

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

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

## Response ID ANON-TJBH-TD5B-Q

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-02 08:32:56

### 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:

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.:

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.:

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### Chapter 2: Context

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### 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?

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### Policy SP1: Presumption in favour of Sustainable Development

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

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I object to Policy SP 2.2 – the basis for the calculation of the number of new homes proposed is not sound or credible.

It uses out of date statistics to calculate the number of homes needed and this results in an overestimate.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

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I object to Policy SP3.4 – 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.

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

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#### Policy SP7: Urban and Village Sustainable Growth Areas

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I object to Policy 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.:

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#### Policy SP16: Housing Supply and Delivery

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I object to Policy 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.

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 and the proposals are not sustainable given the need for an extra primary and secondary school places and the adverse impact on health service provision and traffic in the area.

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

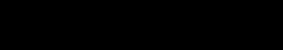
If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?:

### Your personal details

What is your name?

Name:  
Philip Payne

What is your email address?

Email address:  


Who are you responding as?

Resident or Member of the General Public

Organisation:

What is your postal address?

Address:  


South Tyneside Reg 19 Reps - Bellway Homes (North East)

Sun 3/3/2024 10:14 AM

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

Cc: [REDACTED]

📎 1 attachments (363 KB)

South Tyneside Reg 19 Reps SSWRFC relocation and redevelopment.pdf;

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Dear Sir / Madam,

Please find attached representations on behalf of Bellway Homes (North East).

I look forward to acknowledgement of receipt.

Kind regards,

Joe

**Joe Ridgeon MRTPI**

Director | Hedley Planning Services Ltd

[www.hedleyplanning.co.uk](http://www.hedleyplanning.co.uk)

[Brochure](#)



**Offices: Hexham and NEW Newcastle Office**

Floor 3, Maybrook House, Grainger Street, Newcastle upon Tyne, NE1 5JE

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01 March 2024

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



Dear Sir / Madam

**Representations to South Tyneside Publication Draft Local Plan (Regulation 19) public consultation in relation to the proposed relocation of South Shields Westoe RFC to Temple Park, redevelopment of the site for housing, and new playing pitches at Hebburn**

These representations have been prepared by Hedley Planning Services on behalf of our Client, Bellway Homes Limited (North East), in relation to the Regulation 19 draft of South Tyneside's Local Plan. These representations should be read in conjunction with those submitted by Pegasus Group (Ref: P19-2166).

**Bellway Homes and its Land Interests**

Bellway Homes is a North-East based housebuilder which operates across the whole of the United Kingdom. As a company, it is committed to providing high quality and sustainable housing developments which seek to assist in the Government's aim to significantly boost the supply of housing which the country needs. In this regard, Bellway Homes is recognised as providing high quality new homes through a 5 Star Housebuilder award by the Home Builder's Federation (HBF).

Our Client is the North East division of Bellway Homes and is responsible for identifying and developing new housing sites within the Tyne and Wear area. It has an excellent track record of delivering well-designed and sustainable places in the region as well as in South Tyneside specifically.

Our Client is working with South Shields and Westoe Sports Club to facilitate the proposed redevelopment of their site and relocation to Temple Park, along with additional new playing pitches at Hebburn.

**Site appreciation and Proposed Development**

All three sites are located within the South Tyneside Council. As identified in the South Tyneside Playing Pitch Strategy & Action Plan (PPS), there is a shortfall of sports pitches within the area. The vision for the PPS is *"to provide a range of high-quality facilities for the provision of playing pitch sports*



**Head Office**  
Unit 3, Hexham Enterprise Hub,  
Burn Lane, Hexham,  
Northumberland,  
NE46 3HY

T [REDACTED]  
E [REDACTED]

W [www.hedleyplanning.co.uk](http://www.hedleyplanning.co.uk)



*to encourage participation and enable South Tyneside to meet current and future needs.”* Bellway Homes are proposing a site for two sports pitches with associated facilities to help with the shortfall, along with the redevelopment of SSWRFC playing pitches.

The proposals for the three sites include:

**HOUSING** – 78 high-quality new family homes provided in a highly sustainable location as part of a 20 minute-neighbourhood.

**NEW SOUTH SHIELDS WESTOE RFC FACILITY** – Relocation of the rugby club to nearby Temple Park to a new high-quality facility that includes: two new floodlit rugby pitches, one turf and one 4G; bubble covered tennis courts; expansion tennis courts; a Club House; and a senior cricket pitch with scoreboard.

**NEW PUBLICALLY ACCESSIBLE SPORTS PITCHES** – Land will be provided at Wardley Lane, Hebburn, that can accommodate two new pitches, parking and changing facilities.

### **Current and emerging policy**

South Shields and Westoe Sport Club have long had an aspiration to relocate to better, modern facilities. This has been fully supported by South Tyneside Council, with the site currently being allocated for housing development for approx. 75 dwellings under Policy SA9 of the Site-Specific Allocations (April 2012), with relocation of playing pitches proposed at Brinkburn.

