is shown on the attached submitted map.

The site occupies the same topography and land level as the land within FO1 and directly abuts the existing developed site at the north edge of FO1. Notwithstanding that this level parcel of land exists and is contiguous with existing development and FO1, the land has continued to be assessed as part of a larger land parcel, as denoted as FO2 within the Green Belt assessment. This is notwithstanding the matter being raised in previous consultation responses, including at Regulation 18 stage. Within the evidence base at Regulation 18 stage, it was highlighted that the Green Belt assessment had incorrectly incorporated this land with the elevated landforms within Wardley Colliery and had in effect assessed the land as raised above the surrounding landscape. In the context of the current 2023 green belt evidence base, this same approach appears to have been adopted. As can be noted on page 125 of the latest Green Belt Assessment document, when considering the impact of releasing the FO2 land on the remaining Green Belt, one of the determining factors is stated to be that the *release of high ground within the parcel would exert a significant urbanising influence on the wider Green Belt to the north, east and south.* It is however the case that the land we refer to and shown on the accompanying map is not elevated and an assessment on site clearly demonstrates that greater refinement is required in the assessment of the Green Belt and the impact that the development of this level of parcel of land to the north would actually have. The site is clearly of a very different topography to the land to the south, which rises steeply from the land parcels southern boundary. This elevated land is quite rightly considered to not be suitable for Green Belt release for the reasons detailed. The land to the north, as shown on the map, however, does

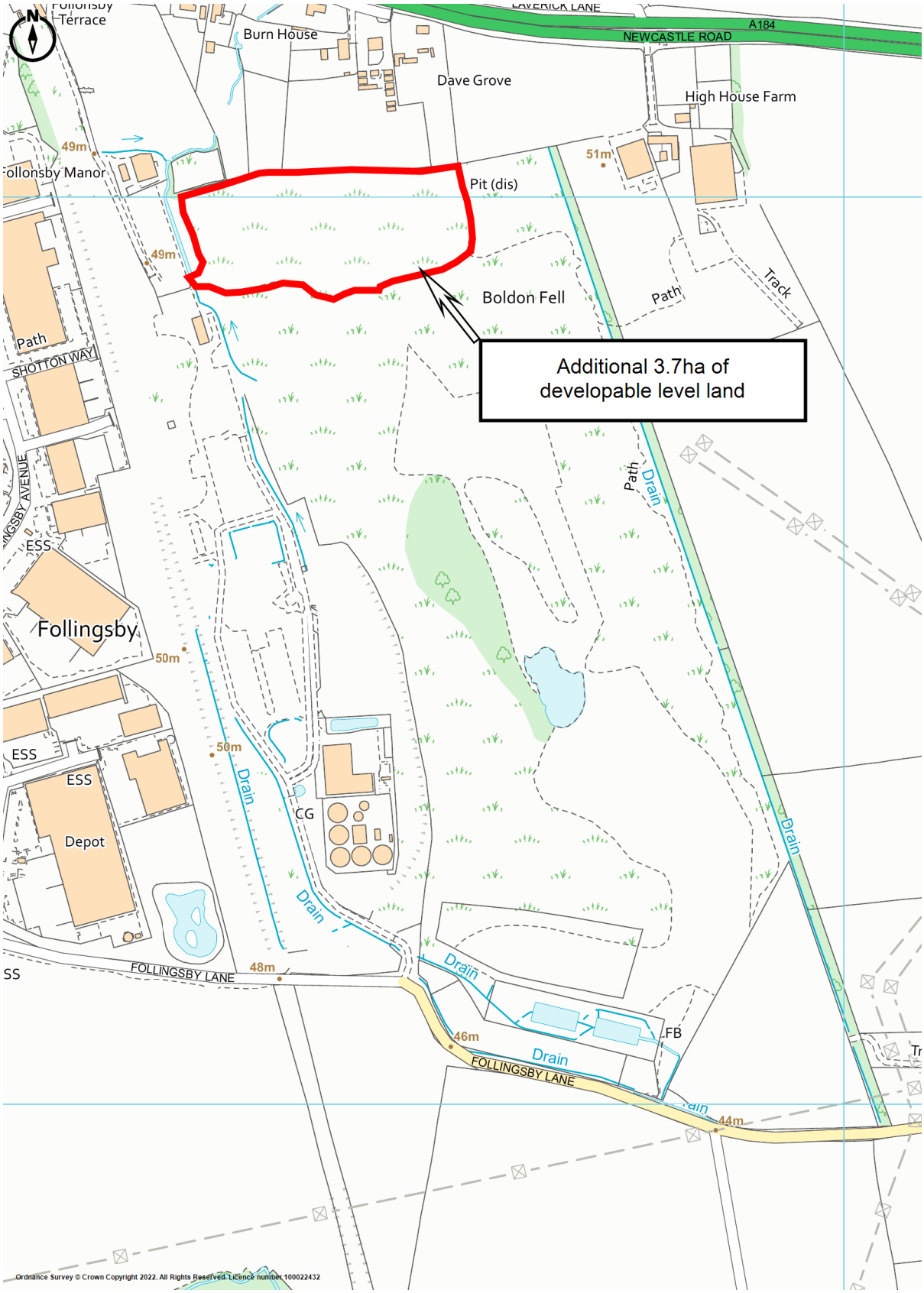
have strong and distinctly different characteristics, including defined boundaries which would allow it to be developed as part of the wider FO1 allocation. It is considered that the site could be developed as part of FO1 without markedly impacting upon the purpose of the Green Belt and its retention. It is therefore considered that the evidence base has not accurately or correctly assessed the Green Belt in this location and that an opportunity for the inclusion of a further 3.7 hectares within the SP18 ED.9 allocation of land should be considered. It is not considered that the current omission of these 3.7ha from the proposed allocation is evidentially supported. In this respect SP18 ED.9 and the wider plan is not considered to be sound. We would therefore submit that the current allocation under Policy SP18 should be increased in order to deliver 16.4 hectares of land with an available net area 10.41 ha.

We trust that the detail of this representation is helpful and clear and can be read as part of Part B of the submitted form.

Yours faithfully

[redacted]

Robin Wood


Follonsby Terrace
Burn House
LAVERICK LANE
A184
NEWCASTLE ROAD
Dave Grove
High House Farm
49m
Follonsby Manor
51m
Pit (dis)
49m
Boldon Fell
Path
Track
Path
SHOTTON WAY
Additional 3.7ha of developable level land
Path
Drain
ESS
Follingsby
50m
50m
ESS
ESS
Depot
Drain
CG
Drain
Drain
FOLLINGSBY LANE
48m
46m
FB
Drain
FOLLINGSBY LANE
44m
Ordnance Survey © Crown Copyright 2022. All Rights Reserved. Licence number 100022432

LP1972 - Dave Tunstall

Local Plan

[redacted]

Sun 3/3/2024 10:33 PM

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

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I would like to oppose the local plan that has been released by the council for the following reasons;

There should be no building on any green field site until all brown field sites in the borough have been exhausted.
As the council declared a climate emergency priority must be given to the preservation of trees and hedgerows which science tells us are beneficial to combating climate change.
Wildlife and and their habitat must be protected.
We must plant more crops to increase food security.
We must make more use of existing buildings and convert empty retail units, offices etc into residential use.

Dave Tunstall.

Sent from my iPad

LP1973- Julie Tunstall

Fwd: Local Plan

Julie Tunstall [redacted]

Sun 3/3/2024 10:39 PM

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

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

>> Dear Sir/Madam,

>> I would like to oppose the local plan that has been released by the council for the following reasons;
>>
>> There should be no building on any green field site until all brown field sites in the borough have been exhausted.

>> As the council declared a climate emergency priority must be given to the preservation of trees and hedgerows which science tells us are beneficial to combating climate change.

>> Wildlife and their habitat must be protected.

>> We must plant more crops to increase food security.

>> We must make more use of existing buildings and convert empty retail units, offices etc into residential use.
>>
>> Mrs J Tunstall.
>>
>>
>>
>> Sent from my iPad

LP1974 - Tim Duffy

Response ID ANON-TJBH-TDY1-A

Submitted to South Tyneside Publication Draft Local Plan 2023-2040
Submitted on 2024-03-03 23:49:50

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:
No

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:
No

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

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 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:
No

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:
No

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

I attach a number of representations in connection with site generally referred to as GA4

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.:

A site comprising Field 14, 15 & 60 would provide for a better site in respect of meeting ALL the needs of the local plan.

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

Yes please

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:
No

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:
No

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

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:
No

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

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 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:
No

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

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

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

Policy SP3: Spatial Strategy for Sustainable Development

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

Support or Object - Legally Compliant:
No

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:
No

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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 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:
No

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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 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:
No

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:
No

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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 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:
No

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:
No

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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 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:
No

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:
No

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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 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:
No

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:
No

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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 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:
No

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 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:

Support or Object - Sound:

Support or Object - Complies with the Duty to Cooperate:
No

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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 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:

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:

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

Policy 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:

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:

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

Policy 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:

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:

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

Policy 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:

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:

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

Your personal details

What is your name?

Name:
Mr T P Duffy

What is your email address?

Email address:
[redacted]

Who are you responding as?

Resident or Member of the General Public

Organisation:

What is your postal address?

Address:

[redacted]

Local Plan Representation ANON-TJBH-TDY1-A

[redacted]

Sun 3/3/2024 11:54 PM

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

1 attachments (3 MB)

Mr T Duffy Submissionv v1.pdf;

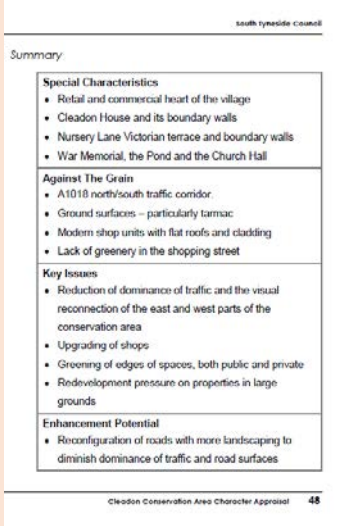
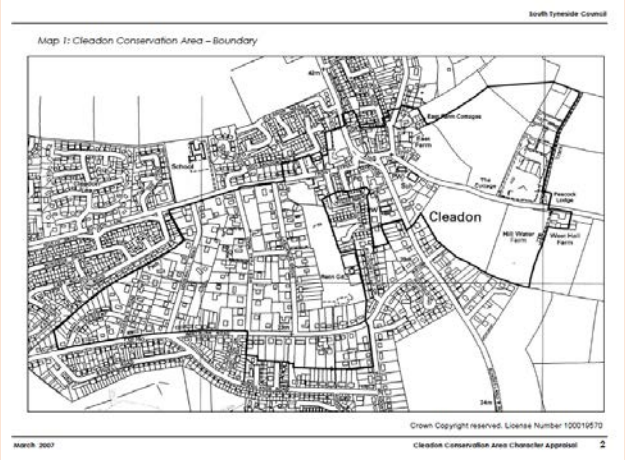
*** **WARNING** - This message has originated from outside the Council. Do not provide any login or password details if requested. Do not click on any links or attachments unless you are sure that the content is safe. If you are unsure about this email or its content forward it to: email.quarantine@southtyneside.gov.uk,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

Good day

I attach my attachment in connection with the subject.
Tim Duffy

Evidence:

The site subject to these representations is variously designated: GA4; sbc051; Action Plan 5; Field 78; Area 25; West Hall Farm and sometimes erroneously and misleadingly Land at North Farm.

Ref.	Document	Extract 1	Extract 2	Representation
01	 South Tyneside Council Neighbourhood Services Cleadon Conservation Area Character Appraisal	 south tyneside council Summary **Special Characteristics** • Retail and commercial heart of the village • Cleadon House and its boundary walls • Nursery Lane Victorian terrace and boundary walls • War Memorial, the Pond and the Church Hall **Against The Grain** • A1018 north/south traffic corridor. • Ground surfaces – particularly tarmac • Modern shop units with flat roofs and cladding • Lack of greenery in the shopping street **Key Issues** • Reduction of dominance of traffic and the visual reconnection of the east and west parts of the conservation area • Upgrading of shops • Greening of edges of spaces, both public and private • Redevelopment pressure on properties in large grounds **Enhancement Potential** • Reconfiguration of roads with more landscaping to diminish dominance of traffic and road surfaces Cleadon Conservation Area Character Appraisal 48	 South Tyneside Council Map 1: Cleadon Conservation Area – Boundary Cleadon Crown Copyright reserved. License Number 100019570 March 2007 Cleadon Conservation Area Character Appraisal 2	Soundness: The Summary on Page 48 of this STC document identifies the A1018 North South corridor as something being 'Against the Grain'. Development in the area will add to this this divider. This has not been addressed within the evidence.

Ref	Document	Extract 1	Representation
02	Sunderland City Council **Green Belt Assessment Stage 1 Updated and Stage 2** **Sunderland Local Plan Part 1** Core Strategy and Development Plan 2015-2033	 Redhouse and Fulwell Green Belt (Aerial 2) land site allocated for housing); football pitches at Redhouse; parts of Fulwell Quarries greenspace; Monkwearmouth Secondary School playing fields; Mere Knolls Cemetery, and; Seaburn Camp. The Green Belt in Sunderland forms an urban fringe landscape typified by sports pitches, allotments, amenity and natural greenspace. Immediately to the north of the city boundary, however, the Green Belt has a more rural feel and is dominated by agricultural land. There has been very little change to the Green Belt since the last boundary modifications in the 1998 UDP, other than the redevelopment of the former abattoir site into housing on Shields Road. Some changes have taken place within the sports areas of Fulwell Quarries and Downhill Sports Complex, in terms of the types of sports pitches on offer. There has been limited development or change to land adjacent to 55	Legal compliance - duty to coperate: In 140+ documents and nearly 10,000 pages there is no evidence of any meaningful consultation by STC with Sunderland City Council [SCC]. No meeting agendas, no minutes of meetings, no correspondence. This portion of Green Belt is located on the north side of Sunderland, and forms part of a wider swathe of Green Belt that extends northwards into South Tyneside. It helps to physically separate Sunderland from South Tyneside. The Green Belt helps to create a strategic Green Infrastructure corridor from the North Sea inland to the River Don floodplain and edge of the Magnesian Limestone Escarpment. For the most part, the Green Belt between Sunderland and South Tyneside is between 900m and 1500m wide, except between South Bents and Whitburn where the gap is less than 250m. As a whole, this section provides an important contribution to the wider Green Belt area that prevents the city from merging with South Tyneside, as well as safeguarding against countryside encroachment and checking urban sprawl. In landscape terms, Sunderland's narrow portion of Green Belt incorporates a low limestone ridge that further helps to separate the two districts. SCC in there local plan have relied on this as described. STC have not fully addressed this peripheral interface in the documentation provided. https://www.sunderland.gov.uk/media/19037/Green-Belt-Assessment-Stage-1-Updated-and-Stage-2-2017/pdf/9_Green_Belt_Assessment_Stage_1_Updated_and_Stage_2_20171.pdf?m=1501584723037
	Extract 2	**Extract 3**	
	the Green Belt, apart from a minor new housing development beside Whitchurch Road, Witherwack. For the most part, the Green Belt between Sunderland and South Tyneside is between 900m and 1500m wide, except between South Bents and Whitburn where the gap is less than 250m. As a whole, this section provides an important contribution to the wider Green Belt area that prevents the city from merging with South Tyneside, as well as safeguarding against countryside encroachment and checking urban sprawl. In landscape terms, Sunderland's narrow portion of Green Belt incorporates a low limestone ridge that further helps to separate the two districts. In more specific terms, however, the greenfield sites dotted along the city's northern boundary throw into question whether the most appropriate Green Belt boundary still exists. At Downhill Sports Complex and Fulwell Quarries, for example, the Green Belt divides some greenspaces. Redhouse and Fulwell Stage 1 Assessment The following parcels have been assessed against the Green Belt purposes: RE1, RE2, RE3, RE4, RE5, RE6, RE7, RE8, RE8, RE9, RE10, RE11, RE12, RE13, RE14, RE15, RE16, RE17, RE18. Green Belt Purposes 1. Check the unrestricted sprawl of the built-up area of the city 2. Preventing neighbouring towns merging into one another (in this case, Sunderland and South Tyneside) 3. Assist in safeguarding the countryside from encroachment 4. Preserve the setting and special character of Springwell Village and Newbottle Village 5. Assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Parcels Criteria: RE1 RE2 RE3 RE4 RE5 RE6 RE7 RE8 RE9 RE10 RE11 RE12 RE13 RE14 RE15 RE16 RE17 RE18 1: C C C C C F B D F F D A C D D C C D 2: B B B B B C A C C C C A B C B B B B 3: C C C B B F C D F F C A D C C C C D 4: A A A A A A A A A A A A A A A A A A 5: C C C C C D C C D D C A C C C C C C 56	Conclusions of Stage 1 Criteria / Assessment 1 — The majority of the Redhouse and Fulwell Green Belt forms urban fringe. Parcels RE6, RE9 and RE10 provide open countryside, distanced from the urban area. Parcels RE5 and RE7 provide greenspace relating to Witherwack. Parcel RE12 is an urban area 2 — The Green Belt within this Redhouse and Fulwell area appears narrow, but forms part of a much wider area of Green Belt in South Tyneside. 3 — Most of the area is urban fringe, though still making an important contribution to the openness of the wider countryside. Parcel RE12 constitutes an urban area 4 — No impact to this purpose 5 — Most of the land comprises greenfield sites within the urban fringe. Parcel RE7 constitutes greenfield land within the urban area. Parcel RE12 is a built up area. The following Parcels are considered to be fundamental to the purpose(s) of the Sunderland Green Belt and are recommended for full retention, without any further consideration required at Stage 2: RE6, RE9, RE10. All 3 Parcels form open countryside beyond the urban fringe, contributing to the openness of the Green Belt extending into the Boldon Flatts landscape. If developed, it would constitute urban sprawl with little opportunity for rounding-off, and create a major incursion into the Green Belt. The following parcels will be assessed at stage 2: RE1, RE2, RE3, RE4, RE5, RE7, RE8, RE11, RE12, RE13, RE14, RE15, RE16, RE17, RE18. 57	

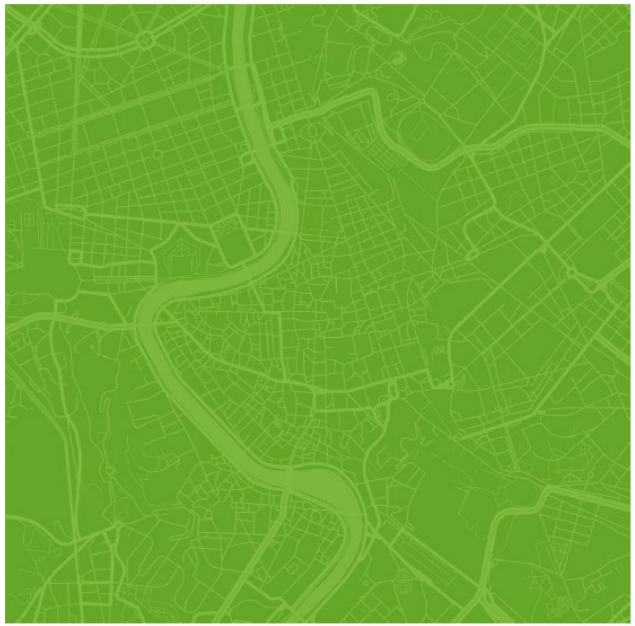
Ref	Document	Extract 1	Extract 2
03			

LUC

South Tyneside Council

South Tyneside Local Plan: Publication Draft Sustainability Appraisal Report

Final report
Prepared by LUC
January 2024



Chapter 6
Sustainability Appraisal Findings for the Publication Draft Local Plan (Regulation 19)

South Tyneside Local Plan: Sustainability Appraisal

effect. The policy requirements could result in reconfigurations of open space at the site which could have some residual implications for its value as a green infrastructure asset but the policy requirement for enhancement is likely to mean that residents at the site should have good access to open space with substantial benefits for health and wellbeing.

6.30 It is expected that the requirement of the policy for the undertaking of a site-specific transport assessment with a focus on active travel links and public transport connections could help to strengthen the minor positive effect previously recorded for the site option in relation to **SA objective 7: Sustainable transport**. However, given that the policy requirement would not directly result in the delivery of new infrastructure to support sustainable transport, there is no change to the minor positive effect.

6.31 The requirement of the policy for new community facilities to be provided at the site means that the negligible effect previously recorded for the site in relation to **SA objective 11: Equality** is updated to a significant positive effect. This type of provision is likely to support increased community cohesion in the area.

SP6: Land at former Chuter Ede Education Centre

6.32 The likely effects of this site are as largely described in **Chapter 5** for the site option (SOS040).

6.33 The loss of playing field land at the site is required by the policy to be mitigated. The policy also sets out that enhancement of this open space is required. This is likely to result in the significant negative effect previously recorded for the site in relation to **SA objective 5: Green infrastructure** being updated to a mixed effect. In addition to this, the mixed effect recorded in relation to **SA objective 13: Health** is updated to a significant positive effect. While the policy includes mitigation requirements, reconfiguration of open space at the site could still result which could have residual implications for its value as a green infrastructure asset. The policy requirement for enhancement of the playing pitches will support residents' access to open space with substantial benefits for health and wellbeing.

6.34 The requirement of the policy for the undertaking of a site-specific transport assessment with a focus on active travel links and public transport connections is likely to help strengthen the minor positive effect previously recorded for the site in relation to **SA objective 7: Sustainable transport**. The policy requirement would not, however, directly result in the delivery of new infrastructure to support sustainable transport and so there is no change to the minor positive effect.

6.35 It is expected that the provision of new community facilities at the site will support improved benefits in relation to community integration in the area. Furthermore, the development of the site is also to incorporate extra care units which will help meet the requirements of those in the community with additional needs. As such, the negligible effect previously recorded for the site in relation to **SA objective 11: Equality** is updated to a significant positive effect.

SP7: Urban and Village Sustainable Growth Areas

6.36 Overall, the sites allocated in this policy were found at the options stage (see **Chapter 5**) to have more negative effects on the environmental SA objectives compared to the sites allocated in policy SP4 above, which reflects their more rural locations. An overall minor negative effect on **SA objective 1: Climate change** is likely as the majority of the sites were found to be either in Flood Zone 2 or to score amber in the separate carbon audit. It is noted, however, that the site-specific requirements for some of the sites include requirements relating to supporting increased connectivity from the areas in question which is likely to help address the poor performance of some of the sites in the carbon audit.

6.37 Minor negative effects are considered likely in relation to **SA objectives 2: Biodiversity** and **3: Environmental assets**. While a number of the sites now proposed for allocation in the policy were found to have significant negative effects on these objectives, the site-specific requirements set out in the Local Plan include relevant mitigation which should reduce the negative effects, including the protection of existing mature trees and monitoring species close to the site.

6.38 A significant negative effect is expected in relation to **SA objective 4: Efficient land use.** More than half of the sites allocated in the policy are on greenfield land and two of these sites (allocated as GA2 and GA4, respectively) lie on high quality agricultural soils. As the loss of this land cannot be mitigated, a significant negative effect remains.

