



South Tyneside Council

Whitburn Neighbourhood Plan – Submission Draft version

Response of the Local Planning Authority (LPA) to Examiner's Questions

1. Would STC provide me with an update on progress with the emerging Local Plan. If it has been withdrawn I shall recommend that all references to its policies in the WNP should be deleted.

The Regulation 18 Pre-Publication Draft Local Plan was approved by Cabinet on 7th August 2019 for an 8 week consultation between August and October 2019. The document library for the Pre-Publication Draft Local Plan is at: <https://www.southtyneside.gov.uk/article/36020/Supporting-Documentation-and-Evidence-Base-Studies>

A report - South Tyneside Local Plan: Spatial Options Review was considered by the Cabinet meeting of 17th March 2021. The full report can be viewed at the following location (Item 8): <https://www.southtyneside.gov.uk/article/60220/Committee-meeting?formid=147785&pageSessionId=0117472b-f720-4ca7-961d-a048323b3235&fsn=25112092-ab2c-4b75-b87b-dff2f78de7e7>

Cabinet authorised Officers to review the spatial options for the distribution of development and prepare a new Regulation 18 Local Plan.

In the view of the LPA therefore, the status of the Regulation 18 Pre-Publication Draft Local Plan that was approved by Cabinet on 7th August 2019 is that it carries very limited weight as, subject to Cabinet approval, it will be superseded by a new Regulation 18 draft Local Plan.

2. Would STC provide me with a list of the strategic policies and state whether they accord with current national planning policy.

- All policies in the Core Strategy document (June 2007):
 - ST1 – Spatial Strategy for South Tyneside
 - ST2 – Sustainable Urban Living
 - A1 – Improving Accessibility
 - E1 – Delivering Economic Growth and Prosperity
 - SC1 – Creating Sustainable Urban Areas
 - SC2 – Reviving our Town Centres and other Shopping Needs
 - SC3 - Sustainable Housing Provision
 - SC4 – Housing Needs, Mix and Affordability
 - SC5 – Providing for Gypsy and Traveller Caravan Sites
 - SC6 – Providing for Recreational Open Space, Sport and Leisure
 - EA1 – Local Character and Distinctiveness
 - EA2 – The Coastal Zone
 - EA3 – Biodiversity and Geodiversity
 - EA4 – World Heritage Sites
 - EA5 – Environmental Protection
 - EA6 – Planning for Waste
- Policy DM1 – Management of Development from the Development Management Policies (Dec 2011)

- Policy SA1 – Mixed Use Development Opportunities from the Site Specific Allocations (April 2012)
- Policy SS1 from the South Shields Area Action Plan (Nov 2008)
- Policy J1 from the Jarrow Area Action Plan (Sept 2010)
- Policy H1 from the Hebburn Area Action Plan (Oct 2008)

It is considered that these strategic policies do accord with the NPPF.

Questions 3-5 don't require a response. These are noted by the Council.

6. Major housing development – paragraph 5.16 states that this is 10 homes or more. It would be helpful to include the definition in the Glossary. Would the QB and LPA confirm that it should be the same as that in the Development Management Procedure Order: “the provision of 10 or more dwelling houses or the development is to be carried out on a site having an area of 0.5 hectares or more where the number of dwellings is unknown”.

The Council confirm that the major housing development definition should be the same as that in the Development Management Procedure Order.

7. Would STC explain the basis for the figure of 397 dwellings to be delivered over the plan period as set out in paragraphs 5.6 and 5.8 of the WNP. Was this the figure from the withdrawn Local Plan? Should reference to it be deleted from this section? If so, would the QB and STC agree revisions to paras 5.4 to 5.9. Would STC and the QB confirm that an indicative housing figure for the WNP has not been sought.

The figure was from the now withdrawn Regulation 18 Pre-Publication Draft Local Plan. The Plan identified an indicative figure for the neighbourhood areas based on the latest evidence of local housing need and the Plan's spatial strategy and allocations. The Council confirm that an indicative housing figure has not been sought. Given that the Plan has been withdrawn, reference to the figure is no longer relevant. The Council suggest the last two sentences of para 5.6 are removed and “as it would be unable to allocate land to meet the requirement of 397 dwellings” is removed from para 5.8.

8. I am proposing that the first paragraph of the policy refer to “the latest Housing Needs Assessment”.

The Council concurs with this proposal.

9. Has evidence been prepared to demonstrate that the affordable housing figure of 20% is deliverable and would not impact on viability? What is the current figure used by STC in the plan area?

Policy SC4 in the Local Development Framework – Core Strategy (June 2007) sets an affordable housing requirement of 25% in the Plan area.

10. Does STC rely on the 2007 SPD on affordable housing or is there an updated guidance / procedure? I am concerned that Policy WNP1 provides no guidance on the type of affordable homes to be provided. I am proposing to revise the second para to “....20% of dwellings should be affordable of a type of tenure to be agreed with STC in accordance with the latest evidence of affordable housing need and viability.”

STC relies on SPD4 and Policy SC4 of the Core Strategy. The Council agrees with proposed revision.

Q11 is not applicable to the LPA

The Council concurs with proposals in Questions 12 – 29

30. The only addition proposed to be added to STC's Local List is property 31 The Old Mine Gate Posts and Plaques. If so, would the QB provide me with a copy of the assessment report and the evidence and criteria used to select property 31. Has consultation with the property owners been carried out? Would STC confirm their procedures for identifying and adding properties to their Local List.