At the Regulation 18 stage the site was also a draft allocation for 79 dwellings (June 2022), with justification set out in the South Tyneside Playing Pitch Strategy (PPS, 2019). As states in the PPS:

*“South Shields Westoe RFC (as part of South Shields and Westoe Club) has been in talks with South Tyneside Council over an agreement to lease land at Temple Park that would see the Club relocate from South Shields & Westoe Club to Temple Park.”* (PPS, page 19).

Furthermore, the PPS also considers that:

*“Should South Shields Westoe RFC not relocate to Temple Memorial Park, as part of South Shields & Westoe Club, then the alternative sites will need to be investigated given the current and future shortfalls on the site.”* (PPS, page 23).

However, the site at Regulation 19 stage has been deallocated without any justification. The site has been removed from draft **Policy SP4: Housing Allocations in the Main Urban Area** and we therefore object that the plan is *unsound for not being positively prepared, being unjustified and being inconsistent with national policy.*

We note that the Council's website states that in relation to the Playing Pitch Strategy that *"This document is currently being updated"*<sup>1</sup>. Without this document being publicly available to review, it is impossible to understand the justification for the Council's change in position, or the change to the SHLAA assessment of the site (please see Annex A). As such, the lack of evidence means that the plan is *unsound* as it is *unjustified*.

We request the opportunity to make further representations as and when the updated Playing Pitch Strategy is made available.

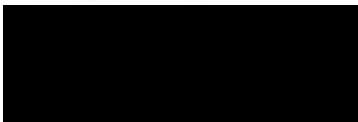
### **Summary and Conclusion**

These representations have been prepared by Hedley Planning Services on behalf of our Client, Bellway Homes Limited (North East), in relation to the Regulation 19 Publication Draft of the South Tyneside Local Plan.

The key recommendation of our representations is that South Shields and Westoe Sports Club and playing fields should be allocated for residential development as they are deliverable site within the Plan period, and the relocation of the club will result in an improved Sport provision within the Borough.

Our Client would also like to confirm that they would like to participate in future consultations on the Local Plan and the future examination of the document.

Yours sincerely



**Joe Ridgeon MRTPI**

Director

BA (Hons) MSc MRTPI

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<sup>1</sup> <https://www.southtyneside.gov.uk/article/11520/South-Tyneside-Playing-Pitch-Strategy-2019> accessed 01/03/2024

## Annex 1: SHLAA assessment

<b>SHLAA Ref:</b>	SOS001	<b>Site Name</b>	South Shields and Westoe Sports Club and playing fields
<b>Ward</b>	Westoe	<b>Neighbourhood Forum Area</b>	
<b>Total Site Area (ha)</b>	2.80	<b>Estimated Developable Area (ha)</b>	2.10



**Constraints:** This site is an area for mineral safeguarding and is in a conservation area.

**Current Use/Character:** Sports club and playing fields

### **Planning History**

**Current planning status:** N/A

**Planning Application No:** N/A

**Dwellings Permitted:** N/A

### **Site Capacity:**

**Total site capacity:** 79

**Dwellings Built to date:** 0

**Remaining Capacity:** 0

<b>Assessment Information</b>		
<b>Suitability:</b>	Suitable	The site is in a suitable, residential location with good access to services.
<b>Availability:</b>	Not Available	The site is not currently available for development
<b>Achievability:</b>	Not Achievable	The site is not likely to be achievable as there is no mitigation strategy for the sports pitches
<b>Deliverability:</b>	Not deliverable	The site is not deliverable.

## Response ID ANON-TJBH-TD5U-A

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-02 15:30:14

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

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

Support or Object - Legally Compliant:

Support or Object - Sound:

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Object to GA2 – Land at North Farm This proposal is not justified and is not effective in delivering sustainable development.

It is in conflict with the adopted East Boldon Neighbourhood Plan as it is outside the settlement boundary approved in the plan. The Green Belt Review Site Assessment for this site is not correct as it says development will only have a moderate impact. 263 new homes on the site will have a considerable impact as evidenced by the Traffic Assessment and Infrastructure development Plan.

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## Policy SP16: Housing Supply and Delivery

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

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

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

CONTRADICTION OF THE NEIGHBOURHOOD PLAN

LOSS OF VILLAGE IDENTITY

INCREASED RISK OF FLOODING

DAMAGE TO THE ENVIRONMENT

LOSS OF AGRICULTURAL LAND

OVERLOAD ON INFRASTRUCTURE

EXTREME INCREASE IN TRAFFIC - ALREADY OVER CAPACITY

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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:

George Tisseman

What is your email address?

Email address:



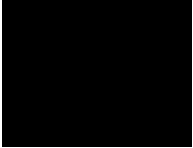
Who are you responding as?

Resident or Member of the General Public

Organisation:

What is your postal address?