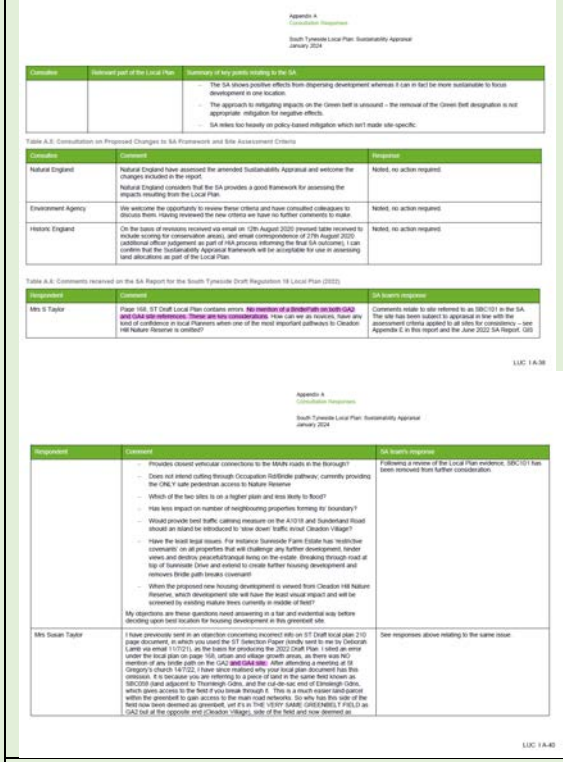
6.39 Minor negative effects are likely in relation to **SA objective 5: Green infrastructure.** Most of the sites allocated in the policy were found at the options stage to have mixed or negative effects on this objective. It is noted that the policy includes requirements for some of the sites to be developed to enhance nearby green infrastructure and deliver landscaping as an integral part of the proposals which will help mitigate adverse effects.

6.40 A negligible effect is expected in relation to **SA objective 6: Cultural heritage**. The sites were assessed as part of the heritage impact assessment work as likely to have no effect on the historic environment.

6.41 The effects of the sites allocated in this policy are similar to those in the urban areas in relation to **SA objectives 7:**

LUC I 100

6.38 A significant negative effect is expected in relation to **SA objective 4: Efficient land use.** More than half of the sites allocated in the policy are on greenfield land and two of these sites (allocated as GA2 and GA4, respectively) lie on high quality agricultural soils. As the loss of this land cannot be mitigated, a significant negative effect remains.



Representation:
Soundness: not positively prepared; no evidential justification, ineffective.
6.38 speaks highly about the use value of Agricultural land lost in GA4..

Ref	Document	Extract 1	Extract 2
04			**List of Sites** Reference / Site Name / Total Site Area (ha) / Estimated Developable Area (ha) / Capacity GA1 South Tyneside College, Hebburn Campus 5.70 4.27 115 GA2 Land at North Farm (West), New Road 9.52 7.14 263 GA3 Land to North of Town End Farm 22.40 16.80 400 GA4 Land at West Hall Farm 10.27 7.70 259 GA5 Land at Whitburn Lodge 1.00 0.90 30 GA6 Land to North of Shearwater 1.65 1.20 41 SP8 Land South of Fellgate 56.3 31.2 1200

Extract 3	Extract 4	Extract 5	Extract 6

Representation: Soundness – justification – negatively prepared - ineffective

> bounded by residential development along the north and western boundaries.
> The site would be a logical rounding off of the southern corner of the village.
> The site has excellent access to local bus services and is within 800m of a

This is statement without any justification so and contradicts other stronger more relevant statements such as:

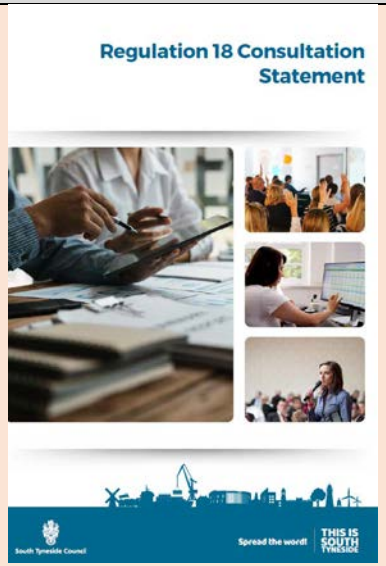
> Maximise views over the surrounding green space.

The development would block the open aspect views of odd numbers 5-45 West Meadows Road enjoyed for 122 years since 1902.

Representation: Legally non-complant

The area was meadow-land with numerous ponds and protected species amphibians are present and cannot be mitigated.

Representation: Soundness – justification, negatively prepared, ineffective. Pluvial flooding: the levels of the land and the heavy clay make the site unsuiable for SUDs and will concentrate the runoff and create the frequency and severity of flooding beyond what the flood maps predict.

Ref	Document	Extract 1	Extract 2	Extract 3
05	 Regulation 18 Consultation Statement South Tyneside Council Spread the word! THIS IS SOUTH TYNESIDE	LETTERS/ EMAILS 3.2 An email/ letter was sent to Statutory consultees and individuals/ organisations on the Local Plan database on 16th June 2022. A further letter was sent on 15th July 2022 detailing the extension to consultation period. *Initial letter -16th June 2022* Dear Sir / Madam **South Tyneside Draft Local Plan (Regulation 18) and Sustainability Appraisal** South Tyneside Council has prepared a Draft Local Plan 2021-2039 for consultation to ensure we have an up-to-date long term strategy to guide future development across the Borough to 2039. A Local Plan sets out the vision and a spatial framework for the future development of a Council area within a plan period, usually 15- 20 years. Local Plans address the needs and opportunities in relation to housing, the economy, community facilities and infrastructure. They also act as a basis for protecting and enhancing the natural environment, adapting to climate change, and securing good design. As a statutory consultee or as someone who has previously requested your details are retained on our Consultee Database, I am writing to inform you that public consultation on our draft Local Plan will run for 6 weeks from **Monday 20th June to Sunday 31st July.** We would like to receive your views on the policies and proposals as well as any other issues you think the Local Plan should address. As part of this consultation, copies of the draft Local Plan will be placed in South Shields Town Hall and Jarrow Town Hall. The Council will also be publishing the Local Plan, supporting documents and consultation material online at Formal question and answer sessions are planned at the following locations where officers will be available to deliver a short presentation and answer with any questions you might have. The following question and answer sessions will start with a short presentation: Date / Venue / Time Monday 4th July / Hedworthfield Community Association, Cornhill, Jarrow, NE32 4QD / 6pm – 8pm Wednesday 6th July / East Boldon Junior School, North Lane, East Boldon, NE36 0DL / 6pm – 8pm Thursday 7th July / Cleadon Methodist Church, 8 Sunderland Road, Cleadon, SR6 7UT / 6pm – 8pm Friday 8th July / Whitburn Parish Hall, North Guards, Whitburn, SR6 7JH / 6pm – 8pm Tuesday 12th July / Jarrow Focus, Cambrian Street, Jarrow, NE32 3QN / 10am – 12pm Thursday 14th July / Hebburn Central, Glen Street, Hebburn, NE31 1AB / 10am - 12pm Monday 18th July / Reception Room, South Shields Town Hall and Civic Offices, Westoe Road, South Shields, NE33 2RL / 10am – 12pm Tuesday 19th July / Cleadon Methodist Church, 8 Sunderland Road, Cleadon, SR6 7UT / 10am – 12pm Wednesday 20th July / Boldon Community Association, New Road, Boldon Colliery, NE35 9DS / 6pm – 8pm 7	Thursday 21st July / Hedworthfield Community Association, Cornhill, Jarrow, NE32 4QD / 10am – 12pm Friday 22nd July / Boldon Community Association, New Road, Boldon Colliery, NE35 9DS / 10am – 12pm Presentations will also be given at your local Community Area Forum: https://www.southtyneside.gov.uk/article/38452/Community-Area-Forums-CAFs. The Local Plan is also informed by wider technical reports and supporting evidence including Habitat Regulations Assessment, Employment Land Review, Green Belt Review, Strategic Housing Land Availability Assessment, and Infrastructure Delivery Plan. From the start of the consultation, everyone will be able to access and download the Draft Local Plan, supporting technical reports and evidence and response forms from our dedicated webpage. This is also the quickest and easiest way for you to respond: haveyoursay.southtyneside.gov.uk/ Comments must be made in writing and returned by **11.59pm on 31st July 2022** via www.haveyoursay.southtyneside.gov.uk; by email to Local.plan@southtyneside.gov.uk or alternatively by post to: Spatial Planning, Development Services, Economic Regeneration, South Tyneside Council, Town Hall and Civic Offices, Westoe Road, South Shields, NE33 2RL. This is not our final word on the Plan. Your comments will be used to help us develop the formal 'Publication' draft of the Plan which itself will be consulted upon prior to its submission to the Secretary of State for its formal public Examination before an independent planning inspector. If you require any further information regarding this consultation, please do not hesitate to contact the Spatial Planning Team via telephone number 0191 424 7385.	*Subsequent letter – 15th July 2023* **South Tyneside Draft Local Plan (Regulation 18) and Sustainability Appraisal** South Tyneside Council has prepared a Draft Local Plan 2021-2039 for consultation to ensure we have an up-to-date long term strategy to guide future development across the Borough to 2039. A Local Plan sets out the vision and a spatial framework for the future development of a Council area within a plan period, usually 15- 20 years. Local Plans address the needs and opportunities in relation to housing, the economy, community facilities and infrastructure. They also act as a basis for protecting and enhancing the natural environment, adapting to climate change, and securing good design. As a statutory consultee or as someone who has previously requested your details are retained on our Consultee Database, I am writing to inform you that the public consultation on our draft Local Plan has been extended by a further **two weeks**. The consultation will now run for 8 weeks from **Monday 20th June to Sunday 14th August 2022.** We would like to receive your views on the policies and proposals as well as any other issues you think the Local Plan should address. As part of this consultation, copies of the draft Local Plan will be placed in South Shields Town Hall and Jarrow Town Hall. The Council will also be publishing the Local Plan, supporting documents and consultation material online at https://haveyoursay.southtyneside.gov.uk/ The following formal question and answer sessions have are planned at the following locations where officers will be available to deliver a short presentation and answer with any questions you might have. Monday 18th July / Reception Room, South Shields Town Hall and Civic Offices, Westoe Road, South Shields, NE33 2RL / 10am – 12pm Tuesday 19th July / Cleadon Methodist Church, 8 Sunderland Road, Cleadon, SR6 7UT / 10am – 12pm Wednesday 20th July / Boldon Community Association, New Road, Boldon Colliery, NE35 9DS / 6pm – 8pm Thursday 21st July / Hedworthfield Community Association, Cornhill, Jarrow, NE32 4QD / 10am – 12pm Friday 22nd July / Boldon Community Association, New Road, Boldon Colliery, NE35 9DS / 10am – 12pm Presentations will also be given at your local Community Area Forum: https://www.southtyneside.gov.uk/article/38452/Community-Area-Forums-CAFs. The Local Plan is also informed by wider technical reports and supporting evidence including Habitat Regulations Assessment, Employment Land Review, Green Belt Review, Strategic Housing Land Availability Assessment, and Infrastructure Delivery Plan. Everyone will be able to access and download the Draft Local Plan, supporting technical reports and evidence and response forms from our dedicated webpage. This is also the quickest and easiest way for you to respond: haveyoursay.southtyneside.gov.uk/ 9
	Table 1. Regulation- 18 Statutory Consultees (2022) • Arqiva • Avonline • Briskona • CCG • City Fibre • Coal Authority • CTIL • Durham County Council • EE • Environment Agency • Gateshead Council • National Highways • Historic England • Homes England • House Builders' Federation • Marine Management Organisation • National Grid • Natural England • NECA • Network Rail • Newcastle City Council • NHS • North Tyneside Council • Northern Gas Network • Northern Powergrid • Northumberland County Council • Northumbrian Water • NTW Solutions (NHS Foundation Trust) • Openreach • South Tyneside and Sunderland Healthcare Group • Sunderland City Council • Sport England • Wildcard networks			Representation: Legal compliance - duty to coperate The contact with Sunderland City Council needs to be more meaningful than sending out two generic letters. The expectation would be for a formal meeting with agenda and formal minutes.

Ref	Document	
06	Regulation 18 draft Local Plan: Chapter 7 – Meeting the Challenges of Climate Change, Flooding and Coastal Change	Representation: Soundness: The evidence provided supports the continued use of land for agriculture.. not for development. Legally non-compliant & unsound: Graham Johnson's Regulation 18 representation; STC incorrectly identify Land at North Farm as being GA4… GA4 is West Hall Farm. Pluvial flooding see ref.: 04 above. Greenfield run-off rate: the heavy clay soil is unsuited to SUDs.

Chapter 17: Climate Change			
LP Ref no.	Name	SP17 Comments Summary	Council Response
LP0012	William Pack	Unsure about Policy SP17. Destruction of arable land (GA1 & GA2) and any associated green belt removes a major contributor to CO2 absorption from nature-based approaches and adds risk to biodiversity.	Comments regarding GA1: Land south of Cleadon Park and GA2: Land west of Sunniside Farm have been taken into account and following a review of the Local Plan evidence the sites have been removed from further consideration in this Local Plan.
LP0029	Neil Parker	Disagrees with Policy SP17. Information overload on consultation & registration page. Considers that consultation is not open and fair, thinks this method of consultation alienates those from lower socio economic backgrounds. Considers that consultation is in breach of equality act as members protected by the act are more likely to fall in lower socio economic groups.	The draft Local Plan public consultation was undertaken in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the councils adopted Statement of Community involvement (SCI). The council engaged in an 8-week consultation which included face to face events and extensive use of publicity materials and online information. Details on how the council consulted is set out in the Regulation 19 Consultation Statement. The council strives to make sure the document is accessible to all; however, there are elements of the Local
LP0740	Graham Johnson	Disagrees with SP17. Replacing agricultural land with housing at GA4 is not supported.	Objection to SP17 noted. GA4: Land at North Farm has been considered through the Site Selection Topic Paper, Employment Land Technical Paper, Green Belt papers and the Sustainability Appraisal and is considered to be a suitable and sustainable site.
LP0743	John Abernethy	Disagrees with Policy SP17. Disturbance of the land at	Comments regarding GA2: Land west of Sunniside Farm have been taken into account and following a review of the Local
LP0737	Mr R H Smith	Agrees with Policy 7	Support for policy 7 welcomed
LP0740	Graham Johnson	Disagrees with Policy 7. New Homes will Overwhelm sewage system and increase flooding. Ga4 Flood every winter.	Through the planning process, we would look to ensure that any development in these areas would incorporate appropriately managed and maintained sustainable drainage systems and would retain greenfield run-off rates. Flood risk
			will be managed both within and outside development boundaries.
LP0743	John Abernethy	Disagrees with Policy 7. GA2 has a flood problem which	Comments regarding GA2: Land west of Sunniside Farm have

Ref	Document & Extracts
07	

Regulation 18 Local Plan: Chapter 11 – Conserving and enhancing the Natural Environment

Policy SP21: Natural Environment			
LP Ref no.	Name	Comments Summary	Council Response
LP0002	Quintin Smith	Disagrees with Policy SP21. Concerns over development on Green Belt land.	Objection to SP21 and to Green Belt development are noted. Local authorities have a statutory duty to prepare a Local Plan which addresses the housing needs of the area and the authority's priorities for development. Policies should not be viewed in isolation, rather the Local Plan,
		this allocation.	
LP0749	Peter Youll	Disagrees with Policy 33: development on GA4, GA5 and GA6 will have a negative impact on habitats, species and ecological networks; and therefore in conflict with this policy.	Objection to Policy 33 and development of Green Belt land noted. GA4: Land at North Farm has been considered through the Site Selection Topic Paper, Employment Land Technical Paper, Green Belt papers and the Sustainability Appraisal and is considered to be a suitable and sustainable site. Comments regarding GA5: Former MOD Bunkers and GA6: Land South of St Johns Terrace and Natley Avenue have been taken into account and following a review of the Local Plan evidence this site has removed from further consideration in this Local Plan. Any development brought forward on sites allocated for removal from the Green Belt will be required to provide compensatory improvements to the environmental quality and accessibility of remaining Green Belt land, to contribute to offsetting the impact of
			removal of this site from the Green Belt and accord with national planning policy and guidance.
LP0756	Kirstin Lisa	Disagrees with Policy 33 as it is not ambitious enough to	Objection to Policy 33 noted. The Local Plan includes a

Representation:
Legally non-compliant & unsound: Peter Youll's Regulation 18 representation; STC incorrectly identify Land at North Farm as being GA4… GA4 is West Hall Farm.

Ref	Document & Extracts
08	[redacted]

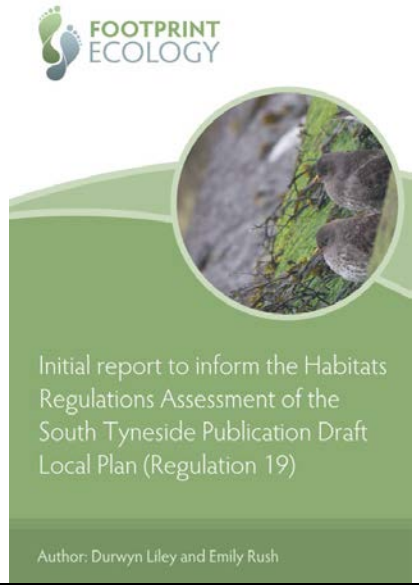
Ref no.	Name	Comments Summary	Council Response
Policy SP4: Housing Allocations in the Main Urban Area			
LP0569	Rachael Milne	Wording on trees should be strengthened	The policy wording on trees has been strengthened (Policy 36).
LP0001	Lynsey Jefferson	Disagree Policy SP4. Site Ref H.37 - Flooding concerns, caused by surface water run off due to - Road infrastructure is inadequate	Comments regarding H.37: Land at Lilac Walk have been
LP0678	Mark Lambert	Disagree Policy SP4. Object to sites in Boldon and Cleadon. - Contradicts neighbourhood plan - Impact on villages infrastructure - site is adjacent to an established cricket club, with bar and function room - negatively impact green infrastructure - increased flood risk- northeast of the site the land is low lying - loss of agricultural land - value of greenbelt allocation ignored - significant heritage loss- 2nd World War Anti-Aircraft Supply Depot Buildings on the site, and listed on the ST Locally Significant Heritage Assets List - infrastructure already insufficient – schools oversubscribed	Local authorities have a statutory duty to prepare a Local Plan which addresses the housing needs of the area and the authority's priorities for development. Following a review of the Local Plan evidence, several sites have been removed from further consideration in the Local Plan, including H38: The Disco Field, H:39 Land at Dipe Lane/Avondale Gardens, GA1: Land South of Cleadon Park, GA2: Land west of Sunniside Farm, GA5: Former MOD bunkers and GA6: Land at St John's Terrace. GA4: Land at North Farm has been considered through the Site Selection Topic Paper, Employment Land Technical Paper, and the Sustainability Appraisal and is considered to be a suitable and sustainable site. The Local Plan, once adopted, will set out the strategic priorities for the borough. However, the East Boldon Neighbourhood Plan will continue to be a part of the Development Plan for the Borough and the policies within the Neighbourhood Plan will be used in determining planning applications in the Forum Area.

Representation:
Legally non-compliant & unsound: Mark Lambert's Regulation 18 representation; STC incorrectly identify Land at North Farm as being GA4… GA4 is West Hall Farm.

Ref	Document & Extracts
09	

Ref no.	Name	Comments Summary	Council response
Policy SP5: Urban and Village Sustainable Growth Areas			
LP0002	Quintin Smith	Disagree Policy SP5, specifically in relation to GA2. Objections raised:	Comments regarding GA2: Land west of Sunniside Farm have been taken into account and following a review of the consideration.
LP0579	Katharine Berbuto	Disagree Policy SP5: GA4, GA5 and GA6. Objector expresses concern over the removal of green belt land around East Boldon Village without consultation with residents. They argue that this undemocratic action by the council devalues the term green belt and makes restrictions in the Local Plan meaningless. They propose that the land be considered for alternative uses such as allotment land for residents, as there is currently no council provision in the village. The objector argues that this would provide important leisure, well-being, and preservation of green space and wildlife habitat, and alleviate the waiting list for allotment plots in the area.	The draft Local Plan public consultation was undertaken in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the councils adopted Statement of Community involvement (SCI). The council engaged in an 8-week consultation which included face to face events and extensive use of publicity materials and online information. Details on how the council consulted is set out in the Regulation 19 Consultation Statement. The council strives to make sure the document is accessible to all; however, there are elements of the Local Plan and its supporting evidence base which are unavoidably technical. GA4, Land at North Farm has been considered through the Site Selection Topic Paper, Employment Land Technical Paper, Green Belt papers and the Sustainability Appraisal and is considered to be a suitable and sustainable site. Any development brought forward on sites allocated for removal from the Green Belt will be required to provide compensatory improvements to the environmental quality and accessibility of remaining Green Belt land, to contribute to offsetting the impact of removal of this site from the Green Belt and accord with national planning policy and guidance. Comments regarding GA5: Former MOD bunkers and GA6: Land South of St John's Terrace and Natley Avenue have been taken into account and following a review of the Local Plan evidence these sites have been removed from further consideration in this Local Plan.

Representation:
Legally non-compliant & unsound: Katharine Berbuto's Regulation 18 representation; STC incorrectly identify Land at North Farm as being GA4… GA4 is West Hall Farm.

Ref	Document & Extracts	
10		Representation: Legally non-compliant & unsound: This document has little value as it is too generalised and cannot be relied upon in support of the Local Plan. The information required at this stage is not provided. There are protected species such as amphibians.. this is the stage at which protection needs to be identified.

South Tyneside Local Plan HRA

Allocation	Site Ref	No. dwellings	Distance (km) from allocation	
			Durham Coast SAC	Northumbria Coast SPA/Ramsar
Land at Kirkstone Avenue	H.23	2	6.2	6.2
Hebburn New Town	H.24	110	7.7	7.9
Land south-west of Prince Consort Road	H.25	46	8.0	8.1
SP5: Former Brinkburn Comprehensive School	**SP5**	**150**	**2.1**	**2.3**
SP6: Land at former Chuter Ede Education Centre	**SP6**	**190**	**4.0**	**4.2**
SP7: Urban and Village Sustainable Growth Areas:				
Land at South Tyneside College, Hebburn Campus	GA1	115	8.6	8.7
Land at North Farm	GA2	263	4.6	4.6
Land to North of Town End Farm	GA3	400	5.9	5.9
Land at West Hall Farm	GA4	259	1.9	1.9
Land at Whitburn Lodge	GA5	30	0.4	0.9
Land to North of Shearwater	GA6	41	0.4	0.8
SP8: Fellgate Sustainable Growth Area	**SP8**	**1200**	**6.9**	**6.9**
SP10: South Shields Riverside Regeneration Area	**SP10**	**299[20]**	**2.3**	**1.5**
SP12: Fowler Street Improvement Area[21]	**SP12**	**75**	**1.7**	**0.8**

[20] Already permitted and included in commitments
[21] The distances here reflect the distance from the improvement area to the relevant European sites. Sites H4 and H5 are within the improvement area (and allocated under Policy SP4).