The Council intends to commence a 12 month review of Local Lists throughout Tyne and Wear. The Forum will be contacted by the Project Officer as community engagement is a key part of the project. At the moment we do not have procedures in place but we are developing them. It is likely that SPD21 will at some point be revoked and instead locally designated heritage assets will be included in the T&W HER, where it is easier and quicker to update entries.

The Council concurs with proposals in Question 31-33

34. Biodiversity Net Gains – has STC prepared any guidance on how this is to be delivered locally? The justification to Policy WNP6 does not provide any guidance on how this aspect of the policy is to be delivered. The Environment Act includes a number of requirements including habitats to be secured for at least 30 years and to be delivered on site, offsite or via statutory biodiversity credits. Would STC and the QB comment on whether additional text should be added to the policy to reflect the legislation and whether a reference to any STC guidance could be included in the justification.

South Tyneside Council are in the early stages of preparing guidance for delivering BNGs. The emerging draft Local Plan will include a BNG policy which reflects the requirements of the Environment Act (2021), including identifying the preferred metric, prioritising on-site and local offsite delivery and the provision for a 30-year management, maintenance, and monitoring plan. It is the intention of the Council that the Local Plan policy will be supported by an emerging Biodiversity SPD which will contain further guidance on the delivery and management of BNG. The Biodiversity SPD is being jointly prepared by South Tyneside Council, Gateshead Council and Sunderland City Council and is expected to be adopted by winter 2022. It is considered that these emerging documents will be the primary consideration in delivering BNG.

The council suggests the following amendments to policy wording and supporting text to reflect legislations and forthcoming guidance:

POLICY WNP6: BIODIVERSITY AND GEODIVERSITY

Development proposals must demonstrate how they will deliver measurable net gains of a minimum of 10% for biodiversity within the Neighbourhood Area *and how they will be secured in perpetuity.*

Addition to supporting text:

Development proposals required to deliver Biodiversity Net Gain should consider emerging policies and guidance documents provided by South Tyneside Council.

35. European and national sites - such policies are strategic and should therefore be in the LDF / Local Plan. Would STC confirm whether they have up to date policies on these sites. Do STC consider it appropriate to include these policies in the WNP?

The existing LDF Policies which offer protection to European and national sites include:

- Development Management Policies DM7: Biodiversity and Geodiversity Sites
- Core Strategy Policy EA2: The Coastal Zone
- Core Strategy Policy EA3: Biodiversity and Geodiversity

The emerging Local Plan will include a dedicated Policy which addresses the protection International and national sites including the provisions for Appropriate Assessment. It is considered that the protection of these designations is addressed at a strategic level in the existing LDF and within the Emerging draft Local Plan policies.

36. *Wildlife Corridors – paras 5.46 – 5.47 Would STC confirm the status of these strategic corridors and whether the areas mapped in the Wildlife Corridors Network Review December 2020 should be referred to instead of the LDF corridors. If so, the following text may be added to the end of paragraph 5.46: “South Tyneside Council completed a detailed site by site review of the wildlife corridors in December 2020. These areas are shown on the Policies Map.”*

The Council concurs with proposals in Questions 37-40

Q41 is not applicable to the LPA

The Council concurs with proposal in Question 42

Q43 is not applicable to the LPA

44. *Policies Map of GI and Wildlife Corridors – would the QB provide me with updated maps to show the GI drawn from the STC GI strategy (SPD3) without the Green Belt and separately the revised Wildlife Corridor.*

South Tyneside Council has recently completed a Wildlife Corridor Networks Review alongside Sunderland City Council and Gateshead Council. Appendix B of this report identifies the wildlife corridor network for South Tyneside. This is the most up to date evidence available and provides a more detailed understanding of the wildlife corridors within the Neighbourhood Forum area.

See Annex 1 and 2

Q45 is not applicable to the LPA

The Council concurs with the proposed wording in Question 46.

47. *Is the Shoreline Management Plan current and relevant?*

The Shoreline Management Plan is considered relevant and current.

The Council concurs with proposals in Questions 48 – 50

51. *The indication of the extent of the village centre by way of lines in the middle of the road means that the policy is vague and cannot be applied consistently by decision makers to specific buildings/properties. I am proposing to recommend that a boundary line should be drawn around the properties to which the policy will apply. This should be shown clearly on an Inset Map. Would the QB provide me with a map for this purpose?*

See Annex 3

The Council concurs with proposals in Questions 52 – 53

Q54-55 is not applicable to the LPA

The Council concurs with proposals in Questions 56-58

Q59 is not applicable to the LPA

The Council concurs with proposals in Questions 60-61

62. As there are no Air Quality Management Areas in Whitburn, would STC confirm whether, based on their evidence, that there is an air quality issue in the Plan area and what measures can be achieved through planning controls to address it?

The Council have not identified any air quality issues in Whitburn from current air quality monitoring. None of the target for NO₂ have been exceeded at any of our diffusion tube points.

We monitor AQ across the borough routinely. If there were any monitoring points that looked to be exceeding the air quality objectives for NO₂ and particulate matter then we would investigate further with the view of designating an air quality management area. If there were issues we would look at potential mitigation measures.

The Council concurs with proposals in Questions 63-65