Address:



Regulation 19 Local Plan Consultation Representation Form

Please return this form by midnight on Sunday 25 February 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](http://haveyoursay.southtyneside.gov.uk) or download an editable form you can fill in on your computer here: [southtyneside.gov.uk/localplan](http://southtyneside.gov.uk/localplan)

If you are having difficulty submitting representations, please contact [local.plan@southtyneside.gov.uk](mailto: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	PETER	
Last Name	SENDALL	
Job Title (where relevant)	/	
Organisation (where relevant)	/	
Address	[REDACTED]	
Postcode	[REDACTED]	
Telephone	[REDACTED]	
Email	[REDACTED]	

\* 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	
Client (if relevant)	

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

Paragraph	
Policy	
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		<input checked="" type="checkbox"/>
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 and provide a 100 word summary of each point.

SEE ATTACHED SHEETS.

(Continue on a separate sheet/expand box if necessary)



#### 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.

REMOVAL OF GA3 FROM THE PLAN

(Continue on a separate sheet/expand box 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:**

I think that there should be public involvement in these plans. The inspector would be able to go as far as we should be wish to do so.

**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.

### Section 3) Details of representation

Objection to the S T local plans specifically site GA3 land north of Town End Farm and the removal of land from the green belt.

This is the third local plan for S T where I have objected to loss of land from open spaces. I object to any loss of land over S T but I am concentrating on Site GA3 . I have been a resident of the Boldons for 77 years ,and have seen changes in West Boldon from a small village to the much enlarged built up area it is today.This has led to the loss of green and agricultural land which while growing up was a place to enjoy, play in and walk through. Much of this has now gone and the resultant area feels closed in .

The need for housing under the SHMA seems to be based on a survey of households across ST and a projected growth in population.Should houses be built they will be purchased or rented because they are there not because they are necessary. House builders state that it is a desirable place to live, of course they will be purchased not necessarily because they are needed. Of course people may wish to come into a nice area but you have to accept if there are no houses you cannot. With the recent problems of house builders and affordable houses and houses for the elderly not being built ,ST will have to be very careful that this does not happen.

The latest local plan would see the loss of 290 acres, 22.4 acres of which would be lost from site GA3. Further to this we have had the loss of 370 acres from greenbelt land for the IAMS industrial site. This involved the loss of 156 acres from S T greenbelt in sight of GA3. IAMS has the potential for employment , and I could have no objection to the scheme, however I still regret the loss of land.

Legal reasons).

I am not a planning lawyer , neither could I afford to hire one , which leads me to having to accept that the legal points are correct.

Soundness of the policy). Harm.

#### 1) Loss of greenbelt land.

Site GA3 would represent the loss of 22.40 acres of greenbelt land on the border with Sunderland. Greenbelt is there to check the growth of built up areas and this site would directly lead to the expansion of a built up area.Greenbelt is also there to prevent neighbouring settlements from merging , this site would directly lead to the merging of S T with Sunderland , joining the two together.

Greenbelt is there to safeguard the countryside from encroachment. This site would reach to the A19 and effectively join up with IAMS completing the built up area from Sunderland through S T and Washington. On the Sunderland south side of Boldon hill they have almost built to the top of the hill and this site would lead to the start of the encirclement of Boldon hill.

S T have stated that Sunderland have been unwilling to grant any land to them for housing . Sunderland Gateshead and North Tyneside are building many houses which should ease the necessity to build in S T. We all want to live where we would like to live but have to accept that it is not always possible.

S T have shown in the plan that all harm factors are moderate but taking moderate harm factors together leads to a higher harm in total .

## 2)Landscape

S T landscape character study partially or totally covers the GA3 site . this also states

that the limestone escarpment and Boldon hill are considered to be of high landscape value.

Views towards the hill and downhill from the Asda roundabout junction of the A184 and the B1298 and the A19, clearly show the area with the pylons marching across the site and the upper storeys of the houses at Town end farm showing . The view also shows the historic houses to the east. The buildings on the site would be visible across a large area of this view , detracting from the openness of the greenbelt and the hill itself. This would also be encroaching on the view of the historic houses to the east.

Landscape is not only viewed towards the hill but also from the top . this would very clearly show the estate spreading out from the base of the hill to the A19 and Downhill lane. The view would join up with IAMS to the west without a green break. To the north the estate would detract from the view of the further greenbelt , with the first view being the tops of houses. Sunderland has shown with its recent building on the southside of the hill how the view can be destroyed with the encroaching urbanisation.

Photographs attached.

## 3)Mitigation

Mitigation for the loss of 22.40 acres of green belt can really only be mitigated by a further addition of the same area of green land to the green belt. This is not possible and the proposals put forward will if at all not mitigate the loss.

There are proposals within in the site for landscaping , paths , trees, hedges etcetera. These will help the estate and those living on it but not the wider area or the loss of land. There is talk of trying to stop problems of people trying to access the nature area on the hill . the problem will only increase with a thousand or more people in the area. I think people on the new estate will have problems with anti social behaviour from Town end Farm.