45

Ref.	Document & Extracts
11	

South Tyneside Council Local Plan Assessment
Reference number 16L02/002/002

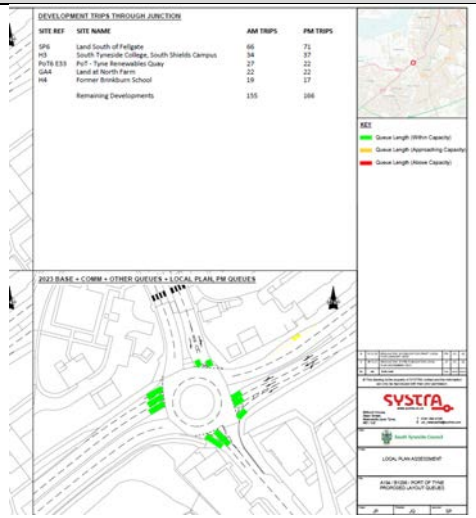
LOCAL ROAD NETWORK - TRAFFIC CAPACITY ASSESSMENT

SOUTH TYNESIDE COUNCIL LOCAL PLAN ASSESSMENT

SYSTRA

DEVELOPMENT TRIPS THROUGH JUNCTION

SITE REF	SITE NAME	AM TRIPS	PM TRIPS
SP6	Land South of Felligate	66	71
H3	South Tyneside College, South Shields Campus	34	37
PoTB ES3	PoT - Tyne Renewables Quay	27	22
GA4	Land at North Farm	22	22
H4	Former Brinkburn School	19	17
	Remaining Developments	155	166

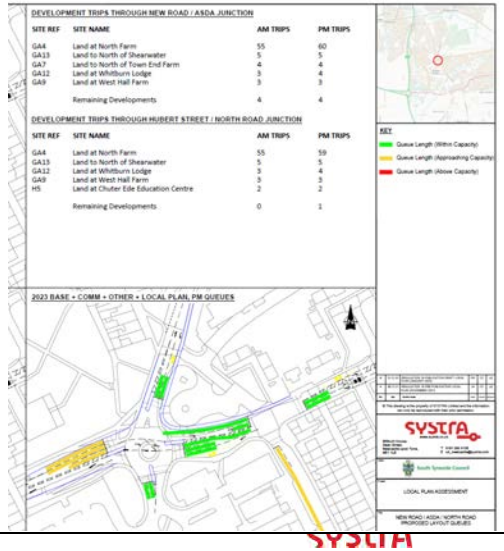


DEVELOPMENT TRIPS THROUGH NEW ROAD / ASDA JUNCTION

SITE REF	SITE NAME	AM TRIPS	PM TRIPS
GA4	Land at North Farm	55	60
GA13	Land to North of Shearwater	5	5
GA7	Land to North of Town End Farm	4	4
GA12	Land at Whitburn Lodge	3	4
GA9	Land at West Hall Farm	3	3
	Remaining Developments	4	4

DEVELOPMENT TRIPS THROUGH HUBERT STREET / NORTH ROAD JUNCTION

SITE REF	SITE NAME	AM TRIPS	PM TRIPS
GA4	Land at North Farm	55	59
GA13	Land to North of Shearwater	5	5
GA12	Land at Whitburn Lodge	3	4
GA9	Land at West Hall Farm	3	3
H5	Land at Chuter Ede Education Centre	2	2
	Remaining Developments	0	1

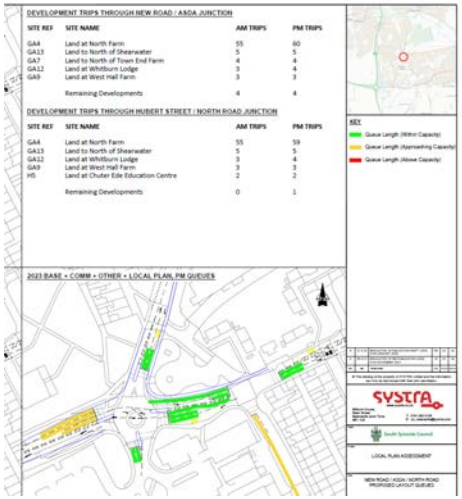


DEVELOPMENT TRIPS THROUGH NEW ROAD / ASDA JUNCTION

SITE REF	SITE NAME	AM TRIPS	PM TRIPS
GA4	Land at North Farm	55	60
GA13	Land to North of Shearwater	5	5
GA7	Land to North of Town End Farm	4	4
GA12	Land at Whitburn Lodge	3	4
GA9	Land at West Hall Farm	3	3
	Remaining Developments	4	4

DEVELOPMENT TRIPS THROUGH HUBERT STREET / NORTH ROAD JUNCTION

SITE REF	SITE NAME	AM TRIPS	PM TRIPS
GA4	Land at North Farm	55	59
GA13	Land to North of Shearwater	5	5
GA12	Land at Whitburn Lodge	3	4
GA9	Land at West Hall Farm	3	3
H5	Land at Chuter Ede Education Centre	2	2
	Remaining Developments	0	1



SYSTRA

3.25 Junction 25 – A1018 / B1299 Moor Lane Priority Junction

2023 Base + Committed Development + Other Development

3.25.1 The junction can be seen to be working within its theoretical capacity during the assessment period.

Table 64. A1018 / B1299 Moor Lane – 2023 Base + Com. Dev. + Other Dev.

JUNCTION ARM	MORNING PEAK		EVENING PEAK	
	RFC	Queue (PCU)	RFC	Queue (PCU)
Moor Lane East to A1018 South	0.28	0.4	0.25	0.4
Moor Lane East to A1018 North / Moor Lane West	0.25	0.4	0.26	0.4
A1018 North to Moor Lane West	0.01	0	0.02	0
Moor Lane West to A1018 North	0.04	0	0.02	0
Moor Lane West to Moor Lane East / A1018 South	0.3	0.5	0.22	0.3
A1018 South to Moor Lane East	0.16	0.2	0.16	0.2

2023 Base + Committed Development + Other Development + Local Plan Development

3.25.2 With the addition of Local Plan traffic the junction continues to operate within its theoretical capacity.

Table 65. A1018 / B1299 Moor Lane – 2023 Base + Com. Dev. + Other Dev. + Full Local Plan

JUNCTION ARM	MORNING PEAK		EVENING PEAK	
	RFC	Queue (PCU)	RFC	Queue (PCU)
Moor Lane East to A1018 South	0.29	0.5	0.26	0.4
Moor Lane East to A1018 North / Moor Lane West	0.31	0.5	0.3	0.5
A1018 North to Moor Lane West	0.01	0	0.03	0
Moor Lane West to A1018 North	0.04	0	0.02	0
Moor Lane West to Moor Lane East / A1018 South	0.32	0.5	0.24	0.3
A1018 South to Moor Lane East	0.16	0.2	0.17	0.2

2023 Base + Committed Development + Other Development + Local Plan Mitigation Results

3.25.3 For the purposes of this assessment, the impact of the Local Plan traffic upon this junction is not considered to justify a mitigation scheme with the junction continuing to work within its theoretical capacity.

3.25.4 The capacity assessment is summarised on Drawing Ref 16L02-25-001 overleaf.

3.25.5 The assessment considers junction capacity in isolation and there may still be requirements for local or wider sustainable transport improvements.

Cost of Mitigation

3.25.6 The capacity assessment suggests that no mitigation is considered necessary to improve capacity at the junction.

3.25.7 Nonetheless, contributions to local or wider sustainable transport improvements.

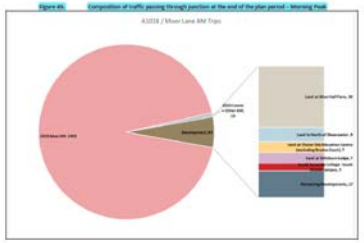
Trigger Point Analysis

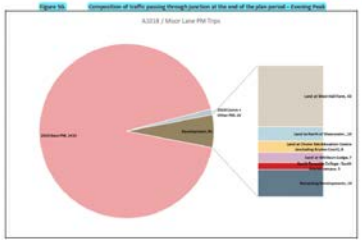
3.25.8 The assessment demonstrates that the impact of Local Plan traffic on the performance of the junction does not require a mitigation scheme, even with full build out, and therefore no trigger point has been identified.

Composition of Trips Through Junction

3.25.9 An illustration of the composition of traffic flows passing through the junction at the end of the plan period during the morning and evening peak scenarios can be seen on the following charts. These identify the base traffic, committed and other traffic, and the traffic as a result of the Local Plan.

3.25.10 The expanded bar chart identifies the largest contributing developments to the traffic generated by the Local Plan. The main contributor to the increase in traffic is as a result of Land at West Hall Farm with smaller contributions from a number of developments.





Representation:
Unsound:
The Traffic measurements do not reflect the true traffic flows as these were measured when a traffic calming scheme in Moor lane was being trialled which affected the volume of traffic and traffic movements. Covid was still present within the population c. 1M cases per week and compounding the reduction in traffic flows as measured.

3.26 Junction 26 – A183 / B1299 Moor Lane Signalised Junction

2023 Base + Committed Development + Other Development

3.26.1 The junction can be seen to be approaching its theoretical capacity during the assessment period during both the morning and evening peak period.

Table 66. A183 / B1299 Moor Lane – 2023 Base + Com. Dev. + Other Dev.

JUNCTION ARM	MORNING PEAK		EVENING PEAK	
	Deg. Sat. (%)	Queue (PCU)	Deg. Sat. (%)	Queue (PCU)
A183 East Street North	[illegible]	11.5	[illegible]	10.1
A183 East Street South	77.9	10.2	[illegible]	13.3
B1299 Moor Lane	63.6	6.6	55.2	4.6
Junction Deg. Sat. (%)	[illegible]		[illegible]	
Junction PRC All Lanes (%)	1.1		2.8	

2023 Base + Committed Development + Other Development + Local Plan Development

3.26.2 With the addition of Local Plan traffic, the operation of the junction is exacerbated, however it continues to operate its approaching theoretical capacity.

Table 67. A183 / B1299 Moor Lane – 2023 Base + Com. Dev. + Other Dev. + Full Local Plan

JUNCTION ARM	MORNING PEAK		EVENING PEAK	
	Deg. Sat. (%)	Queue (PCU)	Deg. Sat. (%)	Queue (PCU)
A183 East Street North	[illegible]	14.4	[illegible]	11.7
A183 East Street South	78.5	10.4	[illegible]	13.8
B1299 Moor Lane	64.7	6.8	58.4	5.2
Junction Deg. Sat. (%)	[illegible]		[illegible]	
Junction PRC All Lanes (%)	-5.3		-1.8	

2023 Base + Committed Development + Other Development + Local Plan Mitigation Results

3.26.3 For the purposes of this assessment, the impact of the Local Plan traffic upon this junction is not considered to justify a mitigation scheme with the junction continuing to work within its theoretical capacity.

3.26.4 The capacity assessment is summarised on Drawing Ref 16102-26-001 overleaf.

3.26.5 The assessment considers junction capacity in isolation and there may still be requirements for local or wider sustainable transport improvements.

Cost of Mitigation

3.26.6 The capacity assessment suggests that no mitigation is considered necessary to improve capacity at the junction.

3.26.7 Nonetheless, contributions to local or wider sustainable transport improvements.

Trigger Point Analysis

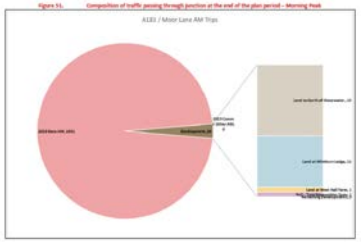
3.26.8 The assessment demonstrates that the impact of Local Plan traffic on the performance of the junction does not require a mitigation scheme, even with full build out, and therefore no trigger point has been identified.

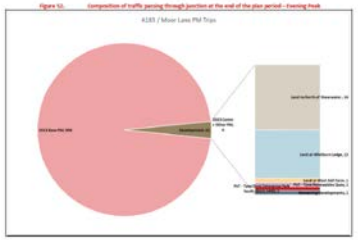
Composition of Trips Through Junction

3.26.9 An illustration of the composition of traffic flows passing through the junction at the end of the plan period during the morning and evening peak scenarios can be seen on the following charts. These identify the base traffic, committed and other traffic, and the traffic as a result of the Local Plan.

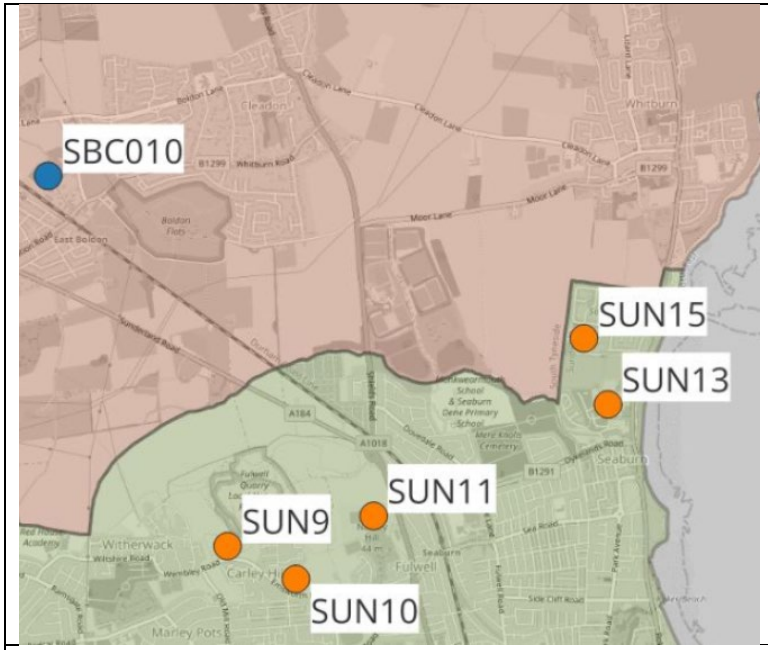
3.26.10 The expanded bar chart identifies the largest contributing developments to the traffic generated by the Local Plan. The increase in traffic is a result of small contributions from a number of developments.

Figure 51. Composition of traffic passing through junction at the end of the plan period – Morning Peak





JUNCTION	CAPACITY SUMMARY	PROPOSED MITIGATION	INDICATIVE COST	INDICATI DELIVER TIMESCA
Junction 22 – A184 / Whitburn Road / Whitburn Terrace signalised junction	Arms operate close to capacity in the Base + Committed Development + Other Developments + Local Plan scenarios. However corridor approach pursued.	Sustainable Travel and Traffic Management measures along the A184 corridor	£750,000 (to cover Junctions 19 – 22)	Through lifetime plan
Junction 23 – A1018 / Cleadon Lane priority junction	Cleadon Lane operates above capacity in the Base + Committed Development + Other Developments + Local Plan scenario.	Signalisation of the junction	£600,000	11 to 15 Years
Junction 24 – A1018 / Whitburn Road priority junction	No capacity issues were identified in the Base + Committed Development + Other Developments + Local Plan scenarios.	N/A	N/A	N/A
Junction 25 – A1018 / B1299 Moor Lane priority junction	No capacity issues were identified in the Base + Committed Development + Other Developments + Local Plan scenarios.	N/A	N/A	N/A
Junction 26 – A183 / B1299	No capacity issues were identified in the Base + Committed Development			



SUN8	Land at Hylton Lane / Blaydon Avenue	71
SUN9	Land at Fulwell Quarry, North of Emsworth Road, Sunderland	109
SUN10	Carley Hill School, Emsworth Road	40
SUN11	Land at Newcastle Road, Fulwell	80
SUN13	Greenspace North West of Seaburn Camp	64
SUN15	Former Ayton Village School, Goldcrest Road	56
SUN16	Havannah Road/ Moorway	97
SUN17	Washington Football Club, Spout Lane	46
SOS053	Land at Farding Square	24
SOS021	Land at Associated Creameries	30
SBC010	Land at Cleadon Lane Industrial Estate	202
SHB012	Ashworth Frazer Ind Estate and Hebburn Community centre	100
SHB040	Former Hawthorn Leslie Shipyard	446

1. INTRODUCTION

1.1 Background to the Study

1.1.1 The Council is in the process of preparing a new Local Plan for the area. This is a plan which will manage how South Tyneside will grow and develop over the next 15 – 20 years. It sets out the scale and location of different types of development over this period and contains a number of development policies which set out what is required from new development management proposals. This includes requirements for travel planning to encourage use of cycling, walking, and public transport, and to ensure that each proposal is adequately serviced by infrastructure, including transport provision.

1.1.2 The overall scale of development being planned through the Local Plan is significant, with circa 3500 net new dwellings and circa 50 ha of employment land proposed across the authority.

1.1.3 This assessment takes into account developments with consented planning permission within South Tyneside (referred to as Committed developments). This includes circa 1500 dwellings and 150ha of land identified for the delivery of the International Advanced Manufacturing Park (IAMP) located to the north of the Nissan Plant. This is anticipated to generate in the region of 7500 jobs.

1.1.4 Also included are large Local Plan developments on the periphery of the borough i.e. within Gateshead, Sunderland and North Tyneside, that will result in development traffic using South Tyneside's road network (referred to as Other developments). This totals circa 3500 dwellings and 10 hectares of employment land.

1.1.5 Due to the significant impact that the Local Plan aspirations will have on the local and Strategic Road Network, the Council requires an assessment to be carried out in order to assess the traffic impact and indicate the type, scale and nature of the highway improvements which are likely to be required to cater for this impact. This assessment has therefore been produced to inform the Council and National Highways, as well as to inform adjacent authorities, whose administrative area may be impacted by development traffic.

1.2 The Study

1.2.1 SYSTRA Ltd has been commissioned by South Tyneside Council (the Council) to assess how the growth planned as part of the Council's Regulation 19 Publication Draft Local Plan (January 2024) will impact on the local road network across the borough.

1.2.2 This study will provide a detailed evidence base demonstrating how the impact of future development on the highway network has been considered and could be addressed.

1.2.3 The study will then identify 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.

1.2.4 The junctions (No's 1 – 33) considered within the study are listed in Table 1 and can be seen on the drawing in **Appendix A**. These junctions were identified in partnership with the Council based upon the volume of development traffic generated and the operation of the existing junctions.

1.2.5 Junctions (No's 34 to 39) have been subject to various pieces of study work and therefore have not been investigated further as part of this study. These studies have already resulted in the delivery of a number of schemes to provide immediate capacity improvements and future capacity to facilitate the Local Plan for example the Arches scheme (Junctions 34 to 36); the town centre improvements as part of the 365 Masterplan (Junctions 37 to 38); and the Lindisfarne to John Reid Road Air Quality Improvement Scheme (Junction 39).

1.2.1 Further infrastructure measures are currently being investigated in terms of their deliverability and suitable funding streams. This could be via contributions from developers or bidding opportunities via central government funding pots.

1.2.2 Junctions (No's 40 to 48) are on or adjacent to the Strategic Road Network and will be assessed by National Highways (working in partnership with the Council) through a separate study report.

1.2.1 South Tyneside Council and National Highways have a longstanding partnership of working closely together and have undertaken various studies that have led to successful delivery of a number of schemes provided to deliver immediate capacity improvements and future capacity to facilitate the Local Plan for example the A19 A194 to A185 Lane gain/lane drop scheme (Junction 41), the Lindisfarne improvement scheme (Junction 42) and A194 / Mill Lane to A194 White Mare Pool capacity improvement scheme (Junctions 47 and 48). In addition major schemes have recently been completed at the A19 / A184 Testo's junction and at the A19 / A1290 Downhill Lane (Junction 45 and 46). In addition, the Tyne Tunnel has recently installed ANPR cameras at the northern portal removing the requirement for vehicles to stop when passing through the Tunnel.

1.2.2 In summary, substantial mitigation has already been implemented across the Borough to address the anticipated traffic growth arising from the Local Plan allocations. This demonstrates the Council's ability to fund and deliver major infrastructure schemes.

1.2.3 Further infrastructure measures, identified in partnership with National Highways, are currently being investigated in terms of their deliverability and suitable funding streams. This could be via contributions from developers or bidding opportunities via central government funding pots.

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2. ASSESSMENT METHODOLOGY

2.1 Base Traffic

2.1.1 Manual traffic count and queue length surveys were undertaken for all of the junctions included within the study during October and November 2022. An analysis of the traffic flow data identified the most common network peak period as 08:00 – 09:00 and 16:30 – 17:30.

2.1.2 A standard base year of 2023 was established by growthing the counts using NTM and Tempro. The alternative assumptions tab was used to remove development led traffic growth within this period which will be addressed through the addition of committed development as outlined below. The rate used to achieve this is shown in Table 2.

Table 2. Growth Rates

TIME PERIOD	AM PEAK	PM PEAK
2022 – 2023	1.0032	1.0029

2.2 COVID-19

2.2.1 It should be noted that the base counts used in this assessment post-date the COVID-19 pandemic. Assessments of the traffic flows at various locations across the road network using ATC data identified that the survey days were considered to represent typical operation and were stable at the time that the surveys were undertaken.

2.2.2 National data is available which demonstrates that levels of traffic are increasing, however in South Tyneside they are considered to remain lower or comparable with pre-COVID levels i.e. forecasted traffic growth has not occurred. However there is likely to be variation at a macro and micro levels across the road network.

2.2.3 It is acknowledged that it remains unknown if travel patterns will return to 'normal' in a post-COVID scenario. It is unclear if people will continue to work from home, continue to avoid use of public transport or if the continued growth in home shopping will result in increases in LGV or HGV movements. Therefore, developers will be required to undertake site specific surveys as part of their applications.

2.3 Background Growth

2.3.1 It is considered that the volume of development included in the Local Plan plus the substantial volume of Committed and Other development results in a robust assessment of the operational capacity of the road network and negates background growth.

2.3.2 This methodology has been agreed with South Tyneside Council and National Highways during the scoping process.

2.4 Trip Generation

2.4.1 Person trip generation has been undertaken via various methodologies to take account of developments being at different stages within the planning process. The different methodologies are outlined below.

Local Plan Development

2.4.2 The proposed Local Plan Development, as used in this assessment, consists of the following:

- 3456 mixed private dwellings; and
- 48.78 hectares of B1/B2/B8.

2.4.3 The full site list including the site reference, land use, size and coordinates can be seen in **Appendix A**.

2.4.4 Sites included in the assessment can be seen on the map in **Appendix A**.

2.4.5 Sites of all sizes have been included in the assessment, including a site of just two dwellings.

2.4.6 Person trip generation for the sites within the Local Plan has been based on generic trip rates derived from the TRICS database. The land use, person trip rates and resultant generic person trip rates (highlighted in bold) can be seen in Table 3.

Table 3. Person Trip Rates

LAND USE	UNIT	MORNING PEAK		EVENING PEAK	
		Arrivals	Departures	Arrivals	Departures
Mixed Private Dwellings	Dwelling	0.178	0.572	0.51	0.3
B1 – Office	Hectare	57.918	10.101	9.198	54.537
B2 – Industry	Hectare	18.64	9.58	9.762	16.174
B8 – Warehouse Commercial	Hectare	3.977	3.157	0.738	4.428
B1/B2/B8	Hectare	26.845	7.612667	6.566	25.04633

Modal Splits

2.4.7 Person trip rates have been translated into vehicle trip rates using modal splits taken from the 2011 Journey to Work Census Data for individual middle super output areas.

2.4.8 The Middle Super Output Area and resultant modal splits can be seen on **Drawing Ref: 16L02/03 in Appendix A**.

Committed Developments

2.4.9 A review of existing committed developments within South Tyneside has been undertaken. This is considered to be circa 1500 dwellings. Person and vehicle trip generation for these developments have been taken directly from the Transport Assessments (TA) prepared as part of the application where available. Given that the assignment of trips within the TAs is local to the site, GrahAM has been used to assign the trips to the wider network.

2.4.10 In addition IAMP has been included as a committed development. The agreed trip generation and distribution for IAMP has been taken directly from the study work relating to the approved Area Action Plan.

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Representation: Developent SUN15, SUN13, SBC010 will add 322 homes and affect traffic in the locality at peak travel times. Unsound.

South Tyneside Green Belt Study

Final Report

South Tyneside Council

Prepared by LUC
November 2023

Chapter 5

Green Belt Harm Site Allocation Assessment Findings

5.1 The parcel assessments of harm to the Green Belt purposes set out above have been used as part of the evidence base to inform the Council's site allocation proposals. The Council has identified eight sites to release from the Green Belt for development:

- SP8 – South of Fellgate;
- SP14 – Wardley Colliery;
- GA1 – Hebburn College Campus;
- GA2 – Land at West Hall Farm;
- GA3 – Land at Town End Farm;
- GA4 – Land at North Farm;
- GA5 – Land at Whitburn Lodge; and,
- GA6 – Land to north of Shearwater.

Representation:
These assessments are subjective and in the light of additional findings the harm could escalate. GA4 is such a site.