There are proposals for land nearby , planting hedges, improvement of the Don , trees, and footpaths. Most of this will only be possible with agreement from local landowners, who will most likely be offered grants . In my experience the problem with these is that there is no on going maintenance or repairs and the land soon reverts to what it had been . Specifically the problems with the Don is one of pollution which starts before the water reaches this stage in S T. This pollution should have been rectified years ago.

## 4) Transport

The access to the site will be the Downhill road which used to be much quieter until it became a road to access the Nissan site and a rat run for the A19. Traffic coming to and from the site would either travel to the A19 or to the junction with the A184. The junction with the A184 is already problematical especially at busy times . Presumably traffic lights or a roundabout would have to be installed. These would cause even further problems on the A184 being very close to another roundabout and lights at the top of the hill for the junction of Hylton lane.

In 1932 it was thought necessary to have a Boldon bypass , traffic is much worse now but it will still not happen.

Currently there is only one bus along Downhill lane , S Shields to Durham, any further services would depend on private companies thinking the route viable.

The site would be the furthest distance possible for centralised services in S Shields. Also difficult to access healthcare and education, except by relying on already stretched services in Town End Farm and the Boldons. All these journeys causing more pollution in the area.

5) Open country and health

The local plan tells us how important it is to have a green belt and open countryside, for our health and recreation. This site would detract in every way from these ideals and take away the very reason to live here and come to live here

The wild life corridor would be lessened and make it more difficult for wild life to access north to south and into the nature reserve of the hill. The site will also lead to further trespassing onto the nature reserve and damage to it.

6) sustainability

The site will have to rely on Town End Farm for many of the nearby facilities, or travel from it to those further away in S T. Will it produce the mix of housing needed in S T ?, if the track record of private builders is taken into account they will only build what they want to build.

7) Biodiversity net gain

This is now mandatory in law . With this site it is very difficult to see how this can happen without purchasing biodiversity units or trying to rely on mitigation policies. The only real way to achieve this would be by rewilding . Ongoing net gain has already become problematical from the aspect of sustainability . The work can be carried out and then just allowed to wither away. Even if a maintenance contract were to be entered into it only has to be for thirty years. Who would pay for the maintenance?, and who would monitor it?.

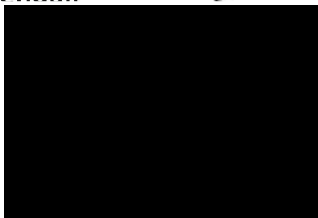
Final Statement .

I have spoken to many people in West Boldon who have no idea that this is going on and have heard nothing about it . I have attended the West Boldon residents association none of whose members know anything about it. The few people who have been interested in the past are the only people who have been contacted. Public meetings have been held but not in West Boldon, and in the area including Boldon Colliery ,Jarrow and Hebburn have been very poorly attended. Everything we are told can be found online, but who can find the time to look through all of that information.

This strikes me as an add on policy to try and find extra housing, hiding it in an area not many people know about. This is urbanising a site which is on the important outer green belt separate from any built up area within S T . This site will have to utilize the facilities of Town End Farm Sunderland. It has nothing to do with the built up area of Boldon and will only cause further traffic problems and pollution and loss of greenbelt land.

I think that this site should be withdrawn.

Yours faithfully P Sendall



28/2/2025



VIEW FROM ASDAROUNDABOUT JUNCTION OF A194 AND B1298

IN THE DISTANCE THE BOLDON HILL AND THE HOUSES OF TOWN END FARM  
ON THE LEFT ARE THE HISTORIC BUILDINGS.

IF THE SITE IS DEVELOPED HOUSES WILL BE SEEN FROM THE BASE OF THE HILL PYLONS TO THE LARGE  
PYLONS ON THE RIGHT .



VIEW FROM THE JUNCTION OF THE PUBLIC FOOT PATH WITH DOWNHILL LANE ON THE RIGHT

THIS SHOWS THE EXTENT OF THE HOUSING UP TO THE A19



VIEW FROM THE PUBLIC FOOTPATH ON THE HILL OVER TO THE IAMS SITE OVER THE A19.

THIS SHOWS HOW THE SITE WILL LINK UP WITH IAMS.





THE VIEW FROM THE JUNCTION OF THE A19 ROUNDABOUT AND DOWNHILL LANE.

THIS SHOWS THE EXTENT OF THE SITE FROM THE A19 AND DOWNHILL LANE OVER TO BOLDEN HILL UP TO THE PYLONS WHICH CANNOT BE BUILT UNDER. THIS VIEW WILL BE TOTALLY DESTROYED.

Publication Draft Local Plan (Regulation 19)

Chris Haggon - [REDACTED]

Fri 3/1/2024 12:04 PM

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

📎 1 attachments (339 KB)

333100910.TW South Tyneside LP Representations.240229.pdf;

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Good afternoon,

Please find attached response on behalf of Taylor Wimpey.

If you have any questions or require any further information, please do not hesitate to contact me.

Kind regards,

Chris

Chris Haggon MRTPI | Senior Strategic Land and Planning Manager | Taylor Wimpey Strategic Land

**\*\*Invoices\*\*** Please send all invoices electronically to s [REDACTED]

NE Office: Rapier House, Colima Avenue, Sunderland SR5 3XB

NY Office: Taylor Wimpey House, Lockheed Court, Preston Farm Industrial Estate, Stockton on Tees TS18 3SH

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Taylor Wimpey Strategic Land  
Rapier House  
Colima Avenue  
Sunderland  
SR5 3XB

Spatial Planning,  
South Tyneside Council,  
Town Hall and Civic Offices,  
Westoe Road,  
South Shields,  
NE33 2RL

**Submitted via email only:** [Local.Plan@southtyneside.gov.uk](mailto:Local.Plan@southtyneside.gov.uk)

Dear Planning,

**Reference: South Tyneside 2023 – 2040 Pre-Submission Draft (Regulation 19) Plan  
Consultation Response – Taylor Wimpey**

Taylor Wimpey (“TW”) welcomes the opportunity to respond to the South Tyneside 2023 – 2040 Pre-Submission Draft (Regulation 19) Plan (“draft Plan”) Consultation and applauds the Council for reaching this stage in the plan-making process.

TW has a strong presence in the North East both in terms of housebuilding and generating employment opportunities for the region. Accordingly, we are well placed to comment on the future policy direction of South Tyneside.

**Executive Summary**

TW supports the Council progressing with its plan-making activities, but we must lodge a **strong objection** to the draft Plan at this stage on the following grounds:

- **Policy SP2 (Strategy for Sustainable Development to Meet Identified Needs)** – we strongly object to the omission of the housing requirement buffer, the absence of any clear link between housing and economic ambition, the clear disconnect with national planning policy requirements and the lack of ambition to deliver affordable housing.
- **Policy 1 (Promoting Healthy Communities)** – we support the policy ambition to contribute towards improving health and reducing health inequalities but stress that any requirements need to be supported by a robust viability assessment.
- **Policy SP15 (Climate Change)** – requires reconsideration in light of the Government’s recent direction for plan-makers to not set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.
- **Policy 5 (Reducing Energy Consumption and Carbon Emissions)** – requires reconsideration in light of the Government’s direction on local energy efficiency standards and in any event

requires rewording to avoid misinterpretation with other standards such as Building Regulations.

- **Policy 6 (Renewables and Low Carbon Energy Generation)** – we strongly object to the requirement for developments within 400m of an existing district heat network or an emerging identified heat network to be designed ready to connect to the district network as it is not justified with the appropriate evidence, as required by national planning policy.
- **Policy SP16 (Housing Supply and Delivery)** – we strongly object to this policy taking account of comments made on Policy SP2 which sets the local housing requirement. Furthermore, the Council should priorities the use of a housing buffer as the primary measure for ensuring housing delivery and supply rather than a range of non-defined ‘contingency measures’.
- **Policy 19 (Housing Mix)** – greater clarity on the requirement to ensure new homes meet the needs of our aging population and are accessible to all is required.
- **Policy 20 (Technical Design Standards for New Homes)** – the Council has not provided the evidence required by the national Planning Practice Guidance to justify this policy requirement.
- **Policy 47 (Design Principles)** - the requirements of Policy 47 need to be reconsidered against the Government’s policy direction on design. Any policy requirements need to be well defined and reflect a flexible approach which takes account of the broad range of possible designs for new development.

## **Background**

TW are one of the UK’s largest residential developers, with a proud heritage in housebuilding and construction for more than 100-years. As a responsible developer we are committed to working with local people and communities.

Last year we built 10,438 homes in the UK including 2,338 affordable homes. We also contributed £405 million to local communities in which we build via planning obligations. This funded a range of infrastructure and facilities including green space, community, commercial and leisure facilities, transport infrastructure, heritage buildings and public art.

Our North East business built 412 homes last year including 41 affordable homes. We currently directly employ circa 247 members of staff and have 19 apprentices and 3 management trainees. We currently indirectly support 85 North East businesses through our supply chain.

TW’s comments on the draft Plan consultation are set out below.

## **National Planning Policy Context**

### ***National Planning Policy Framework (December 2023)***

The National Planning Policy Framework (“NPPF”) was updated on the 19<sup>th</sup> and 20<sup>th</sup> December 2023 respectively. However, paragraph 230 of the updated NPPF specifies that the updated policies will only apply for the purpose of examining plans where those plans reach Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024.

Therefore, for the purposes of preparing and examining the draft Plan, the policies contained in the updated NPPF do not apply. The NPPF published on the 5<sup>th</sup> September 2023 is the national planning policy document which is of primary importance.