Table 5.1: Harm ratings by site allocation

Site	Purpose 1 harm rating	Purpose 2 harm rating	Purpose 3 harm rating	Highest harm rating
SP8 – South of Fellgate	Moderate	Moderate	Moderate	Moderate
SP14 – Wardley Colliery	Moderate	Moderate	Moderate	Moderate
GA1 – Hebburn College Campus	Low/No	Moderate	Low/No	Moderate
GA2 – Land at North Farm	Low/No	Moderate	Low/No	Moderate
GA3 – Land to north of Town End Farm	Moderate	Moderate	Moderate	Moderate
GA4 – Land at West Hall Farm	Moderate	Moderate	Moderate	Moderate
GA5 – Land at Whitburn Lodge	Moderate	Moderate	Moderate	Moderate
GA6 – Land to north of Shearwater	Moderate	Moderate	Moderate	Moderate

Mitigation measures

5.4 Legal case law, as established in Calverton Parish Council v Greater Nottingham Councils & others (2015) indicates that planning judgments setting out the 'exceptional circumstances' for the amendment of Green Belt boundaries require consideration of the 'nature and extent of harm' to the Green Belt and 'the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'. It is therefore important that the Council consider how the harm to the Green Belt could be reduced at the point of release. There are three main ways that potential harm could be reduced:

- By avoiding areas of higher harm from being developed
- By considering if the nature and form of the development could reduce impacts on the wider Green Belt – for example by considering the height of development (two storey, three storey)
- By identifying if there are mitigation measures that could be implemented as part of the masterplanning of sites to reduce harm, i.e. landscape works – creation of tree belts etc

5.5 Common mitigation measures identified in **Appendix C** which could be used by the Council in discussions with developers to feed into masterplans where appropriate include planting of vegetation and trees along outer boundaries of sites, planting of new woodland areas (where this is in accordance with the landscape strategy set out in the South Tyneside Landscape Character Assessment) and maintaining a density of development that is no greater than the immediately adjacent urban area.

5.6 It should be noted that the residual Green Belt harm after the suggested mitigation measures have been applied cannot be defined until all the details are known. Furthermore, some measures, such as planting woodland, take many years to establish.

Compensatory improvements

5.7 Paragraph 138 of the NPPF states that where it is concluded it is necessary to release land from the Green Belt for development, Local Planning Authorities should…"set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land".

5.8 Paragraph 141 of the NPPF also states "Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land."

5.9 Further guidance is also provided in the PPG which states: "Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:

- new or enhanced green and blue infrastructure (GBI);
- woodland planting;
- landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);
- improvements to biodiversity, habitat connectivity and natural capital;
- new or enhanced walking and cycle routes; and
- improved access to new, enhanced or existing recreational and playing field provision."

5.10 There are two main ways that the Council could demonstrate that they have identified suitable opportunities to compensate for the loss:

1. Opportunities for strategic green and blue infrastructure initiatives suitable for developers to contribute to via pooled Section 106 or Community Infrastructure Levey (CIL) contributions.

2. Opportunities for site-based improvements within or in close proximity (roughly 1km) to the site allocations. Such improvements must be on Green

Bet land and not potential open space provision within the area proposed for release.

Opportunities for strategic compensatory improvements

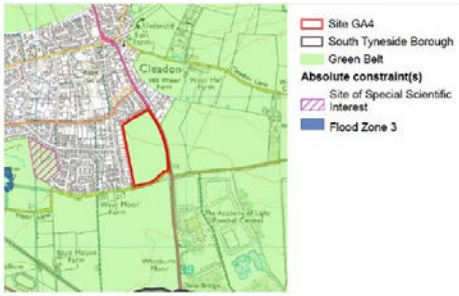
5.11 In setting out proposals for potential enhancements around each site, this report has drawn on the recommendations of the Strategic Projects set out in the Action Plans chapters of the Council's emerging Green and Blue Infrastructure Strategy. The following Strategic Projects are relevant to the Green Belt:

- **Action Plan 1: Coastal Edge**
  - Project 1.1: South Tyneside Seascapes.
  - Project 1.2: Stronger Shores.
  - Project 1.3: NCN1 Green Corridor.
- **Action Plan 3: River Don Corridor**
  - Project 3.1: River Don Linear Park.

Other sites like SP8 (South of Fellgate) and GA3 (Land to north of Town End Farm) have a stronger relationship with the surrounding countryside and, therefore represent more notable sprawl of the large built-up area.

5.18 Whilst the remaining sites (SP14 - Wardley Colliery, GA4 - Land at West Hall Farm, GA5 - Land at Whitburn Lodge and GA6 - Land to north of Shearwater) are not directly adjacent to the Tyne and Wear conurbation, their relatively close proximity to the large built-up area means that their release still constitute sprawl, albeit to a lesser extent.

GA4 – Land at North Farm



GA4 – Land at North Farm

Description

- The site is adjacent to the southeast of Cleadon.
- The site is peripheral to the gap between Sunderland and The Boldons merged with neighbouring towns within the South Tyneside built-up area. It is at least as far from either town as the direct gap between them and intervening villages.
- The site contains no built development and so is open.
- The site contains a large agricultural field and is therefore considered to be part of the countryside.
- The site is contained to the north and west by the inset urban area of Cleadon. Treelined hedgerows bordering residential gardens provides a degree of separation between the site and the inset area to the north and west. The urban edge has an urbanising influence between the trees.
- Moor Lane to the south and Sunderland Road to the west represent strong, regular alternative Green Belt boundaries, although sparse tree-cover along their edges maintain open views of the wider countryside.

Harm to the Green Belt purposes

Harm from the release of land as an expansion of Cleadon.

Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Moderate	Moderate	Moderate	Low/No	Equal

Purpose 1 – Check the unrestricted sprawl of large built-up areas.
- **Function:** The site is adjacent to the village of Cleadon, which does not form part of the large built-up area to the north and south; however, its location in between the large built-up areas of South Tyneside and Sunderland means it does contribute to checking their sprawl.
- **Openness:** The site is open.
- **Distinction:** The site has distinction from the urban edge to the extent that development would be considered sprawl.
- **Impact of release on remaining Green Belt:** The site is contained by the inset area from the north and west. Moor Lane to the south and Sunderland Road to the west represent relatively strong, regular alternative Green Belt boundaries. Although sparse tree-cover along their edges maintain open views of the wider countryside, the countryside beyond would remain distinct and maintain a strong association with the wider countryside.

Purpose 2 – Prevent neighbouring towns merging into one another.
- **Function:** The site is peripheral to the gap between Sunderland and South Shields.
- **Openness:** The site is open.
- **Distinction:** The site has distinction from the urban edge to the extent that

GA4 – Land at North Farm

development would be considered to reduce the gap between neighbouring towns.
- **Impact of release on remaining Green Belt:** Release of the site would have a narrowing effect by reducing the open area between the towns. However, the containment of the site to the north and south limits its significance. Moor lane to the south and Sunderland Road to the west represent relatively strong, regular alternative Green Belt boundaries with the countryside in the gap beyond clearly distinct from the urban edge and having a strong association with the wider countryside.

Purpose 3 – Assist in safeguarding the countryside from encroachment.
- **Function:** The site is part of the countryside and so contributes to preventing encroachment on it.
- **Openness:** The site is open.
- **Distinction:** The site has distinction from the urban edge to the extent that development would be considered encroachment on the countryside.
- **Impact of release on remaining Green Belt:** The site is contained by the inset area from the north and west. Moor Lane to the south and Sunderland Road to the east represent relatively strong, regular alternative Green Belt boundaries Although sparse tree-cover along their edges maintain open views of the wider countryside, the countryside beyond would remain distinct and maintain a strong association with the wider countryside.

Purpose 4 – Preserve the setting and special character of historic towns.
- The Green Belt does not contribute to the distinctive historic character or setting of historic towns.

Purpose 5 – Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- All Green Belt land makes an equal contribution to this purpose.

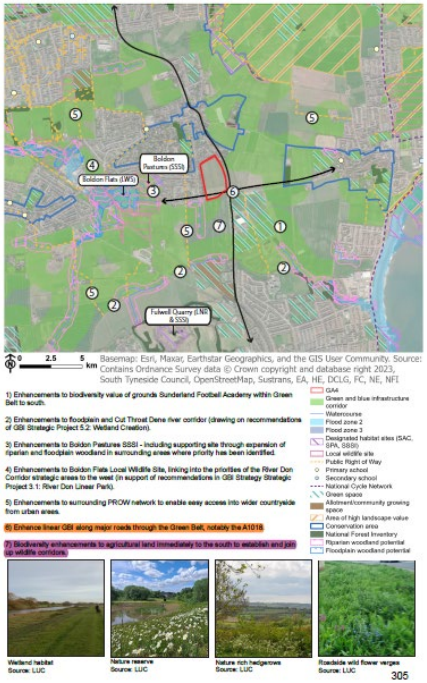
Potential mitigation measures

- The site is relatively well contained to the south and east where it adjoins the surrounding Green Belt, by Moor Lane and the A108 respectively, as well as sparse tree cover along these boundaries. Potential mitigation measures could include the retention and enhancement of vegetation and tree planting to the east and south, which would reduce the visual impact of development on adjacent Green Belt.
- Any mitigation measures should be in accordance with the landscape strategy for Character Area 33 of the South Tyneside Landscape Character Assessment, which sets out that opportunities should be taken to enhance settlement boundaries to form an improved Green Belt edge and support the reinstatement and reinforcement of hedges and hedge trees.
- To create a more permeable edge between the urban area and countryside, it is suggested that the density of development in the proposed site should be no greater than existing development in the immediately adjacent urban area to the north and west.

GA4 – Land at North Farm

- **Enhancements to biodiversity value of grounds of Sunderland Football Academy** within Green Belt to south. This should take account of identified areas of surface water flood risk (see full GBI Strategy mapping). This will require engagement with/support for land managers, should draw on best practice across nationwide sports grounds, and may involve provision of nesting boxes, pollinator corridors, wildflower meadow areas, species protection areas, orchard trees, roped-off zones for any ground-nesting birds, drought-tolerant grasslands or etc.
- **Enhancements to Cut Throat Dene river corridor and floodplain** to the south on the authority boundary, including riparian tree cover in identified priority areas (drawing on recommendations of GBI Strategic Project 5.2: Wetland Creation).
- **Enhancements/restoration at Boldon Pastures SSSI** (currently in 'unfavourable - no change' condition due to under grazing). This should draw on detailed advice from ecologists and may also include supporting the core site through the expansion of riparian and floodplain woodland in surrounding areas where priority has been identified (see full mapping as part of South Tyneside GBI Strategy).
- **Enhancements to Boldon Flats Local Wildlife Site**, linking into the priorities of the River Don Corridor strategic areas to the west (in support of recommendations in GBI Strategy Strategic Project 3.1: River Don Linear Park). Enhancements should support thoughtful access that does not put excessive pressure on the most sensitive wetland habitats - may include boardwalks, upgraded paths, quiet seating areas, bird hides, nature interpretation resources etc.
- **Enhancements to surrounding PROW network** to enable easy access into wider countryside from urban areas. This could include enabling easy access for pedestrians across Moor Lane (via a crossing) and into open countryside to the south. Enhancements might include wayfinding/signage/upgrades to footpaths/creation of nature-rich corridors. Interpretation regarding the importance of species-rich hedgerows and other features would also be valuable.
- **Enhance linear GBI along major roads through the Green Belt, notably the A1018.** Enhancements could include enhanced native tree cover (with a focus on shading of walking/cycling routes, buffer strips of native/wildflower planting for pollinator corridors, and linear SuDS (rain gardens) to capture and filter runoff from road. SuDS should be particularly focused in areas of identified surface water flood risk (see GBI Strategy mapping), including alongside the Sunderland Football Academy facilities.
- **Biodiversity enhancements to agricultural land** immediately to the south to establish and join up wildlife corridors. Would require working with landowners/managers expand the berry-bearing native hedgerow network, incorporate buffer strips of wildflower for pollinators and expand/connect existing woodland blocks. In this area of South Tyneside's Green Belt, intensive farming has resulted in habitat fragmentation, with a need to connect isolated areas of deciduous woodland and expand areas of calcareous grassland.
- All measures to be taken forward in association with East Boldon Neighbourhood Forum, to fully understand local needs.

Proposed GBI Enhancements to the Site GA4



LP1975 - Sonia Ali

Response to ST Local Plan Consultation from Sonia Ali, [redacted]

Sun 3/3/2024 11:44 PM

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

1 attachments (30 KB)

Soundness of the local plan Sonia Ali 3324.docx;

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

Please accept this word document attachment as my response to the local plan regulation 19 consultation.

Sonia Ali

[redacted]

Soundness of the plan

South Tyneside Local Plan 2023-2040 is not 'sound' as it has failed to establish 'Exceptional Circumstances' for the deletion of 6 sites from the Green Belt. It has relied on the statements that there is not enough Brownfield land or suitable land (excluding the Green Belt) in the borough therefore it is 'exceptional' to de allocate Green Belt.

Policy SP1 is **not based on robust evidence**

Policy SP1: Presumption in Favour of Sustainable Development

It states:

4.9 "*To determine the minimum number of homes needed, a local housing need assessment has been conducted using the standard method detailed in the national planning guidance. The standard method uses a formula to identify the minimum number of homes expected to be planned for in a way which addresses projected household growth and any historic under-supply. Using this approach the local housing needs assessment has concluded that for the plan period (1st April 2023 to 31st March 2040) 309 dwellings are required every year. This produces an overall minimum housing requirement of 5,253 new homes over the Plan period. The household projections that inform the housing baseline are the 2014-based household projections. This figure could change upwards or downwards based on new data. South Tyneside's housing requirement will not be 'locked in' until the Plan is submitted to the independent Planning Inspectorate."*

The minimum housing requirement indicated here is allowed to be changed. The reality is that the Local Plan is not giving a clear indication of the number of houses needed. It is also based on 2014 data even though there is more up to date data available for the area. Analysis of current population and housing data from the 2021 Census demonstrates that the policy is proposing an unsustainable level of growth.

Population

- The population of South Tyneside in 2021 was 147,800 a decrease of 327 from 148,127
- The estimate in the Local Plan for 2021 is 151,936 an overestimate of 4,136.
- The number of dwellings in the borough at 2021 is 68,300 so the average people per house is 2.16
- The overestimate of population is then equivalent to 1,915 houses
- The council is releasing Green Belt to build 1,862 houses.

- 1,501 of those houses are in Whitburn, East Boldon and Cleadon
- The population of South Tyneside has not increased in 60 years

1961 187,123
1971 181,584
1981 160,369
1991 155,881
2001 152,770
2011 148,127
2021 147,800

Yet the projected figure for 2039 = 158,526 a figure not seen since the 1980's

Houses

- Current number of houses in South Tyneside 2021 Census = 68,300
- Local Plan wants to build an extra 5,182 houses 2021-2039
- That is more than has been built in the last 30 years (3,837)
- The average built per decade over the last 60 years = 1,435 houses

2021 68,300
2011 67,167
2001 66,097
1991 64,463
1981 59,867
1971 61,529
1961 59,690

The inaccurate population projections within the Local Plan presumes that the population will be increasing over the Local Plan's time period. However, this will not be the case. Census data shows a consistently falling population in South Tyneside, from 157,200 in 1991, to 152,785 in 2001, to 148,127 in 2011, to 147,800 in 2021. Yet the Local Plan assumes a population of 151,936 for 2021, an overestimate of 4,136, and that it would continue to increase over the next 20 years. This Policy does not reflect the housing need in this borough and is not based on reliable evidence or the objectively assessed needs of the community.

Is the real reason for these inaccurate figures because more built housing will bring in more money to the council?

For this Plan to be positively prepared **Policy SP2** must be revised to decrease the number of homes being planned for, in order to meet the requirement to

be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development. This Plan cannot be sound with **Policy SP2** included for the following reasons:

The plan has not secured the sustainability of the villages as the infrastructure to support the proposed developments does not exist and there are no viable plans to improve the lack of them including.

- Lack of school places.
- Lack of medical facilities. The area south and East of South Tyneside has been identified in the plan as having insufficient access to medical services. Colliery Court Medical Group has already stopped taking new patients, to safeguard existing patients on its list.
- Lack of road capacity which already results in congestion with the associated air pollution and greenhouse gases.
- Lack of wastewater capacity that already results in regular sewage discharges into the environment
- Risks from flooding. North Farm is in a flood risk zone 2 and 3 and West Hall Farm is a very low lying area where farmland is permanently flooded for long periods and road surface flooding occurs.

The additional developments will have a detrimental impact on the character of the villages and is counter to the purpose of the Green Belt as set out in the NPPF to;

- Prevent urban sprawl
- Keep land permanently open
- Essential characteristics are openness and permanence
- Restrict urban sprawl
- Prevent neighbouring towns merging
- Safeguard the countryside from encroachment
- Assist urban regeneration, encouraging recycling derelict & urban land

The car dependent developments will have a detrimental effect on the environment and climate change so must be taken into account to be deemed 'positively prepared'.

Policy SP1 is also not positively prepared as it is not compatible with **Policy 2: Air Quality,** it ignores the fact that air quality and the reduction of air pollution are significant material planning considerations.

Policy 2: Air Quality

1. *Development will be supported where it contributes to the improvement of air quality.*

2. *Where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required.*

3. *Development that would result in exposure to air pollution that exceeds national air quality objectives will only be approved where satisfactory mitigation measures can be implemented.*

"6.18 Where relevant, development that may result in a detrimental effect on air quality in the borough will need to be supported by an air quality assessment that demonstrates appropriate mitigation or promotes sustainable options such as electric charging points. Development proposals must consider the cumulative impacts from other permitted developments on air quality. The Validation Checklist outlines what an Air Quality Assessment must include."

Air pollution cannot be mitigated by installing some options such as electric charging points. In this statement it is clear this is an option. New residents are under no obligation to drive electric cars because they have a charging point. It is already recorded by South Tyneside in the Air Quality Annual Status Reports 2018-2023 that the highest levels of NO 2 (Nitrogen Dioxide) in the monitored areas for East Boldon and surrounding areas DT1-DT10 can be found at Boker Lane/Front Street (DT6) in East Boldon.(An exception to this was the year 2020 when it was thought that Covid policies effected the decrease in NO 2).

In the SAR site ref: SBC004 was named Land at North Farm Boker Lane East (West Boldon). This now appears in this Local Plan as GA2 Land at North Farm. **Policy SP7: Urban and Village Sustainable Growth Areas** where GA2 is deallocated is not compatible to the **Air Quality Policy 2.** During the development of 263 houses and after will lead to increase of traffic to the A184 which is the main road in East Boldon also known as Front Street in the village. 263 houses each with at least one car will increase the NO 2 on the A184 Front Street Boker Lane junction. Therefore, this development will not contribute to the improvement of air quality. Policy SP7 is also a contradiction of **Policy 1: Promoting Healthy Communities as it states:** *Ensure that pollutants, including noise and air pollution, and hazards detrimental to public health and residential*

amenity are addressed prior to development. The residents of East Boldon and West Boldon will be exposed to higher levels of NO2 (Nitrogen Dioxide). It is not sustainable growth and it is not promoting healthy communities. Levels of Nitrogen Dioxide at this monitoring point (DT6) are returning to pre Covid years. Whilst South Tyneside look at an annual mean bias adjusted amount of Nitrogen Dioxide µg/m3 the amount collected per month show levels near the dangerous 40 µg/m3 of the national air quality objectives.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018	34.82	**42.53**	**44.24**	39.12	32.39	30.15	34.98	28.80	32.40	38.94	**43.10**	**41.06**
2022	32.6	31.1	34.9	25.6	16.6	24.5	26.0	27.8	31.0	28.9	39.5	38.9

Data from Air Quality Annual Status Report 2019 and 2023 for DT6 Front St/Boker Lane Diffusion Tube results

Policy SP1 is not effective as there is no evidence that the housing requirement for the Plan period is at a level requiring development on the Green Belt. The strategic need has not been proven, for example there has been no cooperation with neighbouring local authorities which have Local Plans that intend to cumulatively build in excess of 19,000 houses above their respective ONS 2018 housing projections:

Sunderland Local Plan – 10,755 excess houses by 2033

Gateshead Local Plan – 6,337 excess houses by 2030

North Tyneside Local Plan - 2,238 excess houses by 2032

This is not effective as the three neighbouring Local Planning Authorities have used either IAMP, Follingsby or both to justify more housing than their objectively assessed housing need.

For this Plan to be positively prepared **Policy SP2** must be revised to decrease the number of homes being planned for, in order to meet the requirement to be sound on the basis of being positively prepared, so that it meets the area's objectively assessed needs and is consistent with achieving sustainable development. This Plan cannot be sound with **Policy SP2** included for the following reasons:

The plan has not secured the sustainability of the villages as the infrastructure to support the proposed developments does not exist and there are no viable plans to improve the lack of them including.

- Lack of school places.
- Lack of medical facilities. The area south and East of South Tyneside has been identified in the plan as having insufficient access to medical services. Colliery Court Medical Group has already stopped taking new patients, to safeguard existing patients on its list.
- Lack of road capacity which already results in congestion with the associated air pollution and greenhouse gases.
- Lack of wastewater capacity that already results in regular sewage discharges into the environment
- Risks from flooding. North Farm is in a flood risk zone 2 and 3 and West Hall Farm is a very low lying area where farmland is permanently flooded for long periods and road surface flooding occurs.

The additional developments will have a detrimental impact on the character of the villages and is counter to the purpose of the Green Belt as set out in the NPPF to;

- Prevent urban sprawl
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- Safeguard the countryside from encroachment
- Assist urban regeneration, encouraging recycling derelict & urban land

The car dependent developments will have a detrimental effect on the environment and climate change so must be taken into account to be deemed 'positively prepared'.

Part of the Plan to regenerate South Shields Town Centre is to relocate South Tyneside College. These 160 mature trees will be felled on the existing College site. Policy 36: Protecting Trees, Woodland and Hedgerows states:

(i) Trees, woodland and hedges shall be protected and suitably retained as an integral part of the design of the development.

(ii) Proposals for new development which would result in unacceptable harm due to the loss of trees, woodland and/or hedgerows will not be permitted, unless it can be demonstrated that:

i. An overriding need for development and public benefit clearly outweighs harm to the landscape, ecological value, or the historical importance of the location, or

ii. Development cannot be relocated elsewhere within the development site, or

iii. Suitable mitigation and enhancement measures are provided and agreed with the council.

Paragraph 11:27 of the section Conserving and enhancing the Natural Environment in this Plan states:

"Trees and hedges play an important role in supporting the natural environment and wildlife habitats. They make a significant contribution to mitigating climate change, provide key ecosystem services that protect and enhance the local environment and provide essential green corridors which allow wildlife to travel between key sites. Trees and hedges also add to the character, appearance and distinctiveness of the local area, and their presence can have a significant and positive effect on the local landscape. The significance of trees and hedges may relate to their size, form, and maturity, or because they are rare or unusual."

These considerations have been ignored in implementing **Policy SP3**, so this Plan cannot be positively prepared when Policy statements are ignored in Planning decisions.

Delivering **Strategic Objective 4** and conserving and protecting the existing green infrastructure within the borough would be more conducive for **Policy SP3.** "To ensure that development, infrastructure, and communities are resilient to the effects of climate change and are designed to adapt to and reduce the effects of climate change"

Within the Local Plan,Policy SP3 is not sound or justified as it states an intent to amend the Green Belt Boundary to meet unrealistic housing targets. Most of the proposed Green Belt sites are in the villages of West Boldon, East Boldon, Cleadon and Whitburn and do not satisfy stated criteria as their deletion from the Green Belt Register. Amending the Green Belt Boundary, particularly in these villages is in direct conflict with each of the five purposes of the Green Belt. So the case for exceptional/special circumstances cannot

be proven. Green Belt deletion should not be about releasing individual sites, even major strategic sites, for development. Rather, it needs to be to meet expected long term need for development land beyond the life of the Plan. Designation of 'safeguarded land' between existing settlement boundaries. In order to be consistent with national policy Campaign to Protect Rural England (CPRE) nationally has also produced a Policy Guidance Note (PGN) for housing which states at paragraph 4.8

'*Green Belt boundaries should only be modified where there is compelling evidence of exceptional circumstances to justify a change to boundaries. The defining feature of formally designated Green Belts is their permanence. Any boundary review should be based upon the five purposes of the Green Belt outlined in paragraph 80 of the NPPF as well as a locally agreed set of criteria, arrived at by engagement with the local community. Any resultant changes should be kept to a minimum. The designation of additional Green Belt areas will be supported where it can be demonstrated that they meet one or more of the Green Belt purposes but not where they merely provide a substitute for deleted areas.'*

Greenbelt cannot be replaced or mitigated against.