***National Planning Policy Framework (September 2023)***

The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. The NPPF must be taken into account in preparing the draft Plan.

The key NPPF policies can be summarised as follows:

- Paragraph 11b – strategic policies should, as a minimum, provide for objectively assessed need for housing and other uses as well as any needs that cannot be met within neighbouring areas.
- Paragraph 16 – plans should be prepared positively, in a way that is aspirational but deliverable and contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
- Paragraph 23 – strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development.
- Paragraph 31 – the preparation of all policies should be underpinned by relevant and up-to-date evidence.
- Paragraph 35 – plans are sound if they are positively prepared, justified, effective and consistent with national policy.
- Paragraph 60 – to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Paragraph 61 - 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.
- Paragraph 81 - planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.
- Paragraph 119 – planning policies should promote an effective use of land in the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs.

It is within this national planning policy context that TW's comments on the draft Plan are made.

## Taylor Wimpey's Consultation Response

### Spatial Vision & Strategic Objectives

TW has no specific comments on the drafting of the proposed Spatial Vision or Strategic Objectives but would like to advocate that the ambition for local people to have a wide range of new home opportunities is strengthened given its pivotal importance. For example, the Spatial Vision refers to 'delivering housing to meet our housing needs' but does not outline how necessary this in delivering the other aspects of the Spatial Vision such as good standard of living. TW advocate an approach where delivering a broad range of housing opportunities that clearly and demonstrably meet identified housing needs is given greater importance in the Spatial Vision and Strategic Objectives.

The proposed Spatial Vision and Strategic Objectives could also strengthen references to working collaboratively with local employers to further increase the range of highly skilled employment opportunities. For example, TW offer apprenticeships across a range of disciplines which cater for a broad spectrum of individuals at all levels. Greater collaboration between the local employers and the Council would result in a more efficient process to getting the opportunities to the local people that need them most.

### Policy SP1: Presumption in Favour of Sustainable Development

TW support a presumption in favour of sustainable development but question whether this policy is necessary given it repeats well established principles set out in the NPPF. TW advocate an approach which streamlines the policies in the draft Plan for the benefit of developers, the decision-makers and local communities.

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

TW **strongly object** to Policy SP2, specifically point 2 which sets the local housing requirement to be delivered over the draft Plan period. TW strongly advocate that the proposed policy approach will not deliver nearly enough housing for local residents and will stifle local economic growth.

The local housing requirement has been significantly revised from the Regulation 18b version (August 2022) of the Plan for two reasons:

1. The Standard Methodology calculation for South Tyneside has decreased from 321 dwellings per annum to 309 dwellings per annum.
2. The Council has decided to not proceed with a 15% buffer to the housing requirement to provide flexibility. TW are of the view the housing buffer would increase the amount of land within the Green Belt which would be required to be allocated for development and that it is unlikely that exceptional circumstances for Green Belt release could be demonstrated.

As a consequence, and in combination with planning permissions granted (or resolutions to grant planning permission) in the interim period, the number of new homes allocated in the draft Plan for has decreased from 4,471 to 3,443. The decrease in new homes allocated is substantial, equivalent to 19.5% of the total housing requirement (5,253 new homes) within an 18-month period.

TW are of the strong opinion that this proposed policy approach is fundamentally flawed and will not result in the Council achieving its Spatial Vision or Strategic Objectives. Firstly, the Council's decision

to not proceed with the housing buffer is contrary to national planning policy which specifies that plans must support the Government's ambition of significantly boosting the supply of housing and ensuring a sufficient and robust housing supply is secured. TW do not wish to comment in detail on the case for exceptional circumstances at this stage but are of the view that alignment with national planning policy, the pressing need for housing locally and the economic benefits housing developments deliver would more than constitute the exceptional circumstances required.

Secondly, the Council is currently subject to the most severe policy consequence of the Housing Delivery Test ("HDT"), the presumption in favour of sustainable development, as a result of a prolonged period of under delivery. The Council has only once passed the HDT which was in 2018, the year of its inception:

**HDT 2018 Measurement**

HDT Result: 105%

HDT Consequence: None

**HDT 2019 Measurement**

HDT Result: 94%

HDT Consequence: Action Plan

**HDT 2020 Measurement**

HDT Result: 79%

HDT Consequence: Buffer

**HDT 2021 Measurement**

HDT Result: 74%

HDT Consequence: Presumption

**HDT 2022 Measurement**

HDT Result: 72%

HDT Consequence: Presumption

Notwithstanding the above, the other consequences of the HDT still apply, so the requirement to include a 20% buffer to the identified housing need is still active. As such, the Council's decision to not proceed with a housing buffer to incorporate housing delivery flexibility goes against the national planning policy consequences currently placed on the Council as well as ignoring the poor track record of housing delivery. Without a housing buffer the issue of insufficient housing opportunities for local people will very likely be exacerbated.