It is up to the local authority, in this case South Tyneside Council, to determine its housing requirement, and this includes taking local circumstances and restraints such as Green Belt into account, and working with neighbouring authorities if it would be more appropriate for needs to be met elsewhere. It is recognised that not every community will be able to meet its housing needs in full. Census figures show that this is not necessary.

Furthermore, to release land from the Green Belt to build 1,108 houses of which 993, of those houses are in the villages of Whitburn, East Boldon and Cleadon, will not "Secure the sustainability and vitality of the Villages of Cleadon, Whitburn and the Boldons by supporting growth which respects the distinctive character of each Village" as set out in **Policy SP2**. This shows no 'respect' for "the distinctive character of each Village". In fac,t it is using the Green Belt in the Villages of South Tyneside as an asset to raise money for a cash strapped Council, which is not only unacceptable but also unsustainable. More housing will cause these villages to merge into one urban sprawl, thus

defeating the purpose of the Green Belt, to prevent urban sprawl. This is in direct conflict with National Planning Policy Framework (NPPF)

The proposals to build in the villages will lead to growth which does not respect the distinctive character of the villages of East Boldon, West Boldon, Cleadon and Whitburn. Land for new homes proposed will not lead to the acceptable plan-led development of these villages. The impact the proposals will have on the community will be considerable – increased traffic congestion, pressure on local facilities, school places and health services. Infrastructure for the proposed growth of these villages will potentially take up more land, which is already in short supply.

Increased traffic in these areas will cause pollution and a reduction in air quality. Pollution and air quality in these areas are currently ameliorated by the green infrastructure, hedges, trees and soil. This means **Policy SP7** is in direct conflict with **Policy 2 'Air Quality'** and **Policy 3 'Pollution.'**

Policy SP7 is not sound or justified. This policy implies that development on Green Belt land can be justified in "very special circumstances" and reference is made to"limited infilling sites". Most of the proposed Green Belt sites are in the villages of West Boldon, East Boldon, Cleadon and Whitburn and do not satisfy stated criteria as their deletion from the Green Belt Register is in direct conflict with each of the five purposes of the Green Belt. So the case for exceptional circumstances has not been proven. Green Belt deletion should not be about releasing individual sites, even major strategic sites, for development. Rather, it needs to be to meet expected long term need for development land beyond the life of the Plan. Designation of 'safeguarded land' between existing settlement boundaries. In order to be consistent with national policy Campaign to Protect Rural England (CPRE) nationally has also produced a Policy Guidance Note (PGN) for housing which states at paragraph 4.8

'Green Belt boundaries should only be modified where there is compelling evidence of exceptional circumstances to justify a change to boundaries. The defining feature of formally designated Green Belts is their permanence. Any boundary review should be based upon the five purposes of the Green Belt outlined in paragraph 80 of the NPPF as well as a locally agreed set of criteria,

arrived at by engagement with the local community. Any resultant changes should be kept to a minimum. The designation of additional Green Belt areas will be supported where it can be demonstrated that they meet one or more of the Green Belt purposes but not where they merely provide a substitute for deleted areas.'

Policy 10 Disposal of Foul Water and Policy 11 Protecting Water Quality are not positively prepared as both fail to address the fact that Northumbrian Water Limited (NWL) remains subject to a Compliance Assessment Report (CAR) with respect to the Whitburn sewage system which demonstrates a lack of capacity in the system. The proposed development in East Boldon, Cleadon and Whitburn feeds into the Whitburn sewage system and will exacerbate the detrimental environmental impact of sewage pollution currently experienced locally due to lack of sewage collection and treatment capacity.

Until the CAR is addressed by NWL then objections to developments that feed into the Whitburn sewage system are appropriate and must be addressed, particularly in this Plan to safeguard the community and environment. From a legal perspective we note that any evidence submitted to the Council that contradicts NWL's assertions regarding sewerage capacity is likely to be a material consideration that cannot be disregarded by the Council for the purposes of deciding whether to grant planning permission (although the weight to be given to that evidence is of course a matter of the LPA's planning judgment).

Policy 10 is not positively prepared as data provided to the LPA demonstrates the lack of capacity of sewage treatment and presents a robust and credible evidence base which requires further research/act finding by the LPA.

In comparison, NWL gave the LPA an uncorroborated verbal assurance that the Hendon Sewage Works has headroom for another 25,000 homes. This is hearsay.

In the Drainage and Wastewater Management Plans of NWL there is no evidence of sound sewage infrastructure delivery planning to reduce the spills of sewage in the borough or increase capacity at Hendon Sewage Works to accommodate more housing.

Therefore, this Local Plan is not sound. Many of the policies have not been positively prepared and do not deliver the objectives of the plan. There are many missed opportunities for the local community to be at the heart of this plan. Instead, this plan is a clear attempt to fool the community into releasing the green boundaries and compromise on planning, without any thought to infrastructure and sustainability.

Sonia Ali 3/3/24

LP1977 - Robert Latimer

FW: FW: FW: Leaving Ofwat CMS:0187338

Deborah Lamb [redacted]>

Wed 2/21/2024 2:13 PM

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

12 attachments (11 MB)

Image_20240220_0005.pdf; Image_20240220_0006.pdf; Image_20240220_0003.pdf; Image_20240220_0007.pdf; Image_20240220_0008.pdf; Image_20240221_0001.pdf; Image_20240220_0001.pdf; Image_20240221_0002.pdf; Image_20240221_0003.pdf; Image_20240221_0004.pdf; Image_20240221_0005.pdf; Image_20240221_0006.pdf;

From: Andrew Inch [redacted]
Sent: Wednesday, February 21, 2024 1:12 PM
To: Deborah Lamb [redacted]
Subject: FW: FW: FW: Leaving Ofwat CMS:0187338

Hi,

See below/attached LP consultation response from Mr Latimer.

Thanks,

Andrew

From: Robert Latimer [redacted]
Sent: Wednesday, February 21, 2024 10:52 AM
To: Andrew Inch [redacted]>; Geoff Horsman [redacted]>; Cllr Tracey Dixon [redacted]>; Cllr Jane Carter [redacted]>; Cllr Joyce Welsh [redacted]>
Subject: FW: FW: FW: Leaving Ofwat CMS:0187338

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Dear Mr Inch

Local Plan – East Boldon, Cleadon and Whitburn.

Thank you for the reply and I am sorry I cannot make either of those dates, also I am led to believe that the last day to respond to the Local Plan is the 25 February so I will just provide evidence by this email to show that the sewage policy contained in the Local Plan is not fit for purpose.

Over 30 years ago I was approached by Northumbrian Water who told me that they needed to build a pumping station next to our premises. They explained in detail how it would work, only storm water, water from the roads, it would work at most 20 times/20 hours a year, only work in extreme rainfall the list went on. I was given such assurances about how the system would work by both the Environment Agency and Northumbrian Water and reassured by the fact that South Tyneside Council was a Statutory Consultee, I did not object. After 27 years of problems with the system I can see that such reliance was totally misplaced. Now is the time to ensure that the system is corrected and that this is an essential part of the housing development requirement in the new Local Plan.

The system was commissioned in 1996 and it immediately ran into problems, sewage debris on the tide line and the beach but most of all we had a commercial fishing boat fishing for crab and lobster and we started picking up sewage debris in the pots, Northumbrian Water with the Councils and the Environment Agency's help denied this.

Things came to a head when the Council Officers were invited to visit the pumping station when a discharge to sea was taking place on the 6 February 1998. The Council Officers wrote: - *"Most recently an incident at NWL's Seaburn pumping station resulted in its temporary closure at approximately 00.30 on 6 February 1998. Sewage was diverted t the pumping station at Whitburn until about 17.30 on the same day. This station was therefore utilised to collect and pump raw sewage out to sea with the automatic pumping system operating during the following times 08.47 to 8.59, 11.52 to 1207 and 15.29 to 15.42"* Little did they know they were letting the cat out of the bag because the calculations the permit was based on stated: - *"In the event of complete failure at Seaburn and/or Roker P.S. flow would initially be diverted to this sewer offering the following storage under dry weather flow conditions from empty – Seaburn P.S. failure 69 hours"* The Council's own notes show without question that the system has not only been wrongly designed, the interceptor tunnel can barely hold the flows for 3 hours, a loss of 66 hours of capacity. (Scan 0005)

The importance of referring to this loss of capacity is that the flows of foul sewage from East Boldon, Cleadon and Whitburn all flow to the Seaburn P.S. meaning that any additional housing developments in these areas will be added to the already under capacity overloaded sewage system.
This also indicates how assurances from the EA and NWL cannot be believed = they have a financial interest, and no regard for our safety, installing a system which was inadequate from the start and defending their actions ever since.

I enclose a letter from the Environment Agency dated 29 July 1998 showing how they misunderstood how the system worked – this letter along with the Council's Officers explanation of what happened on the 6 February 1998, led to a Public Inquiry. The Secretary of State accepted the Inspector's recommendations directing the Environment Agency not to amend the permit but to issue a new one with conditions – the EA have failed to police the permit conditions and are fully aware they are not being complied with (0006).

Desperate measures to try and get capacity in the South Bents sewerage system

Before the boundary changes in the sixties South Bents was part of Whitburn, the sewers from South Bents run North towards Whitburn to a pumping station at Pebble Beach. Within the last 5 years a new 62 housing development was built at South Bents, because of the lack of capacity in the sewerage network Northumbrian Water connected the foul sewer via manhole 5609 directly to the interceptor tunnel without permission. This is illegal. This connection is still in place although it is not part of the permit as page 88 paragraph 15.4.3.5 shows. To any good engineer to connect the foul sewer to the storm system is a total error, this shows just how desperate Northumbrian Water are, and shows the Environment Agency are not a competent regulator. I also enclose page 95 from the Inspectors report: – *"…the model should be changed before being used for design purposes, otherwise it was likely to significantly underestimate CSO spillage and storage requirements. However, construction of the tunnel had already started and NWL rejected the recommendations"* This statement says it all, did they really think the Whitburn system would correct itself – this is what is wrong today - CSO spillage and lack of storage yet the Environment Agency stood back and allowed Northumbrian Water to construct a sewerage system knowing it would never work – the system was doomed to failure before it even began. (Scan 221 0001)

Further desperate measures so even more new houses can be added to the Whitburn sewage system at Seaburn

I refer again to Scan 220 0001 and explain that in 2012 the European Court of Justice had taken up the Whitburn case, the outcome was that the only possible solution was to increase the capacity of the interceptor tunnel to 10,800 m3. The problem with this calculation was that the interceptor tunnel already had a capacity of over 15,000 m3. Northumbrian Water again thought they would save money so they installed a separate tank behind Morrisons connected to the main sewer coming from East Boldon and Cleadon (page from NWL email 4/7/2022) this meant that they had connected the foul sewer again to the interceptor tunnel via this time by shaft 5. I enclose the Environment Agency responses Scan 221 0002 in response to where Policy 10 states: - *"The Council works closely with the Environment Agency and Northumbrian Water to collaborate with these agencies…"* this statement has to be struck out of the Policy 10.

Local Plan – Rest of South Tyneside including Hebburn and South Shields

The sewage system in South Tyneside is in one hell of a mess, the Lead Local Flood Authority is failing the people, relying on what they call 'partners' to tell the truth when in reality they are taking them for mugs. I am just an old engineer who worked for Nissan for over 32 years installing and maintaining the equipment with my own team until my son took over 8 years ago. I say this because nowhere in my business life, have I ever come across where there was no procedure to check that what was required and more importantly delivered, has been supplied. I enclose a small sample of CSO discharge reports to show just how bad the situation is with flows spilling into the River Don and the River Tyne: - Scan 221 0003

1. 2022 – South Shields Interceptor (0170) sewer overflow spilled 91 times for a total of 584 hours – River Don
2. 2022 – Tyneside CSO Newland Drive sewer overflow spilled 96 times for a total of 605 hours – River Don
3. 2022 – Tyneside CSO (0168) sewer overflowed spilled 75 times for a total of 455 hours – River Don,
4. 2022 – Don Valley P.S. this sewer overflow spilled 25 times for a total of 93 hours – River Don
5. 2022 – Springwell Park CSO this sewer spilled 26 times for a total of 65 hours – Monkton Burn.
6. 2022 – Roman Road CSO this sewer overflow spilled 31 times for a total of 108 hours – River Don.
7. 2022 - West of Headworth Lane CSO – this sewer overflow spilled 31 times for a total of 15 hours – River Don.
8. 2022 – Wagonway Road P.S – this sewer overflow spilled 132 times for a total of 1401 hours – River Tyne.
9. 2022 – Tudor Road CSO – this sewer overflow spilled 47 times for a total of 86 hours – River Tyne
10. 2022 – Coronation St CSO – this sewer overflow spilled 25 times for a total of 86 hours – River Tyne.
11. 2022 – Smith Street this sewer overflow spilled 7 times for a total of 33 hours – River Tyne
12. 2022 – Tenple Street CSo this sewer overflow spilled 55 times for a total of 122 hours – River Tyne.
13. 2022 - Eldon Street CSO this sewer overflow spilled 62 times for a total of 223 hours – River Tyne

South Tyneside sewage treated at Howden (Scan 221 0004)

14. 2022 Howdon STW CSO (North Bank) this sewer overflow spilled 61 times for a total of 424 hours – River Tyne.
15. 2022 Howdon CSO Primary this sewer overflow spilled 149 times for a total of 1425 hours – River Tyne.
16. 2022 Howdon CSO (south Bank) this sewer overflow spilled 128 times for a total of 1,000 hours – River Tyne,

Policy 10 Disposal of Foul Water (Draft Local Plan 221 0005)

Paragraph 7.59 *"The LPA must have regard to whether there is sufficient capacity within the existing sewer network before granting planning permission to a development that will impact on that capacity. However, it is the responsibility of Northumbrian Water (NWL) as sewage undertaker, to ensure that there is sufficient capacity. In assessing whether there is sufficient capacity, the LPA will have regard to the professional advice provide by NWL"*

Paragraph 7.60 *"The Environment Agency is the regulator for licensing abstractions, pollution control and the quality of the water environment, whilst Northumbrian Water is responsible for water services and sewerage. The Council works closely with the Environment Agency and Northumbrian Water and will continue to collaborate with these agencies and other infrastructure providers to inform future decision making"*

Paragraph 7.61 *"For further information regarding the mains drainage hierarchy of preference and for recommendations regarding connection points on the NWL network advice should be sought from NWL via its Pre-Planning Enquiry service"*

Scan 0008 shows beyond doubt that the Environment Agency is not a competent regulator, now claiming that they need 10 years to see if the upgrade has worked. The Ofwat Price Determination stated that delivery had to be by the end of 2017, the European Commission letter dated 3 February 2023 tells you that the judgement 'has still not been met.' This is 12 years after the judgement was made, 7 years past the deadline and the Local Plan Policy 10 says the Council should 'work closely with the Environment Agency' - I would say have they not already done that, and this is why the sewage network is such a disaster?

St Peters – all East Boldon, Cleadon and Whitburn sewage is forward to St Peters from Seaburn

I enclose Scan 0001 the content of this Scan calls into question the statement in Policy 10 *"The Council works closely with the Environment Agency and Northumbrian Water and will collaborate with these agencies and other infrastructure providers"* Working with these so-called agencies has to stop - the information contained in the scans is just a small sample of the horrendous errors being made, the new Local Plan must contain a policy on disposal of foul water that protects the public. The Council have to do their own assessment of the sewerage network or employ a competent person who will accept the responsibility for their actions.

Look at Scan 0003 information just received from Ofwat - the question has to be - why has Ofwat not fined Northumbrian Water 4 million pounds and more for non-delivery by December 2017?
It is expected that the new Office for Environmental Protection will find that the EA and OFWAT have failed in their duties, the new Local Plan must take notice of this, preferably waiting until the process is completed or making provisions for far less reliance on these bodies.

Hendon takes the flows from Est Boldon, Cleadon and Whitburn

Scan 0007 Showing another error made by the Environment Agency, they recorded Hendon in 2019/20 as spilling 27 times amounting to 15 hours 52 minutes, when the real figure was 178 discharge - 646 hours, over 3 million tonnes of sewage by-passing treatment.

I ask that the Local Plan does not go forward without a sewage policy that is fit for purpose and ask when the Inspector assesses the plan I would like to speak to him/her.

I enclose Scan 221 0006 which makes the comment that were 50 small boats moored in the bay, crabs and lobsters were caught, there are now no boats moored in the bay and there is no crab and lobster fishing from Whitburn. The safety and health of our precious coast should be paramount, with the Local Authority taking full responsibility.

Please acknowledge receipt of the email.

Regards

Bob Latimer

From: Andrew Inch [redacted]>
Sent: 19 February 2024 12:23
To: Robert Latimer [redacted]
Subject: RE: FW: FW: Leaving Ofwat CMS:0187338

Dear Mr Latimer,

Thank you for your email.

Would either 3pm on 28th or 10am on 29th suit?

Regards,

Andrew

From: Robert Latimer [redacted]
Sent: Friday, February 16, 2024 11:20 AM
To: Andrew Inch [redacted]
Subject: RE: FW: FW: Leaving Ofwat CMS:0187338

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Dear Mr Inch
Thank you for the email below but I would still like have a meeting with you before the deadline day for the Local Plan.
Regards
Bob Latimer

From: Andrew Inch [redacted]>
Sent: 09 February 2024 16:33
To: Robert Latimer [redacted] Cllr Tracey Dixon [redacted]>; Cllr Jane Carter [redacted]>; Cllr Joyce Welsh [redacted]>; Geoff

Horsman [redacted]; Helen Lynch (Planning) [redacted]k>
Subject: RE: FW: FW: Leaving Ofwat CMS:0187338

Dear Mr Latimer,

Thank you for your email regarding the current planning application for the Whitburn Lodge site (Application Ref: ST/0712/23/FUL).

Turning firstly to the matter of Planning Committee, the Whitburn Lodge application is on the published agenda for the 12 February committee.

We have reviewed correspondence on this application received from yourself and note your correspondence dated 27 October 2023 in which you do request to speak at Planning Committee. Unfortunately, your request to speak was not logged on our database system and, therefore, correspondence was not sent to you informing you of the Planning Committee date on which this application would be considered. Please accept my apologies for this.

In light of the above, it has been decided that the application will not now be considered at the 12 February Planning Committee, with a decision on the application being deferred until a later date.

I will ensure that your request to speak is logged on our database system and we will notify you in due course of the revised committee date when the application will be considered.

In terms of the other matters raised in your email and the various attachments provided, these will be considered alongside your previous comments in our assessment of this planning application.

Regards,

Andrew

From: Robert Latimer [redacted]>
Sent: Friday, February 9, 2024 1:22 PM
To: Cllr Tracey Dixon <[redacted]t>; Cllr Jane Carter [redacted]; Cllr Joyce Welsh <[redacted]; Andrew Inch [redacted]eoff Horsman [redacted]; Helen Lynch (Planning) [redacted]>
Subject: FW: FW: FW: Leaving Ofwat CMS:0187338

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Dear Councillors

I have just been contacted by a Whitburn resident who tells me that the Whitburn Lodge planning application is going before the Planning Committee on Monday, please could you tell me if this is true?
I requested to speak at the Planning Committee Meeting but have not been informed, I am away on Monday and would be most disappointed if is true that the meeting goes ahead on Monday.
I also requested information regarding the increase of flows into the existing sewage system, nothing has been provided.
At a recent meeting with Mr Inch he claimed that it was right that they wait 10 years to see if the upgrade of the Whitburn system has worked, I dispute this totally and as you can see below Ofwat has not confirmed that the

Whitburn system is compliant.
I also enclose the Ofwat Final Price determination which states delivery of the scheme was by the end of December 2017, not 10 years later.
I also enclose emails from Defra the EA and Ofwat which state 'completion of the scheme was by the end of December 2017.'
I have enclosed the Whitburn permit and the EA letter showing that the dry weather flow from Whitburn is 19 l/s this means that to include a further 3 l/s will have a horrendous effect on the system spilling at Whitburn.
It would be wrong for this application to go ahead without this information..
Regards
Bob Latimer

From: mailbox <[redacted]>
Sent: 06 February 2024 12:47
To: Rob Latimer [redacted]
Subject: RE: FW: FW: Leaving Ofwat CM3:0187338

Dear Mr Latimer,

Thank you for your email. I apologise if you felt I was avoiding your question, that was not my intention. My understanding is that this information has been communicated previously and that as per our previous advice our live enforcement investigation is considering Whitburn's overall compliance.

I can see from your previous correspondence with Mr Atwal, that we have advised previously that Ofwat, has not concluded that the system at Whitburn is fully compliant with regulation 4(4)(a). We are still assessing the available evidence (including the evidence you have submitted) to reach our own view on this matter as part of our on-going enforcement case against Northumbrian Water.

As we confirmed in our correspondence to you of June 2023 as part of our ongoing assessment, we are looking into whether Northumbrian Water has delivered and is operating the scheme it has been funded for through price limits, following on from the European Court of Justice judgement in October 2012. This includes looking at whether the company has met the requirements of the performance commitment we set in relation to this scheme in PR14 and whether that scheme is delivering the required improvement.

Therefore as advised previously whilst the Environment Agency did advise us this scheme had been completed, this is part of our ongoing investigations of which I am unable to provide a further update at this time.

As you are aware subject to due process, we are expecting to publish our proposed decisions in the first quarter of 2024. We will take public consultation responses into account as part of our final decisions on each of the cases.

Yours sincerely,

[redacted]
Casework, Enforcement & Customers Directorate

Ofwat, Centre City Tower, 7 Hill Street, Birmingham. B5 4UA
11 Westferry House, Westferry Circus, London. E14 8RH
ofwat.gov.uk
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---------- Original Message ----------
From: Rob Latimer [redacted]
Received: Tue Feb 06 2024 10:19:54 GMT+0000 (Greenwich Mean Time)

To: CED Queue <[redacted]>;
Subject: FW: FW: Leaving Ofwat CMS:0187338

Dear Ms Duffey

I think you are playing word games.

You state that the EA told you in 2018 that the 'Scheme (s?) had been completed' and yet the EA have stated (quoted below) that they need ten years to find out if the improvements have been effective. So my question to you is – what does **completion** of a scheme, funded in order to make improvement, actually mean? Can I assume that when work finishes then you, OFWAT, are satisfied that the money is well spent regardless of whether it fulfils its purpose or not?

May 2023 - The Environment Agency stated: -

"Improvements were made to the Whitburn Sewage System in 2017 to improve compliance with UWWTD requirements. We had previous explained that we must receive 10 years of data before we can definitively determine whether or not those improvements have been effective"

The ECJ were told: -

"The study found that, in order to maintain the number of discharges at below 20 per annum, the only possible solution would be to upgrade the interceptor tunnel whose capacity would have to be increased to 10,800 m3"

The work that has been done is to the foul sewage system coming from East Boldon and Cleadon not the Whitburn storm interceptor system.