Thirdly, the significant reduction in local housing requirement drops the requirement below that necessary to deliver affordable housing at a rate identified in the Council's own evidence. The Strategic Housing Market Assessment 2023 ("SHMA") identifies a need for an additional 361 affordable dwellings per year, including social / affordable units or intermediate tenure. As such, it is not clear how a housing need requirement which is lower than the affordable housing need requirement will deliver sufficient housing to meet the needs of the local community. The local housing requirement needs to also take account of sites that might not deliver policy compliant affordable housing for a



number of reasons such as site sizes below the policy threshold and/or development viability. The national Planning Practice Guidance is clear that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes.

Fourthly, the local housing requirement completely ignores the regional growth and planning policy context. Newcastle City Council, one of the neighbouring authorities to South Tyneside, is subject to the 35% uplift on their local housing requirement, as specified by national planning policy. Consequently, there is huge local pressure to find sites for development and it is likely that Newcastle City Council will seek assistance to deliver this need. No evidence has been presented that this has been given due consideration. Equally, no evidence has been presented that desirable commuting patterns to service centres such as Newcastle and Sunderland have been considered and what implications this may have on the local housing requirement. As such, TW does not consider that the proposed local housing requirement has considered all the necessary factors which are likely to contribute to the 'real local housing requirement'.

Fifthly, and related to the above, the Council have not tested how the local housing requirement supports the economic ambitions of the draft Plan. The SHMA has highlighted the North East Local Enterprise Partnership's (NELEP) Strategic Economic Plan, which it states looks to create 25,000 new jobs for South Tyneside by 2031. There is no evidence that the proposed lower local housing requirement would contribute to achieving this ambition.

In addition, the lower local housing requirement ignore the wider economic benefits that housing could deliver to the Borough and local communities. For example, a typical development of 100 new homes would deliver the following economic and social benefits<sup>1</sup>:

- Support the (direct and indirect) employment of 310 people;
- Increase open space, community sport and leisure spending by £80,620;
- Generate £80,620 towards education spending; and
- Generate £112,946 in Council Tax revenue per annum.

To put this into context, the consequences of reducing the housing requirement from 4,471 to 3,443 dwellings (1,028 dwellings) results in precluding the local community from the following economic and social benefits<sup>2</sup>:

- Support the (direct and indirect) employment of 3,186 people;
- Increase open space, community sport and leisure spending by £828,773;
- Generate £828,773 towards education spending; and
- Generate £1,161,084 in Council Tax revenue per annum.

In short, TW strongly objects to the Council's proposal to reduce the local housing requirement by c. 20% in an 18-month period. The reduction in local housing requirements is directly contrary to national planning policy requirements and the HDT consequence the Council is currently subject to. The significant reduction also drops below the Council's own identified need for affordable housing and there is no evidence to suggest it will support the area's economic ambitions. TW strongly

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<sup>1</sup> According to the Home Building Federation Housing Calculator: [HBF Housing Calculator](#)

<sup>2</sup> According to the Home Building Federation Housing Calculator: [HBF Housing Calculator](#)

advocate the Council reconsider the local housing requirement in light of the above and are of the firm view there are sufficient factors to demonstrate the exceptional circumstances necessary.

### **Policy SP3: Spatial Strategy for Sustainable Development**

TW has no specific comments on the draft policy wording but wishes to stress that the Spatial Strategy must be amended to reflect comments made on Policy SP2, as detailed above. Further intervention is required to ensure that the correct number of new homes will be delivered for local people and support the wider social, economic and environmental benefits that housebuilding delivers.

### **Policy 1: Promoting Healthy Communities**

TW support the policy ambition to contribute towards improving health and reducing health inequalities. However, this policy requires a Health Impact Assessment (HIA) to be submitted for residential schemes for 100 or more dwellings which has not been viability tested. TW first question whether this policy requirement is necessary given that the draft Plan should set the conditions in which sustainable development that contributes to improving health is approved and delivered.

Secondly, TW wish to stress that whilst housing developments can deliver a multitude of benefits to local communities it is not a bottomless pit which can shoulder the cost implications of every policy ambition. The Council has put forward no evidence that the proposed policy requirement and subsequent outcomes of such an assessment can be effectively and viably delivered alongside the other policy requirements and legislation requirements such as biodiversity net gain and Part L Building Regulations. Accordingly, TW are of the view that Policy 1 is not justified, as defined in the NPPF, and should be supported by the appropriate evidence before being considered for adoption.

### **Policy SP15: Climate Change**

TW's corporate commitment is to build a better world, creating greener, healthier communities for all. By virtue, TW supports the principle of requiring new development to reducing carbon emissions and adapt to the effects of climate change.

However, TW are concerned that as currently drafted Policy SP15 goes beyond nationally prescribed standards and therefore the Government's advice to plan-makers.