European Commission 3 February 2023: -

"Furthermore, the United Kingdom authorities explained that the improvement had assisted in ensuring that bathing waters in Roker and Seaburn achieved an 'excellent' classification in this latter period" – "We have assessed this response and remain of the opinion that the overall volumes being spilled are significant. They are comparable to the quantities being spilled at the time this case was brought before the Court of justice"

I provide overwhelming evidence to show that the Whitburn system scheme was not delivered by the end of 2017 and has still not been delivered today.

Ofwat's email dated 11 February 2019 shows beyond doubt that Ofwat is not up to the task, I quote: - *"I have found that Mr Latimer was told that his contact with Ofwat was vexatious and harassing 24/8/09 and that he has been told this again 2/03/12, 04/08/14, 12/10/16"*

Never once did anyone in Ofwat have the gumption to consider there might be a problem, like your email today please goa way we are not interested, shameful.

Please answer my questions, which are not specific to any case against NWL.

We are hope to discuss this issue this evening so please reply by return.

Regards

Bob Latimer

From: mailbox <[redacted]>
Sent: 06 February 2024 08:42
To: Rob Latimer [redacted]
Subject: RE: FW: Leaving Ofwat CMS:0187338

Dear Mr Latimer,

Thank you for your email.

As per previous correspondence the Environment Agency confirmed to us in a spreadsheet in December 2018 that the schemes had been completed. Given this my understanding is that at that time no penalty was imposed.

As we have previously advised Whitburn is being considered as part of our ongoing investigation into Northumbrian Water, however we can not provide any further updates or information in relation to that case at the current time.

Kind regards,

[redacted]
Casework, Enforcement & Customers Directorate

Ofwat, Centre City Tower, 7 Hill Street, Birmingham. B5 4UA
11 Westferry House, Westferry Circus, London. E14 8RH
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---------- Original Message ----------
From: Rob Latimer [redacted]
Received: Mon Feb 05 2024 15:40:36 GMT+0000 (Greenwich Mean Time)
To: [redacted]>; CED Queue <[redacted]>; [redacted];
Subject: FW: Leaving Ofwat CMS:0187338

Dear Ms Duffey

Thank you for your reply, however you have not answered the question I asked – see below – so I ask again – have you imposed penalties for non- delivery of the scheme by 2017? I enclose information from the EA - Note from your internal Review para 3 'UK were given 6 years to comply…….'the UK is likely to fail' and a letter from the EA to myself which states that they require 'ten years of data to verify that the upgrade has worked' although there is

no such provision in the UWWTD. Data for discharges for the years since 2017 are said by the EUCJ to be 'comparable to the quantities being spilled at the time this case was … before the CoJ (2012) ' (European commission – to Robert Latimer 03.02.23) It is obvious that the system has not improved since 2017 – so I repeat my question - have you imposed penalties and if not, why not?
I have delayed my meeting until tomorrow evening to await your reply.

I now refer back to Ofwat's determination notice page 191 which states: -

"Penalty for late delivery (per year from 2018-10) - incentive rate £0.2m"
"Penalty for non-delivery £4m"

Please could you provide confirmation of imposition of such penalties or confirmation that no such penalties have been applied? If there have been no such penalties please explain why not?

Please could you please provide this information before the evening of 6 February 2023?

Regards

Bob Latimer

From: mailbox <[redacted]
Sent: 05 February 2024 14:03
To: Rob Latimer [redacted]
Subject: RE: Leaving Ofwat CMS:0187338

Dear Mr Latimer,

Thank you for your email.

I have reviewed the request below.

We have confirmed previously that there was typo in the Ofwat document that refers to Whitburn as a Wastewater Treatment Works. We are aware of this error and that Whitburn is not a Wastewater Treatment Works.

With regards to your other queries I understand that these were previously addressed in an EIR request. I have attached our response again to this email.

As advised by Mr Atwal previously, we appreciate that you would like more information and details, however at this stage Ofwat is not in a position to say anything further about our process and our findings at this point for risk of prejudicing the investigation.

Kind regards,

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Ref. Ares(2023)800824 - 03/02/2023

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate E – Compliance, Governance & Support to Member States
ENV.E.3 – Environmental Compliance – Enforcement

Brussels
ENV.E.3/SG

Mr Robert Latimer
[redacted]

Subject: Complaint file (2000) 4225 concerning Whitburn waste water spills

Dear Mr Latimer

Further to my letter of 26 November 2019, I would like to provide you with an update on the file in answer to your e-mails concerning the situation in Whitburn.

With regard to the follow up of the judgment in case C-301/10, the United Kingdom authorities provided two further updates since 2019. On the 20 July 2020, they explained that since improvement works to the Whitburn system had been completed on 14 December 2017, spills of untreated waste water into the environment had reduced both in terms of frequency and quantity. The data provided for St Peter's discharge point showed that annually there had only been 3 spills in 2018 and again 3 spills in 2019 (data up to 31 October of that year). This was a significant reduction on previous years where there had been 52 spills recorded in 2017 and 59 in 2016.

No ? Hours.

With regard to the long sea outfall at Whitburn, the United Kingdom authorities explained that in 2019 (until 31 October of that year) 653,727 m3 had been discharged in 21 spills. The United Kingdom authorities emphasised that 2019 had been a wet year and so was not comparable with 2018 when the volumes discharged were much lower. They referred us to data for 2008 where there had been 729,450 m3 of waste waters discharged in 41 spill events and 2012 where 832,389 m3 had been discharged in 31 spill events. They explained that both 2008 and 2012 were more comparable than the results of 2018 as these were both years where there had been unusual weather conditions.

On 18 May 2021, the United Kingdom authorities provided a further update with regard to the situation at the Whitburn long sea outfall. They explained that the final data for 2019 showed that 760,993 m3 of waste water had been discharged through 26 spills and that in 2020, 460,399 m3 had been discharged through 23 spills. The United Kingdom authorities explained that this represented a 19% reduction in spill events and in volume discharged for the 3 year period since the improvements had been completed compared to the previous 10 year average. In summary for the period 2008 to 2017, they explained that an average of 657,993 m3 had been discharged annually through an average of 27 spills compared to 532,662 m3 discharged through 22 spills as an annual average for the

3 year period 2018 to 2020. Furthermore, the United Kingdom authorities explained that the improvements had assisted in ensuring that bathing waters in Roker and Seaburn achieved an "excellent" classification in this latter period.

We have assessed this response and remain of the opinion that the overall volumes being spilled are significant. They are comparable to the quantities being spilled at the time this case was being brought before the Court of Justice. Whilst there have been significant improvements with regard to the situation monitored at the St Peter's discharge point, we are not of the opinion that the situation in Whitburn with regard to ongoing spills at the long sea outfall has been sufficiently improved to bring the United Kingdom into full compliance with the judgment of the Court.

You will of course be aware that since we last wrote to you in 2019, the United Kingdom formally left the European Union. Although our case remains open under the Withdrawal Agreement for a limited period of time, we can no longer follow up your concerns regarding increased development putting additional pressures on the waste water system in Whitburn. I would therefore suggest that you raise these concerns with the new body created for environmental oversight in England, the Office of Environmental Protection.

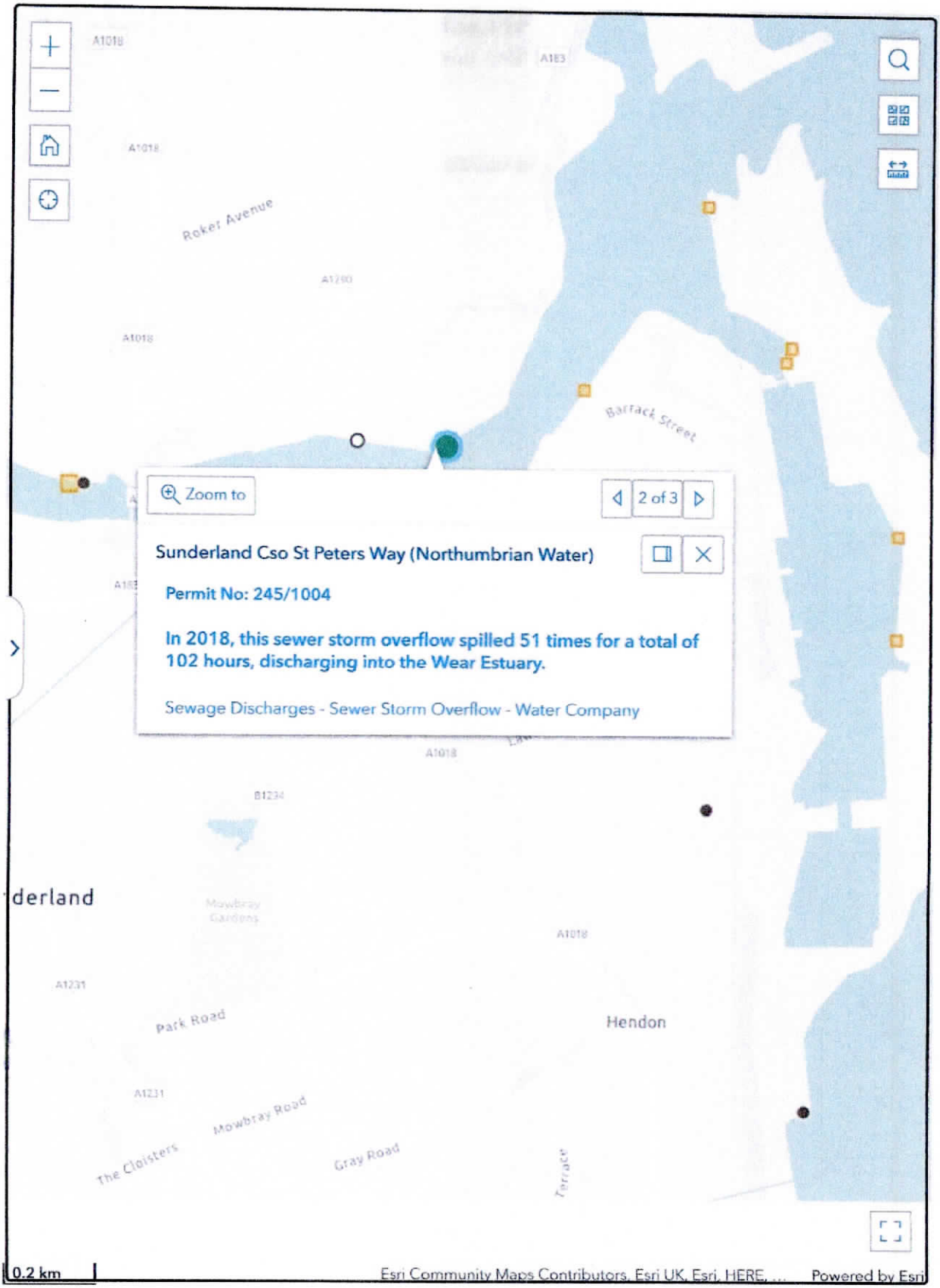
Yours sincerely,

[redacted]
Head of Unit

Electronically signed on 03/02/2023 10:32 (UTC+01) in accordance with Article 11 of Commission Decision (EU) 2021/2121

The Rivers Trust

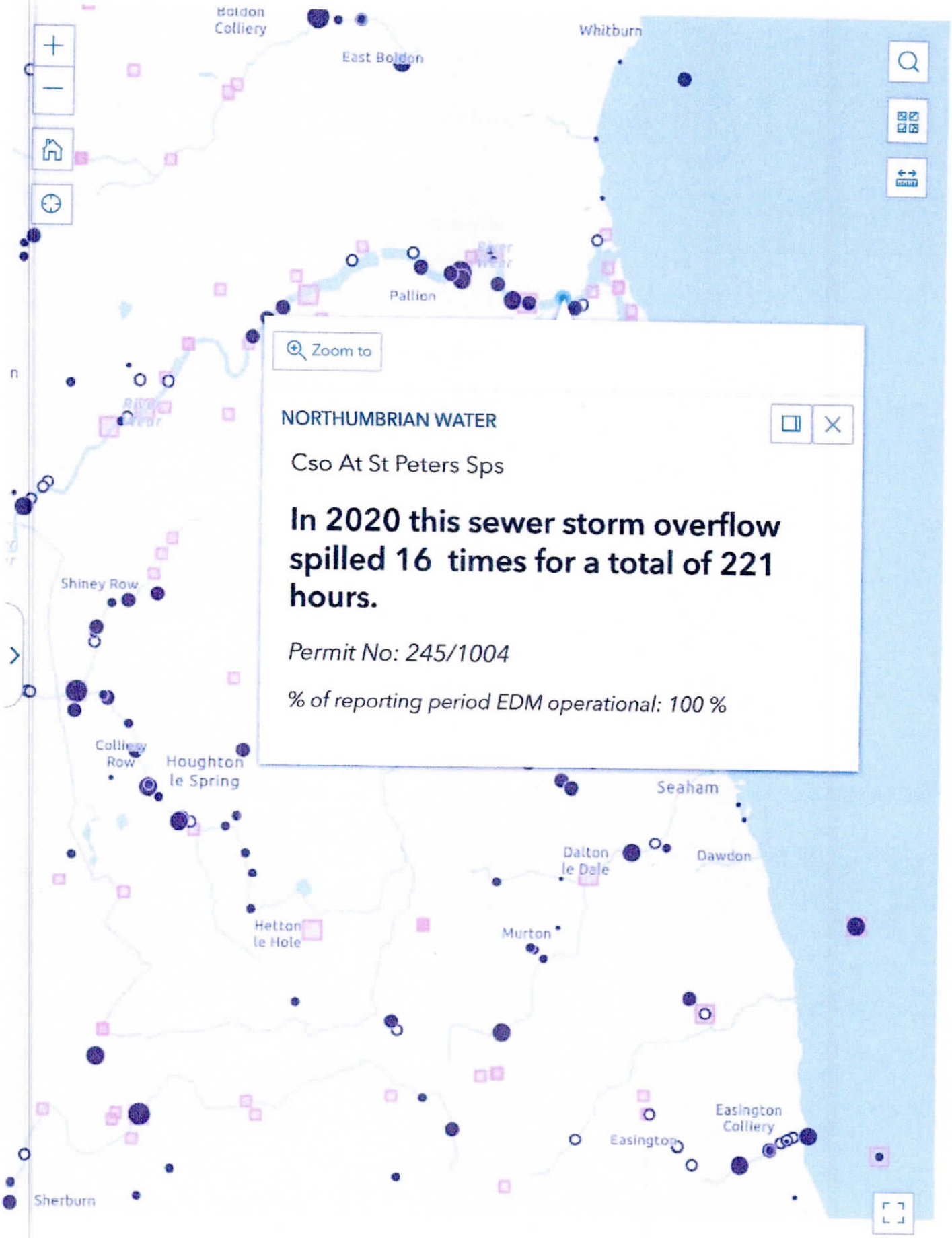
Is my river fit to play in?



The Rivers Trust

Is my river fit t y in?

Map About Get Involved Da



Zoom to

NORTHUMBRIAN WATER

Cso At St Peters Sps

In 2020 this sewer storm overflow spilled 16 times for a total of 221 hours.

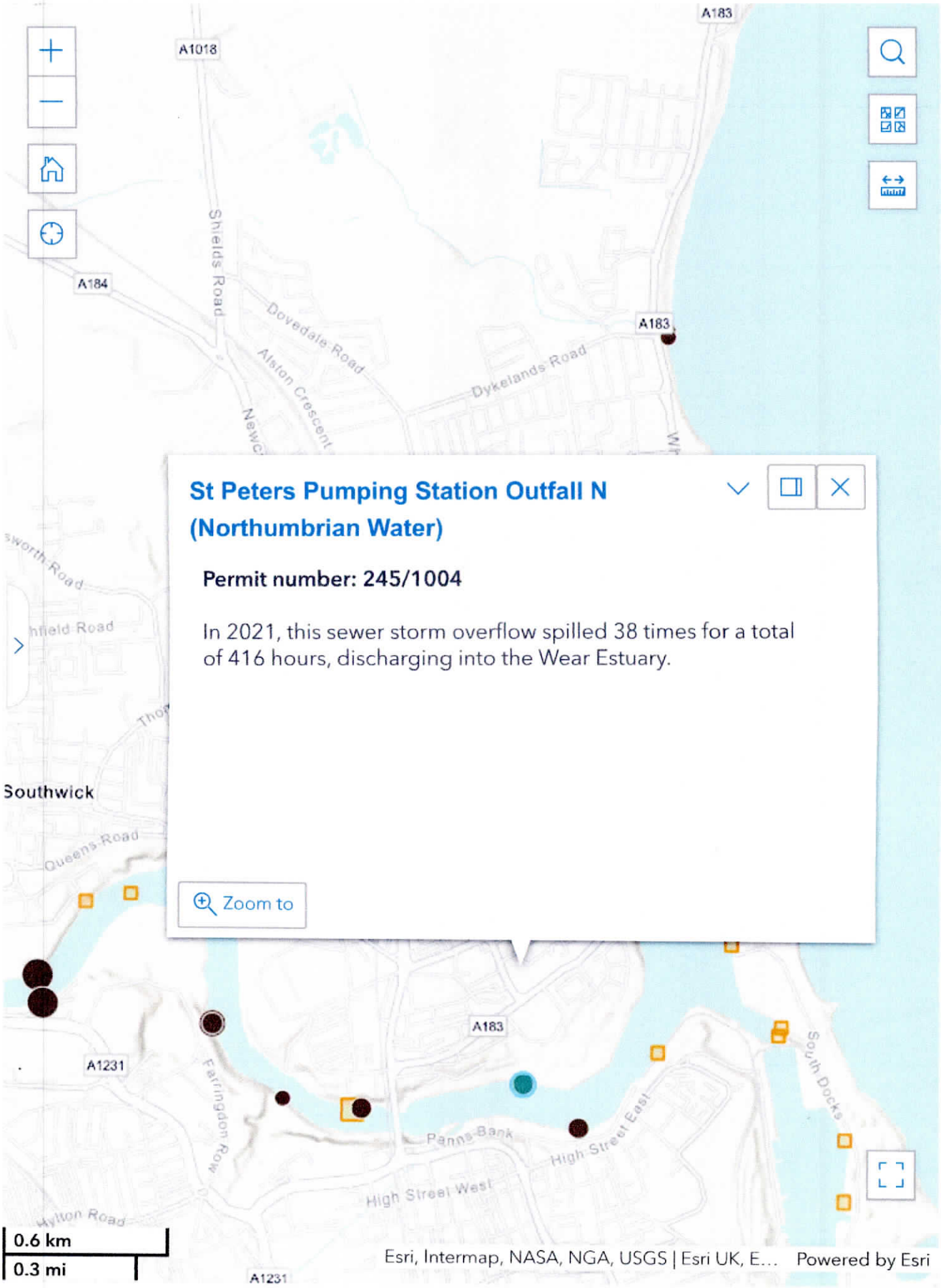
Permit No: 245/1004

% of reporting period EDM operational: 100 %

Esri UK, Esri, HERE, Garmin, METI/NASA, USGS | Ordnan... Powered by Esri

Is your river fit to n?

Map Investigate



St Peters Pumping Station Outfall N (Northumbrian Water)

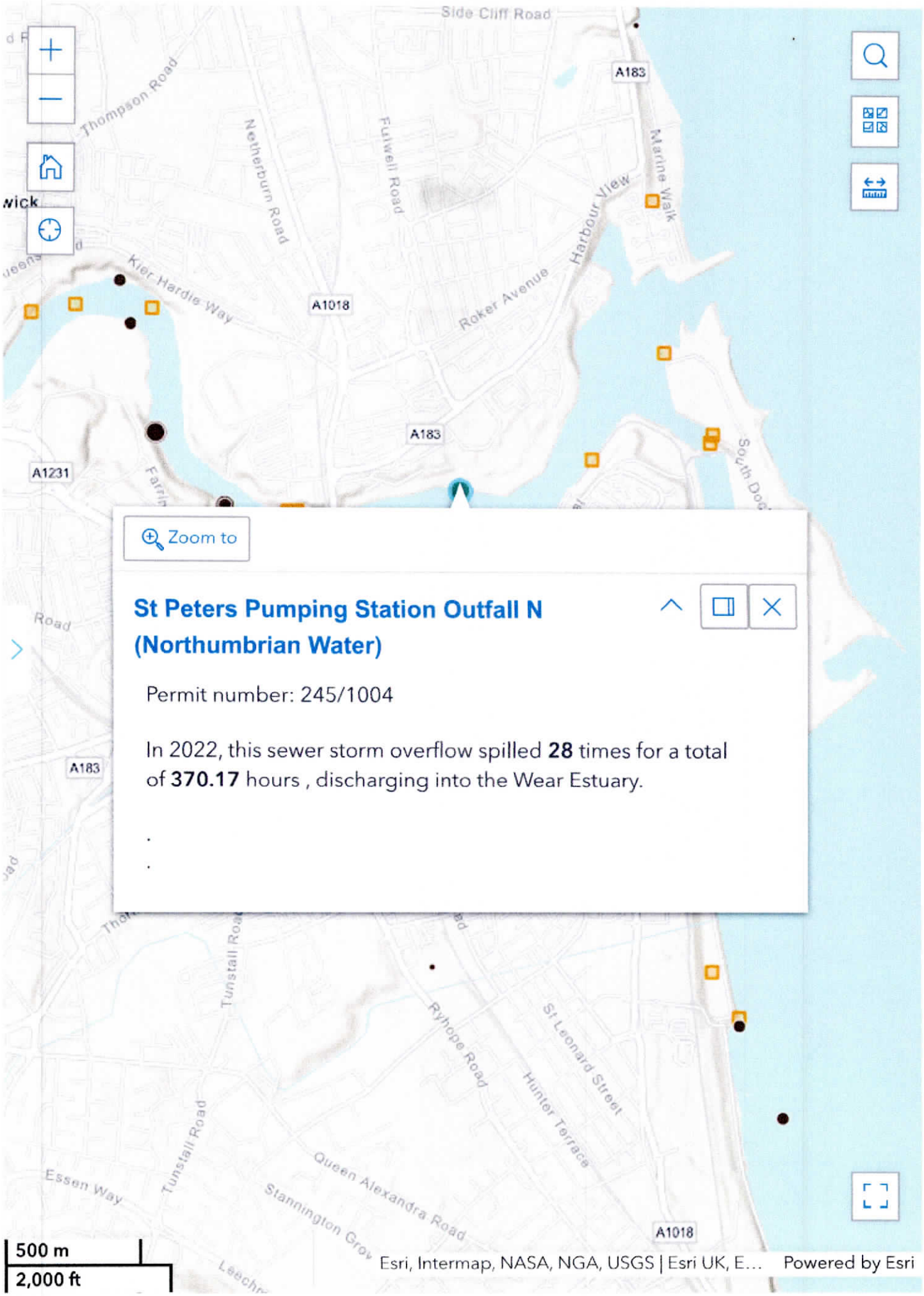
Permit number: 245/1004

In 2021, this sewer storm overflow spilled 38 times for a total of 416 hours, discharging into the Wear Estuary.

Zoom to

St. Peters

Map Investigate Downloa



NORTHUMBRIAN WATER living water

[redacted]
nwl.co.uk

Northumbrian Water
Abbey Road
Pity Me
Durham
DH1 5FJ

By email only to: [redacted]
Carbon copy to: [redacted]

7 December 2020

Dear [redacted]

Request for environmental information

Thank you for your request for information which we received on 5 November, and apologies for the delay in our response to you. As we indicated in our response dated 24 November, we have considered your request under the Environmental Information Regulations 2004.

Please find our response to your questions below.

1. Ongoing issues at European Parliament around sewage outflows Whitburn and Sunderland; European Parliament Notice to the Petitions Committee on the 2nd page 3rd paragraph says: - *"The results of monitoring for the first half of 2018 were recently made available to the Commission. These show that overflows from St Peters Pumping Station discharge point have significantly decreased with only three spills having been recorded in the first 7 months of 2018. This compares with over 50 for each of the previous years"* - I have obtained the records for St Peters in 2018 and have noted from your records there were 51 spills for a total of 102 hours. **Could I ask would it be possible that you could send on the spill data for St Peters for 2019?**

   Following an investment scheme the network around St Peters has been changed significantly and this CSO is now abandoned. A storage tank was constructed at Manor Quay to reduce discharges to the river. When St Peters sewage pumping station (SPS) is overloaded due to a storm event the tank will fill before any discharge occurs, and only when the tank is full and the storm event continues will the overflow from the tank operate. When the storm event abates, the contents of the tank are returned to the system for treatment at Hendon Sewage Treatment Works.

   Please note that the statement that the St Peter's system discharged storm flows 51 times to the environment in 2018 is incorrect. The investment scheme to introduce storm storage was completed in late 2017, and as part of this the former overflow to the environment was converted into an in-system overflow into the storage tank. This was wrongly reported as discharging to the environment for 2018. We have discussed this matter with the Environment Agency and apologised for this reporting error. The actual number of spills was significantly lower, demonstrating the success of the scheme.

NORTHUMBRIAN WATER living water

St Peters/Manor Quay had 4 x 12/24 discharges for 2019, with a total duration of 12 minutes 37 seconds.

2. I also noted the records of flows flowing from the Gill Cemetery Outfall in 2018. **Could I ask, could you send on to me the records for this overflow for 2019? It is my understanding that this is the overflow to the system that the new Sunderland City Hall will be connected to, could you please confirm this?**

   As the new City Hall is part of the VAUX redevelopment, the drainage forms part of the overall drainage master plan. Neither the surface water nor the foul connects upstream of the Gill Cemetery CSO (NZ39571104).

   Instead, the surface water connects direct to a surface water sewer which outfalls to the river and the foul water goes to the combined sewer in Cumberland Street.

   Gill Cemetery CSO had 86 x 12/24 discharges in 2019 totalling 254 hours.

Please note that we make no guarantees as to the accuracy of this information and it should not be relied upon for any purpose.

If you are unhappy with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of this response, so by 4 February 2021, and should be addressed to the Information Access Team at eir@nwl.co.uk.

If you are dissatisfied with the outcome of the internal review, you can apply, without charge, to the Information Commissioner, who will consider whether we have complied with our obligations under the Regulations, and can require Northumbrian Water to remedy any problems. You can find out more about how to do this, and the Regulations in general, on the Information Commissioner's website at www.ico.org.uk. Complaints to the Information Commissioner can be made via the "report a concern" section of the Information Commissioner's website.

If you have any queries, please contact us using the details above.

Yours sincerely

Information Access Team

Ref. Ares(2024)1263290 - 19/02/2024

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

Directorate E – Compliance, Governance & Support to Member States

Brussels
ENV.E.3/SG

Mr Robert Latimer
[redacted]

Subject: File (2000)4225 concerning Whitburn waste collecting system

Dear Mr Latimer,

Further to my letter of 3 February 2023, we have not formally requested nor received any additional updates from the United Kingdom authorities on the urban wastewater collecting system in Whitburn. As explained in my previous letter, the frequency and quantities of wastewater being spilled from the Whitburn long sea outfall up to the end of 2020 remain too elevated for the Commission to be satisfied that the judgment of the Court of Justice of the European Union in case C-301/10 has been complied with.

The United Kingdom left the European Union and ceased to be a Member State on 31 January 2020. In accordance with the provisions of the Agreement on the withdrawal of the United Kingdom from the European Union and the European Atomic Energy Community ("the Withdrawal Agreement"), EU law continued to apply to the United Kingdom for a transition period ending on 31 December 2020. Given the United Kingdom's departure from the European Union, the Commission uses its discretionary power to pursue only complaints that point to a serious breach of EU law by the United Kingdom that could jeopardise specific EU interests, notably in connection with the interpretation and application of the Withdrawal Agreement. We have reassessed this file in the light of this new legal reality. As guardian of the Treaties, the Commission sees no specific interest for the EU to continue pursuing this investigation further. This is without prejudice to any rights you may have to seek redress before the competent UK authorities or courts. I am aware from your latest correspondence that you have raised your concerns with the Office of Environmental Protection.

In the light of the above, we intend to propose that the complaint be closed. Should you have new information that might be relevant for the re-assessment of your case, pointing to a serious breach of EU law that jeopardises specific EU interests in the context of the United Kingdom's departure from the EU, please contact us within 4 weeks of the date of this letter. After this date, the case may be closed.

Yours faithfully,

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË – Tel. [redacted]
Office: BRE2 08/DCS – Tel. direct lin[redacted]

[redacted]

AMP2 requirement that modifications to Formula A should only be used on separate sewerage systems. [6.5.4, 10.2.2.2, 10.2.2.5, 10.2.2.7, 10.2.8.3, 10.8.13, 11.7.13]

16.5.1.7. Since commissioning the LSO has discharged up to 487 times a year. In 2000 the pumps operated for some 224 hours, discharging about 1,207,000 m^3 to sea. This is far in excess of model based predictions made at the time of the application. Those predictions failed to account for large volumes entering the tunnel from infiltration and/or runoff. These inputs have proved to be significant. Infiltration alone may account for up to half of the tunnel's contents. [11.3.2.5, 11.7.5, 12.3.1.8, 12.3.1.9, 12.3.1.11]

16.5.1.8. The model's shortcomings were identified in a 1993 technical audit report which recommended that the model should be changed before being used for design purposes; otherwise it was likely to significantly underestimate CSO spillage and storage requirements. However construction of the tunnel had already started and NWL rejected the recommendation. [11.3.2.2]

16.5.1.9. Conditions attached to the 1993 consent do not limit the occurrence of discharges from the LSO. This reflects the National Rivers Authority's acceptance of the model predictions and the fact that there was no scope, at the time, to pump the contents of the tunnel back to the sewer for onward transmission to Hendon. [10.2.3.3, 10.2.3.4, 10.2.6.1, 10.2.6.2, 11.7.2, 12.3.1.8, 12.3.2.1]

16.5.1.10. At times, since 1996, flows of up to 50 l/s have been returned to sewer using the screenings return pumps at Whitburn SSPS. The quantities returned cannot be established, because the pumps are not monitored. However the opportunity to return flows is evidently constrained by the limited capacity of the sewerage system downstream. [10.2.3.4, 10.8.10, 11.7.10, 11.7.11, 11.7.13, 12.3.3.1, 12.3.3.2]

16.5.2. ***Current predictions of flows arriving at Whitburn SSPS***

16.5.2.1. The most recent predictions of inputs to the tunnel rely on a more sophisticated sewer model, but one that still does not adequately simulate infiltration and long term runoff. A very high level of infiltration, into the tunnel, has been assumed in an attempt to match the observations. Nevertheless the model's ability to predict significant inputs from CSOs has not been fully verified and, while the predictions of discharges from the LSO correlate well with pump records from the SSPS, this is only to be expected as these same records were used to recalibrate the model. Confidence in the model's predictions is therefore limited. [6.5.6, 11.3.1.2, 11.3.2.4, 11.3.2.5, 11.3.2.6, 11.3.2.7, 11.3.2.9, 11.3.2.11, 12.3.2.3, 14.1.2.4]

16.5.3. ***Handling of storm flows at Whitburn SSPS***

16.5.3.1. Storm flows must be handled to protect properties from flooding and to avoid discharges, from anything less severe than a 1 in 5 year summer storm, going directly onto beaches. This has been achieved under the operating arrangements that have been in place at Whitburn SSPS since early in 1998, although it would appear that the tunnel's ability to accommodate more severe storms is less than has been publicly claimed even as recently as 1999. [6.5.8, 10.2.3.2, 11.3.2.8, 11.7.9]

16.5.3.2. Under these operating arrangements, the amount that is predicted to discharge through the LSO during the bathing season varies between some 46 and 106 hours of pumping at 1500 l/s. This is on the basis that the discharge commences when the stored

variation if there were found to be difficulties operating it. The EA would not be comfortable issuing a consent for the new regime, given its unproven efficacy, until the revised arrangements had been modelled for a year's typical rainfall.

15.4.3.3. As drafted, condition 4a) requires the discharge to sea to continue until the tunnel is empty, although the pumps cut out when 704 m^3 remain stored. The EA would prefer more to be left in the tunnel. This might be 1550 m^3, in wet conditions, or 7,000 m^3 if the weather is dry. NWL would not want to leave large volumes stored in the tunnel, for any length of time, and points out that the pumps need to operate for a few minutes anyway. Pumping at 1,500 l/s would drain the tunnel down from 7,000 m^3 to 2,500 m^3 in 50 minutes.

15.4.3.4. Condition 4b) deals with purging the outfall, after a storm discharge. No time limit is suggested because the purging would be with potable water.

15.4.3.5. Conditions 4c) to e) seek to limit the circumstances in which flows could enter the tunnel from numbered CSOs. These CSOs would need to be defined, by reference to the flow verification reports. The flow figures suggested reflect existing CSO settings. NWL would want 4c) to be redrafted in the same way as 4d) and e), to cater for first spills and the possibility of flows backing up in the sewer.

15.4.3.6. Condition 4f) limits the rate of discharge from the LSO, in line with the existing consent.

15.4.3.7. Condition 5 indicates the minimum capacity that is required in the tunnel. The figure has been revised, from that stipulated in the existing consent, to include the 1661 m^3 volume of the SSPS wet well.

15.4.3.8. Condition 9 addresses the use of the in-system pumping facility to return contents, held in the tunnel, to sewer. Condition 9c) seeks to ensure that maximum use is made of this 50 l/s pumping facility, bearing in mind the need to avoid overloading the downstream sewerage system. The EA also needs to know what can be achieved, by way of reducing spills to sea, given the AMP3 objective of achieving G standard compliance in local bathing waters. For this reason the EA must be able to audit the use of this facility. This would require the digital control data, held by NWL, to be converted into a readily understandable form. NWL and the EA therefore propose replacing condition 9c), as drafted, by conditions worded along the following lines.

> 9c) Subject to condition 4a) of this Schedule, the in-system pumping facility shall be fully utilised, at rates up to 50 l/s, to return the contents of the interceptor tunnel to the foul sewerage system for onward transmission to Hendon STW when and as soon as there is any combined sewer capacity available to convey the flow, or part of the flow, to the Hendon STW and to the maximum extent practicable with a view to preventing or minimising discharges to sea from the interceptor tunnel.
>
> 9d) Records of the period of the in-system pump(s) operation shall be maintained by the Consent Holder and shall be provided to the Agency when requested, in a format specified by the Agency. The Consent Holder shall in any event submit, by the end of October, an annual report of records for the preceding period October to September inclusive.
>
> 9e) The Consent Holder shall establish and maintain a system that controls the return of the interceptor tunnel's contents to the foul sewerage system, for onward

Robert Latimer

Subject: FW: I am told the Environment Agency are to retract CAR report.

From: [redacted]@environment-agency.gov.uk>
Sent: 18 August 2022 11:30
To: Robert Latimer [redacted]
Subject: RE: I am to[redacted] Agency are to retract CAR report.

Mr Latimer,

On receipt of information that a new connection to the interceptor tunnel had been installed at a location in Seaburn, the Environment Agency investigated and found that a new connection had been installed from the combined sewer serving Whitburn Bents Road at manhole 6702, which subsequently enters the Whitburn Steel interceptor tunnel at manhole 5609. On 5 May 2021 the Environment Agency issued a Compliance Assessment Report (CAR) form to Northumbrian Water Ltd (NWL) reference 0/0743939. This form was used to record permit breaches and outline the action required to remedy the breaches identified. Permit breaches are categorised as "Major", "Significant" or "Minor" depending on the risk that the permit breach poses to the environment. In this instance the Environment Agency recorded that a minor non-compliance had occurred, the reason for the breach was that a new connection had been made to the Whitburn Steel interceptor tunnel and that new connection was not listed in conditions 4c, 4d or 4e of the permit. The action required of NWL was to either apply for a permit variation or remove the new connection in line with the Environment Agency's enforcement and prosecution guidelines, the Environment Agency sent NWL a Warning Letter on 10 May 2021. (Due to clarification required in the CAR form CAR form reference 0/0743939 was re-issued and superseded by CAR form O/0744090 – the breaches remained).

On 14 February 2022, following a query from NWL regarding the wording of the permit, an Environment Agency Officer with his Team Leader decided, in principle that the CAR form should be retracted and re-issued. They made this decision to retract and re-issue the CAR form because, in their view, the wording in condition 4c) of the permit, allowed for the new connection (therefore, there had been no permit breach of conditions 4c, 4d or 4e). However, this in-principle decision was not implemented and the CAR form remains on the Public Register.

Shortly afterwards, the Environment Agency received a Pre-Action Protocol letter which challenged the decision to retract and re-issue the CAR form. The Environment Agency responded to the Pre-Action protocol letter on 11 April 2022 explaining, amongst other things, that the CAR form had not in fact been retracted.

The Environment Agency has reviewed its position and has decided that in future a change to the system such as this would be better dealt with if there were a condition, which contains a mechanism for making such changes. Such a condition

would be inserted into the permit by way of a variation. The Environment Agency are working with NWL to ensure a good quality application is received. A permit variation will provide a mechanism to add additional connections of surface storm water where it is appropriate to do so, but will also require the operator to submit any proposed changes for approval prior to installation. This would allow the system to be adapted to reflect the changing pressures associated with population growth and development, but in a way that would ensure that the environment continues to be protected. It is therefore proposed that a variation to the permit will be undertaken in due course.

NWL has informed the Environment Agency that the new connection was installed to prevent properties and roads from flooding in severe storm events. It is only expected to be used when the storm is so severe that incoming flows overwhelm the sewerage system causing it to back up and flood properties. This new connection simply re-routes storm sewage within a system to another part of the same system and has no bearing on the discharge to the environment.
Once received, NWL's application to vary the permit will be assessed by the Environment Agency to ensure it contains all the information required.
Minor variations to a discharge permit do not usually require public advertisement and consultation.

An assessment of the level of public interest, including the local petition, will be made when determining the need to publicise and consult on this application. The Environment Agency is required to make this decision once they have all relevant information regarding the change and the assessed effect on the environment. An application has not yet been submitted by NWL.

Regards,

[redacted]

[redacted]

Document Protective Marking - Protectively Marked (GPMS)

Part of the Environment Agency's North East Area

SEABURN STORM SEWAGE SCHEME

The scheme is designed to pass Formula A flow forward via St. Peters Pumping Station to Hendon as existing. Flow between Formula A and an average 1 in 5 year storm will pass to a new storm water interceptor to be pumped to sea via Whitburn Storm Sewage Pumping Station. Flows in excess of an average 1 in 5 year storm will discharge at Roker, Seaburn and Whitburn.

At all locations the present outfalls across the beach will be abandoned and removed.

Basis of Flows

Whitburn S.S.O. (NZ40976141)

Population served	15109
Water Usage	180 l/h/d
Infiltration	30 %
Trade Effluent	Nil

DWF = 15109 X 0.18 X 1.3
= 3535.5 m^3/day (278.7 l/s)

Formula A = 3535.5 + 1.36 X 15109
= 24083.7 m^3/day (278.7 l/s)

Seaburn P.S. (NZ40606019)

Population Served	10420
Water Usage	180 l/h/d
Infiltration	30 %
Trade Effluent	130 m^3/day

DWF = (10420 X 0.18 + 130) X 1.3
= 2607.3 m^3/day

Formula A = 2607.3 + 1.36 X 10420 + 2 X 130
= 17038.5 m^3/day (197.2 l/s)

Roker P.S. NZ 40735922

Population Served	1000
Water Usage	180 l/h/d
Infiltration	30 %
Trade Effluent	390 m^3/day

DWF = (10000 X 0.18 + 390) X 1.3
= 2847 m^3/day

Formula A = 2847 + 1.36 X 10000 + 2 X 390
= 17227 m^3/day (199.4 l/s)

The storm sewage interceptor sewer has a design capacity of $7500m^3$. In the event of complete failure at Seaburn and/or Roker P.S. flow would initially be diverted to this sewer offering the following storage under dry weather flow conditions from empty.

Seaburn P.S. failure	69 hrs
Roker P.S. failure	63 hrs
Failure of both	33 hrs

RW/JR
13.8.92

SECOND COPY.

South Tyneside

METROPOLITAN BOROUGH COUNCIL
COMMUNITY SERVICES DEPARTMENT
F. G. McQUEEN, B.Sc., D.M.S., M.C.I.E.H., F.R.S.H., M.Inst. W.M. - Director
C. JOHNSTON, M.C.I.E.H. - Head of Environmental Services
Central Library Building, Prince Georg Square, South Shields, Tyne & Wear, NE33 2PE.
[redacted]

Mr R Latimer
[redacted]

Date: 12 February 1998
Our Ref: GW/A008/25054
Your Ref:

Dear Mr Latimer

Environmental Protection Act 1990
Complaint of Odour Nuisance - Whitburn Pumping Station

Following on from your initial complaint and recent communication with Officers in my Pollution Control Section relating to the operation of Northumbrian Water Limited's (NWL) pumping station, I would like to take the opportunity to review the issues concerned.

Firstly, to address the issue of odour. A record sheet was issued to you on 22 October of last year and a request made that you note each incident of odour which in your opinion amounted to nuisance. To date this has not been returned and you must appreciate that the details are very useful in identifying any potential cause of odours. You were also advised to contact officers of the Pollution Control Section whenever such an odour incident occurred during the working day. To date you have not referred any sewage odour to me at the time of occurrence, though I do accept that you have contacted us on three occasions to relate earlier incidents. I hope you will accept that without appropriate information the investigation of your complaint is greatly hampered. You may however wish to note that attempts have been made to witness the odour at a variety of times during the day and early/late evening. To date a total of twenty visits have been made and on no occasion have offensive odours been detected.

You make reference to an incident which occurred on 8 December 1997. As you are aware a fault had developed at the station and effluent had been standing for some hours prior to pumping. NWL state that a sewage odour was noticeable up to a distance of 10 metres from the station. I have no information with which to contradict this assessment.

Most recently an incident at NWL's Seaburn pumping station resulted in its temporary closure at approximately 00.30 on 6 February 1998. Sewage was diverted to the pumping station at Whitburn until about 17.30 on the same day. This station was therefore utilised to collect and pump raw sewage out to sea with the automatic pumping system operating during the following times: 08.47 to 8.59, 11.52 to 12.07 and 15.29 to 15.42.

One of my Officers visited the site prior to sewage being pumped out to sea for the second time. At this time sewage was collecting in the wet well, this being actively ventilated to the external air. Another officer visited the station at 8.30pm while sewage was being pumped out to sea. On neither occasion was a significant sewage odour detected outside the perimeter of the pumping station.

Additionally you may wish to note that two officers from the Environment Agency were present at the station while sewage was being pumped to sea between 11.52 and 12.07 on the same day. Again I am informed that no offensive odour was detected around the station.

It is likely that this incident represented a 'worst case' scenario regarding the potential for odorous emissions, as raw sewage was being directed to the station, collected in the wet well and pumped out to sea. It is unfortunate that neither you nor anyone else was present at your premises during that day, but I would assure you that I am confident that no odour nuisance would have been experienced.

With regard to the issue of station operation, including matters such as storage, frequency of pumping and the nature and source of effluent I can only refer you to the Environment Agency for any comments they may wish to make. It is this Regulator which is charged with the duty to control discharges to 'controlled waters' and which issues relevant consents under the Water Resources Act 1991, as amended. I know you have pursued matters with this organisation also, but would emphasise the relevance of this regulator in relation to the composition and treatment of effluent handled by this pumping station.

You have made reference to the Environmental Assessment which was prepared by Travers Morgan Ltd for NWL. This was submitted as part of the planning application and was therefore available from that time for all objectors and other interested parties to examine. You will see that the document addresses the principles and basis of operation of the pumping station in some detail. It is my opinion that it adequately addressed all issues relating to the scheme which were relevant to my Department's functions. The prime concerns at the time were obviously the potential for noise, vibration and dust emanating from the significant construction works which were necessary, and you may recall some of the measures which were undertaken at my insistence to protect nearby residents (including yourselves).

Finally, I acknowledge your enquiry regarding the potential for harmful organisms venting direct to external air. I have advised you that I feel I must rely upon the Health and Safety Executive at this time to form a view. I am still awaiting a response though shall be happy to let you know as soon as it is received.

In summary, your comments seem to imply that the odour is present for short periods of time, on an infrequent basis and outdoors. Twenty visits by officers have failed to identify any significant odour, even when the station has been operating. Furthermore, a search of my records has failed to highlight any complaints relating to odours during the 8 years of the stations operation since initial commissioning. I am afraid that I cannot avoid forming the opinion that at the current time no evidence exists to justify action by the Local Authority for statutory nuisance. Should matters recur or worsen then it may be useful for you or any other person affected to record the relevant details and forward them to me, and I have enclosed a further record sheet for your assistance. I shall then be more than happy to investigate on your behalf.

Yours sincerely

[redacted]

If you have any queries please give Mr G Uffleen on extension 9580

3

copy to cs/mo.

ENVIRONMENT AGENCY

Our ref: MH1/AJG/124
Your ref:

Date: 29 July 1998

Director of Community Services
South Tyneside MBC
Central Library Building
Prince Georg Square
South Shields
Tyne and Wear
NE33 2PE

03 AUG 1998

MO/NR - Comments please

Dear Sir

WHITBURN STEEL STORM SEWAGE PUMPING STATION

I refer to the previous correspondence regarding the Whitburn Steel Storm Sewage Pumping Station. It has come to my attention that the Agency may have inadvertently provided some misleading information to the Community Services and Planning Departments of the Council regarding the operation of this storm sewage pumping station since it was commissioned.

The information related to the operation of the Pumping Station and the related storm interceptor tunnel. The Agency has on occasions made statements to the effect that this system has functioned fully satisfactorily. The statements were based primarily on the impact of the discharges of storm sewage on the designated bathing beaches at both Whitburn North and South. Since the station has become operational the bathing water quality at the two beaches has improved and the bathing waters have achieved the standards of quality required by the EC Bathing Waters Directive. It was therefore assumed that there were no significant problems with the operation of this station. However, further investigation of specific aspects of the operation of the system have highlighted three issues that I would like to clarify:-

1. **The operation of the combined sewer overflow (CSO) on the Whitburn branch of the foul sewerage system.**

   Any overflow from this CSO whether due to a storm discharge or because of a sewer blockage is discharged to the Whitburn Storm Sewage Pumping Station.

   The Agency has previously advised the Council that the system was operating correctly at the time of an Agency inspection of the inside of the pumping station on 18 March and 8 June 1998. However, it would have been more accurate to say that no problem was detected during this inspection and for the Agency to explain that such an inspection was not a conclusive method of ascertaining whether the whole system was operating correctly. In particular, the internal inspection of the pumping station would not have revealed any discharge from the Whitburn CSO since it is necessary to lift manholes outside the pumping station to confirm this. The relevant manholes were not lifted during these two visits and hence the Agency cannot confirm what was happening in respect of Whitburn CSO on those occasions. It has subsequently become apparent that the Whitburn CSO was discharging due to a blockage on one or both of these occasions.

Cont/d ....

ENVIRONMENT AGENCY

2. **Emergency Discharges of Foul Sewage**

Whilst the Whitburn Steel Storm Pumping Station was designed predominantly to deal with intermittent storm flows (i.e. foul sewage with at least six times dilution) , it was always envisaged by the Agency that it would take potentially undiluted foul sewage in emergency situations such as a blockage of the foul sewer and breakdown of the Seaburn/Roker foul pumping stations. There have been two emergency situations (6 February and 21 April 1998) during which it was necessary to close the Seaburn foul sewage pumping station. On each occasion the Seaburn foul sewage was diverted to the Whitburn Station (via the interceptor tunnel) for under 24 hours and pumped to sea following screening. This action was outside the terms of the current consent but was, in the Agency's opinion, the best option at the time to reduce the environmental impact.

3. **Frequency and Duration of Discharges to Sea**

Discharges to sea are currently of a much greater frequency (approximately 465 occasions of short duration from May 1997 to May 1998) and duration than predicted in the initial Environmental Impact Assessment. It is believed that this is largely because of the current operating procedures at the pumping station and excessive infiltration after periods of wet weather. However, Northumbrian Water Limited (NWL) are currently investigating the reasons for this and are due to report their initial findings by October 1998.

I should like to apologise if you or your staff have been inadvertently misinformed by the Agency over the current operation of the pumping station and trust that this information clarifies the situation.

If you need any further clarification please let me know.

Yours sincerely

[redacted]

M HELM
Water Quality Consenting Team Leader

cc: Mr R Latimer
Director of Planning, South Tyneside MBC

The Environment Agency
Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne NE4 7AR
[redacted]

1. The North East has moved from being a heavily polluted area to one of outstanding natural beauty. This is particularly pertinent to our coastline and is largely a result of the environmental protections which were brought in by the EU. However, we must never take this for granted and vigilance will always have to continue to make sure our natural environment remains beautiful.

2. Despite regulation being brought in it has often taken the persistence of individuals and communities to ensure that protections are being enforced. It can take years to find a resolution and often people have to be extremely determined to continue with campaigns to stop environmental damage. Mr Latimer first took up the issue of sewage pollution on his local beach when the Whitburn Interceptor tunnel was installed as he could see an impact every day. He did not want his grandchildren to play on the beach and in water that was polluted.

3. It took many years for Mr Latimer to be heard resulting in the Commission taking the UK to the ECJ. In that instance the ECJ ruled against the UK. None of that would have happened without the determination and doggedness of Mr Latimer's campaign work. Together with former North East MEP Stephen Hughes he brought the various agencies involved to the point where they would carry out remedial works to address the spill problems. The works were not finished until December 2017 – some 5 years after the judgment. Although this was right on the deadline, for a community it is a long time to wait to see if the solution actually addresses the original problem. Having felt that the data at the court hearing was flawed Mr Latimer continues with his campaign as he is still seeing pollution on the beach and he does not feel the remedial works will solve this.

4. The length of time the process takes in dealing with EU institutions can be a great source of frustration to campaigners and their persistence in the face of this can sometimes mean that trust can break down. I have not been able to help to establish this trust in my term in order to bring about a resolution. If progress is to be made parties need to meet and I would ask the Commission to facilitate this.

5. The UK continues to argue that in spite of the amount and number of spills there is no environmental impact from the discharges into the sea. However, the UK did still lose the case in the ECJ even in light of this information and they were found to be in breach of the Urban Waste Water Directive. Given that there is still a dispute it would be a sensible way forward to agree that some independent testing of the water quality and independent monitoring of the beach is put in place to help establish whether the pollution has really been tackled.

Jude Kirton-Darling MEP

D DATA ON ENVIRONMENTAL EFFECTS

Coverage:
- Human Activity
- Visual Impacts
- Noise
- Traffic
- Flora and Fauna
- Nature Conservation
- Soil/Water
- Water Quality
- Air/Climate
- Power/Flushing Water Supplies

1. Impacts on Human Activity

Fisheries

1.01 Concerns of the local fishing industry are likely to be:

the outfall pipe dissects an important fishing ground where crab/lobster pots, gill nets for cod, salmon drift net fishery and trawling all take place;

dredging and pipe pulling operations will necessitate an exclusion zone being designated around the working area which will prevent fishing activities in that area;

trench digging operations will greatly disturb the sea bed which is a prime shellfishing area. Silt produced by the operation will temporarily clog crevices in the rocks reducing its value as a feeding/nursing area for important species such as edible crabs and lobsters;

a buoy fixed to the diffuser would be a nuisance to salmon fishing drift nets. Nets may catch on the diffuser and become damaged;

effluent produced by the long sea outfall could cause unacceptable contamination of coastal waters and beaches, and could foul nets;

relocation of displaced fishermen could cause congestion in areas occupied by other static gear fishermen, resulting in poor catch rates for all.

1.02 Up to 50 small fishing boats have been counted moored in the lee of the southern rocks of Whitburn Steel and on the beach. Sensitive times for disruption of fishing activities are:

i) Salmon fishing season from the end of March to the end of August.

ii) Cod fishing takes place all year round using fixed gill nets and although bylaws exclude fishing from less than 7m depth of water, depths above this are encountered inshore of the proposed diffuser point and a large exclusion zone would exclude grounds currently used for cod fishing.

iii) The lobster season is from mid July to the end of November. Lobsters are around before this time but are in moult and stay hidden in rock crevices.

1.03 Concerns over a large exclusion zone and dredging activities would be valid for lobster and crab fishing as these will render the site temporarily inaccessible to fishing activities and will, during this time, render useless the fishing potential of the area of seabed being dredged and used for storing spoil. However, once the exclusion zone is removed, the area of temporarily damaged seabed will be small compared to the undamaged areas off Whitburn Steel. An exclusion zone

I was born and raised in [redacted] I now live in [redacted]

As a child in [redacted] in the 1960s, I was often taken to Seaburn and Whitburn by my [redacted]. He worked for 50 years on the coal face at [redacted] pit.

Because he worked in the mine's dark, suffocating environment, he took every opportunity to 'get in to the light and breathe fresh air'. He would always want to be in his allotment, to fish, and to take me, his little [redacted] down to Whitburn and Seaburn to dig for bait for his fishing.

In the rock pools there we would turn over stones to find crabs, we would collect winkles, and we would even find edible prawns. (Because I had little hands, my dad would get me to run my little fingers through the sand to catch them – we would then cook and eat them!) If we were lucky, and dad was able to get in to the deeper waters, we might find a lobster. The area was teeming with sea life – in all its forms.

When I went to my secondary school we studied 'The Ecology of The Seashore' for 'O Level'. Where best to study this but, Seaburn and Whitburn (it's on our doorstep)! I am certain I got my top grade in Biology because of my dad's teaching during the time I spent with him there.

Later, as a teacher myself in the 1980s, I taught primary school children in many of our L.A. schools. I loved taking them to Seaburn and Whitburn – again to experience its beauty and learn about what lived there.

Roll on to now.....My g[redacted] aged [redacted] inc[redacted] live in [redacted] and I often take them to 'the beach' – just as my dad took me. But ..... now I can't show them what I used to see, or experience. The rock pools, instead of having crabs and prawns in them, have used condoms and other used sanitary products floating there. The dirty, brown scum that we often see on the water smells, not of clean seaweed, but of drains! Something is going wrong on our beautiful coastline and it is getting worse.

Please.....for the sake of our Sunderland children, for our future visitors, I beg you to put right the things that have caused this awful decline of our wonderful coastline over recent years, and make sure that it can't happen again.

Seaburn and Whitburn belong to ALL Sunderland people, not just the residents who live there.

EA – 30 JULY 2021

Mr Latimer

As a result of the internal review that has been carried out it was identified that it may useful to provide additional information regarding a statement you made in your complaint. You stated the following;

"The Environment Agency presented discharge records that showed in 2019/20 there were 27 spills amounting to 15 hours 52 minutes from the Hendon 310m overflow. On being challenged the Environment Agency changed the discharge data to 178 spills amounting to 646 hours, yes 646 hours, this is over 3,220,000 million tonnes of untreated sewage, Ms Saxon-Wilkinson makes no reference to this. Likewise the Environment Agency provided the 2019 discharge data for Whitburn recording that 683,676 tonnes of untreated sewage had been discharged from Whitburn SSPS, only for my colleague to challenge this data also, and for the Environment Agency having to admit the figure was over 760,000 tonnes of untreated sewage. Adding these figures together shows that almost 4 million tonnes of untreated sewage was discharged in this area".

I'd like to explain how these discrepancies came about and what has been done to rectify them.

Northumbrian Water Ltd (NWL) use spill monitoring points to measure and report discharges. Prior to 2019 the measured storm duration was the start and stopping of the screen system. There was evidence that using this method of calculating the duration of spills was an over-estimation in storm situations. A review of the Hendon return in 2019, identified a new spill monitoring point, which was believed to more accurately reflect the weir lip and therefore the duration of spills, removing the over-estimation. This monitoring point was used to complete the 2019 return. This monitoring point has since been found to be inaccurate due to its location and NWL have subsequently undertaken a controlled assessment of the relationship between monitoring signals and measured level in the incoming sewer when levels reach the overflow lip and storm flows can pass down the 310m outfall. A more appropriate spill monitoring point has been identified and is now used to reassess storm spills rectifying this issue. It should be noted that storm spills are highly variable and influenced by differing rainfall patterns. For clarification, because this is a combined sewerage system, the majority of any discharge consists of surface water from roads and drains with only a very small fraction of the contents consisting of sewage.

This information addresses the point raised in your complaint and we now consider the matter closed.

Any future requests that we receive will be assessed and unless it pertains to a subject that is substantially new, we will not take it any further and it will be filed without acknowledgement.

Regards

[redacted]

Robert Latimer

To: Robert Latimer
Subject: RE: Our reference: 303641- Whitburn Sewage system and the UWWT Directive

From: [redacted]@environment-agency.gov.uk>
Sent: 03 May 2023 08:49
To: Robert Latimer <[redacted]
Subject: Our reference: 303641- Whitburn Sewage system and the UWWT Directive

Our reference: 303641

Mr Latimer,

Thank you for your email dated the 22nd March 2023 and please accept our sincere apologies for the delay in our response.

Question 6 –
After further clarification with the technical team we wish to apologise for any confusion we have caused in regards to the Urban Waste Water Treatment Directive (UWWTD). When we contacted you on 24/02/2023, we stated that there was no requirement for the Whitburn Sewage System to meet UWWT Directive requirements; this is incorrect and inconsistent with our previous position and correspondence in relation to this matter. We apologise for this mistake and would like to confirm that the EA continues to regulate the Whitburn Sewage System in accordance with the UWWTD.

We can confirm that the UWWTD does require collecting systems to be operated in compliance with the UWWTD requirements. This means that collecting systems should collect the waste waters, retain them and pass them forward to the treatment plant for treatment. As you are aware, improvements were made to the Whitburn Sewage System in 2017 to improve compliance with UWWTD requirements. We have previously explained that we must receive 10 years of data before we can definitively determine whether or not those improvements have been effective. There has been no evidence to indicate that any spills have occurred outside of the permit requirements and monitoring confirms that spills have only occurred as a result of significant rainfall events.

Please find attached the data which shows that Hendon Sewage Treatment Works is compliant with the UWWTD in 2022.

Please also find attached Whitburn, Hendon, Fulwell data from 2021.

Question 7-
There are currently no plans to require the identified sites (Roker SPS, Seaburn SPS, Whitburn Bents SPS and North Whitburn) to be fitted with Event Duration Monitoring (EDM). EDM is currently a requirement for assets with the potential to discharge to the

environment. Roker SPS, Seaburn SPS, Whitburn Bents SPS and North Whitburn do not discharge to the environment, they discharge into the Interceptor Tunnel, so EDM monitoring is not a requirement for these assets.

Those assets with the potential to discharge to the environment all have EDM, with the information available on the Gov.UK website:

Event Duration Monitoring - Storm Overflows - Annual Returns - data.gov.uk

The sites with potential to discharge to the environment are listed below, which can all be found via the link about:

- Seaburn North 245/1107
- Seaburn South 245/1108
- Roker 245/1109
- Whitburn Storm 245/1106
- Whitburn Steel PS 245/1207

Sites contained within Whitburn Steel PS:

- Seaburn SPS
- Roker SPS
- Whitburn Bents SPS

Regards,

[redacted]

[redacted]
NE4 7AR|
Document Protective Marking - Protectively Marked (GPMS)

Part of the Environment Agency's North East Area

Creating a better place for people and wildlife

Please consider this a "thanks in advance". Every e-mail has a carbon footprint. So if you don't hear back from me, it's because of the planet. ***#WhatWeCanDo***

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

Robert Latimer

From: [redacted]@environment-agency.gov.uk>
Sent: 31 July 2023 15:00
To: Robert Latimer
Subject: Our Reference: 315627- Whitburn

Our reference: 315627

Mr Latimer,

Please accept our apologies for the delay in our response.

Under the EIR's please provide a copy of the UWWT requirements that states, after being allowed 5 years to upgrade the Whitburn system you have to wait a further 10 years to verify that the upgrade had worked?

There is no specific UWWT requirement that stipulates that we must wait 10 years to verify that the upgrade has worked. This is not specifically a UWWT requirement but rather a statistical requirement to determine the effectiveness of the system. We need a minimum of 10 years of data because in any given year there may be fluctuations in the amount of rainfall in the sewerage system's catchment area. The design of sewerage systems in the UK are such that spills are allowed under specific circumstances to prevent the systems from becoming overwhelmed and causing sewage to back up and flood homes and businesses etc. except for spills caused by blockages, all permitted spills are linked to rainfall levels.

The improvements to the system were installed to ensure an annual reduction in the number of spills. The smallest sample size we can use to be confident that the number of spills is a statistically sound indication of whether the system is working, is 10. We therefore need ten years of data to determine whether the improvements that were installed have been effective. If a decision is made too early, there is a risk that additional improvements are made unnecessarily simply because there have been a number of particularly "wet" years within the shortened assessment period or conversely, the improvements made are considered successful when in fact there was simply a higher number of "dryer" years within the assessment period. Whilst we recognise that it is frustrating to have to wait, additional improvements will be very costly and potentially very disruptive, so it is important we base our decision on sound evidence.

Could you provide all information that led to the change where it was stated 13,520 m3 additional capacity was required and only 3,000 m3 was provided?

This was covered at the 2001 public inquiry and has therefore been previously answered. Please refer to the inspector's report that was issued at the time.

Under the EIRs would you provide all the information using the formula suggested, explaining how the flow rates were calculated?

This was covered at the 2001 public inquiry and has therefore been previously answered. Please refer to the inspector's report that was issued at the time.

Regards,

[redacted]

Robert Latimer

Subject: FW: Petition No. 0207/2018 (reference to be quoted in all correspondence) Thanks

From: [redacted] [redacted] @europarl.europa.eu]
Sent: 24 January 2019 11:15
To: 'Robert Latimer'; 'Al [redacted]
Cc: [redacted]
Subject: RE: Petition No. 0207/2018 (reference to be quoted in all correspondence) Thanks

Dear Bob,
Thanks for your email. The Commission has just released this press statement on infringement cases: http://europa.eu/rapid/press-release_MEMO-19-462_en.htm

Urban waste water treatment: Commission urges the UNITED KINGDOM to comply in full with a judgment of the Court of Justice of the EU

The European Commission calls on the **United Kingdom** to fully comply with a 2012 ruling by the Court of Justice of the EU (case No C-301/10). The Court found that the UK had breached its obligations under EU law on adequate collection and treatment systems for urban waste water (Urban Waste Water Treatment Directive, Council Directive 91/271/EEC) by failing to control excessive storm water overflows from the collecting system and treatment plants serving London and Whitburn in Sunderland. Despite significant progress in London with the upgrading of three treatment plants and construction of the Lee Tunnel, storm water overflows along the River Thames are not under control yet. Upgrades to the Whitburn collecting system have been completed, but spills have still not been sufficiently reduced. As six years have passed since the ruling, the Commission is sending a last reminder before referring the case back to Court and requesting for financial sanctions. The UK has two months to reply.

[redacted]

Jude Kirton-Darling.
Labour MEP North East England

4/7/2022
NWL

NWL – [redacted] 2022

NORTHUMBRIAN WATER living water

Once this tank is full with storm flows, the excess flow enters the Whitburn system via SU51 and Shaft 5 on the tunnel. The tank was constructed to reduce storm flows entering the tunnel from this area, not stop them. If its capacity is not exceeded it will drain down via the local network.

As with your question 1, we have also applied Regulation 12(4)(b) to this part of your request.

4. **Does the holding tank behind Morrisons take the flow from East Boldon?**

All of the foul/combined sewer flow from East Boldon passes through the Ocean Park storage tank.

5. **In the case of the answer to the above question being yes, could you provide us with a plan of the sewer layout?**

You can view maps showing the current location of our wastewater assets free of charge at our office at Northumbria House, Abbey Road, Pity Me, Durham, DH1 5FJ. Please visit the following website to make an appointment:

https://bookwhen.com/nwesviewingpoint?tags=northhouse#focus=ev-s7h6-20210730103000

Alternatively, copies of Northumbrian Water's asset plans are available upon request; more details may be found on our website at:

https://www.nwl.co.uk/services/developers/maps-of-our-assets/

We are not required to provide copies of information when that information is already publicly available and easily accessible; this is in line with Regulation 6(1)(b), that is, "where an applicant requests that the information be made available in a particular form or format, a public authority shall make it so available, unless… the information is already publicly available and easily accessible to the applicant in another form or format."

6. **Does this tank overflow?**

This tank does not have an overflow to the environment. The tank attenuates volumes into the downstream sewer in order to limit flows into the Whitburn Storm system. When its capacity is exceeded the excess flow continues into the combined system with the excess storm flows entering the Whitburn Tunnel via the in-system overflows as described above in response to your question 3.

Robert Latimer

Subject: FW: Whitburn query

From: Northeast Correspondence <[redacted].
Date: 17 August 2022 at 15:21:39 BST
To: ian
Subject: RE: Whitburn query

Dear [redacted]

Apologies for the delay in answering your query below, thank you for your patience. We can confirm that there is no discharge into shaft 5 from anywhere and that there is nothing discharged from shaft 5 to the interceptor tunnel.

Please do not hesitate to contact us if you have any further queries.

Kind regards,

[redacted]

[redacted]
North East Area

[redacted]

From: Ian
Sent: 16 August 2022 07:51
To: Northeast Correspondence [redacted]>
Cc: [redacted] environment-agency.gov.uk>
Subject: Re: Whitburn query

Hello [redacted]
Thankyou for your last e mail as one of the ward councillor's for Cleadon and East Boldon I need this information urgently and I'm concerned about the length of time to answer a fairly simple question does the Whitburn permit cover shaft 5 .
As I explained on my original e mail many concerns have been raised for my attention but at this time I'm only asking one question . Regardless of what Northumbria water say surly you agency will know if the permit covers shaft 5 or not , that's all I'm asking .
Much appreciated and if possible would like a response today .
Kind regards Ian

Robert Latimer

Subject: FW: Discharges into Shaft 5 and Shaft 7 are not permitted.

From: [redacted]@environment-agency.gov.uk>
Sent: 18 August 2022 12:19
To: Robert Latimer [redacted]
Subject: RE: Discharges into Shaft 5 and Shaft 7 are not permitted.

Mr Latimer,

We can confirm that there is no discharge into shaft 5 from anywhere and that there is nothing discharged from shaft 5 to the interceptor tunnel. Therefore a permit is not required and we do not possess this at Tyneside House.

Regards,

[redacted]e,

Document Protective Marking - Protectively Marked (GPMS)

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Please consider this a "thanks in advance". Every e-mail has a carbon footprint. So if you don't hear back from me, it's because of the planet. ***#WhatWeCanDo***

Robert Latimer

Subject: FW: I am told the Environment Agency are to retract CAR report.

From [redacted]@environment-agency.gov.uk>
Sent: 18 August 2022 13:33
To: Robert Latimer [redacted]
Subject: RE: I am told the Environment Agency are to retract CAR report.

Mr Latimer,

There is no permit that includes Shaft 5. As you are already in possession of the Whitburn permit and there is no public register at Tyneside House, please do not come to Tyneside House tomorrow as there is no information there for you to review.

Historically it was agreed that you would submit requests via email for any new information that has not been previously covered, once a month. I can appreciate that the focus on shaft 5 is new, however, I wish to remind you to adhere to the agreement.

Regards,

[redacted]

[redacted]

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Robert Latimer

Subject: FW: I am told the Environment Agency are to retract CAR report.
Attachments: 2003.03.14 Whitburn Steele PS permit.pdf

From: [redacted]r@environment-agency.gov.uk>
Sent: 14 October 2022 15:14
To: Robert Latimer [redacted]
Subject: RE: I am told the Environment Agency are to retract CAR report.

Mr Latimer,

I have since had further clarification around this with our technical team. Please find enclosed the Whitburn permit that allows discharge into the tunnel via Shaft 5 as requested.

Before the Whitburn interceptor tunnel was constructed as part of a scheme to improve the Whitburn sewerage system, several short sea outfalls discharged storm water into bathing waters in the Seaburn area. The improvement scheme was designed to prevent discharges from these short sea outfalls by intercepting them and directing storm water into the interceptor tunnel. The overflows listed in the attached permit were previously the short sea outfalls, now intercepted by the tunnel and integrated into the improved sewerage system. These overflows control all the flows arriving at Seaburn Pumping station, the resultant storm water from these overflows combine at one point and enter the Whitburn interceptor tunnel at Shaft 5.

Kind regards,

[redacted]

[redacted],

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Robert Latimer

Subject: FW: Response from Northumbrian Water
Attachments: RE: I am told the Environment Agency are to retract CAR report. (627 KB)

From: [redacted]@environment-agency.gov.uk>
Sent: 12 December 2022 17:07
To: Robert Latimer [redacted]
Subject: RE: Response from Northumbrian Water

Mr Latimer,

The Environment Agency has provided an explanation about Shaft 5 which has been supplied in previous correspondence with a copy of the Whitburn permit (See attached email). We have also explained our position on your question below regarding the interceptor tunnel and we will not be commenting on it any further.

Please can you confirm what you are specifically requesting an internal review on? You have taken your case to the OEP who will consider in due course an investigation into our regulation the Whitburn permit.

Regards,

[redacted]

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LP1978 - Ruth Rees

Response ID ANON-TJBH-TD78-F

Submitted to South Tyneside Publication Draft Local Plan 2023-2040
Submitted on 2024-03-03 17:11:40

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:

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 basis for the calculation of the number of new homes proposed is not sound or credible.
It uses out of date statistics to calculate the number of homes needed and this results in an overestimate. The number of homes proposed is based on the 2014 household projections, which have been shown to be an overestimate by the 2021 Census.

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

The calcuation for the number of new homes should be based on 2021 census information.

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

Policy SP3: Spatial Strategy for Sustainable Development

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

Support or Object - Legally Compliant:

Support or Object - Sound:
No

Support or Object - Complies with the Duty to Cooperate:

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

Objection to 3.2:
The policy has not been positively prepared to deliver sustainable development in the East Boldon Neighbourhood Plan area.
There are currently 1,860 homes in the EBNP area and the addition of 474 new homes will bring an unsustainable level of growth which will have a detrimental impact on the local infrastructure of the area and on the distinctive character of the village.

Objection to 3.4:
The policy is not justified, uses out of date evidence and exceptional circumstances case to amend the Green Belt boundary has not been made.
The issue was considered by the Independent Examiner for the East Boldon Neighbourhood Plan, who considered that it was appropriate to retain the Green Belt around the village in order to meet housing need in the plan area.

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

The number of new homes proposed should be limited by the capacity of existing infrastructure.
The judgement of the Independent Examiner for the East Boldon Neighbourhood Plan should be adhered to in decisions regarding GReen BElt land around the village.

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:
No

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.:

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

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

This proposal should be removed from the local plan because it is contrary to the settlement boundary agreed in the adopted East Boldon Neighbourhood Plan.

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:

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.:

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

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 proposed developments already 'in the system' should be included in the overall number of new houses proposed to avoid an inappropriate increase in the size of the village.

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:
Ruth Rees

What is your email address?

Email address:

[redacted]

Who are you responding as?

Resident or Member of the General Public

Organisation:

What is your postal address?

Address:

[redacted]