In a Written Ministerial Statement ("WMS") to the House of Commons on the 13<sup>th</sup> December 2023 on behalf of Housing Minister Lee Rowley MP<sup>3</sup>, it was made clear that: *'...the Government do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.'*

Furthermore, the WMS noted that: *'The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures. ...'*

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<sup>3</sup> Planning: Local Energy Efficiency Standards. Volume 742. [Planning: Local Energy Efficiency Standards - Hansard - UK Parliament](#)

In short, TW supports the drive towards reducing carbon emissions, but the local policy approach must reflect the national planning policy context as well as the direction provided by Government on draft such policies. As such, TW strongly advocate that Policy SP15 is reconsidered in this context.

### **Policy 5: Reducing Energy Consumption and Carbon Emissions**

TW's comments on Policy 5 are related to comments made on Policy SP15. The principle of a policy approach which requires a drive towards tackling climate change is supported but the Government is clear that local plan-makers should not be setting local energy efficiency standards for buildings that go beyond national requirements. The Future Homes Standard is due to be in effective from 2025 and will mandate the requirements of Policy 5 in national legislation in any event.

The drafting of Policy 5 could also result in confusion for developers, decision makers and local communities as the policy wording refers to 'these standards' but in the context of Building Regulations which set standards and other requirements it is likely that this wording could be misinterpreted.

TW strongly advocate that the need for Policy 5 is reconsidered but at the very least is reworded to align with national requirements and avoid confusion with Building Regulations.

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

TW support a policy approach which sets clear criteria for the development of renewable and low carbon energy. However, TW **strongly objects** to the requirement of this policy for developments within 400m of an existing district heat network or an emerging identified heat network to be designed ready to connect to the district network.

TW are committed to a coordinated approach to reducing the climate impact of heat and energy demand. However, this must be done in a flexible manner rather than requiring developers to use particular technologies or approaches.

TW deliver a significant number of high quality new homes per year across the UK and as such has a wealth of experience in designing and delivering new homes to meet current Building Regulations as well as tackling climate change. From this experience, TW suggest that the significance of individual dwelling energy efficiency and insulation should not be overlooked. TW have found that new homes including a suite of relatively simple interventions such as energy efficient walls and windows; insulated loft spaces; 100% low energy light fittings and LED recessed downlights and appliances that are at least A-rated for energy efficiency are popular and more effective for the resident in reducing energy demand than inefficient or complicated alternative energy / heating networks.

Notwithstanding the above, no evidence has been provided to justify the policy requirement. For example, the Council have not tested what impact this policy requirement would make compared to new residential dwellings utilising heat pumps or other sustainable power sources such as solar panels. District heat networks are not the only sustainable technology and as such the policy approach should not mandate its use, require developers to incur additional design costs or be subject to further testing at the planning application stage.

In addition to the above, the requirement has not been viability tested nor does the policy include any viability-based exclusions. Connections to district heat networks can be costly and TW are seriously concerned the policy requirement could render some developments unviable.

TW strongly advocate that Policy 6 is amended to remove the requirement for developments within 400m of an existing district heat network or an emerging identified heat network to be designed ready to connect to the district network.

### **Policy SP16: Housing Supply and Delivery**

TW **strongly object** to Policy SP16 taking into consideration comments made on Policy SP2 in this representation.

TW do not wish to make any comments on the lapse rate, projected demolitions or windfalls rates set out in Table 2 at this stage but wish to reserve their right to comment further should circumstances change.

Policy SP16 point 9 notes that a range of contingency measures will be introduced should supply or delivery falls below the housing requirement. TW would like to stress the interrelationship between this policy requirement and the need to plan for sufficient housing. The Council should prioritise the use of a housing buffer as the primary measure for ensuring housing delivery and supply rather than a range of non-defined 'contingency measures'.

Notwithstanding this and given the poor track record of housing land supply, if the policy approach is to remain then TW strongly advocate that the Council elaborates on the measures that the Council will utilise and prescribe these measures in the policy to provide developers and decision-makers with greater certainty. The Council has been subject to the HDT consequence of preparing an Action Plan since the publication of the HDT 2019 measurement and so should be able to take a range of measures from this document to be included within the draft Plan.

### **Policy 18: Affordable Housing**

TW do not wish to make any specific comments on the policy requirement for affordable housing at this stage but wish to reserve their right to comment further should circumstances change.

The policy requirement for affordable housing should be considered in the context of the comments made on this representation on the local housing requirements set by Policy SP2 which are below the identified need to deliver sufficient affordable housing.

### **Policy 19: Housing Mix**

TW supports the proposed policy approach of ensuring a range of housing opportunities are made available. TW particularly supports the recognition that increasing the supply of detached homes in the Borough is a key policy objective which is often overlooked.

However, TW would like the Council to provide greater clarity on requirement 2(iv) of the policy which specifies new homes should meet the needs of our aging population and are accessible to all. It is not clear how this policy interacts with Policy 20 or nationally prescribed Building Regulations.

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

TW supports a policy approach which seeks to deliver homes that are suitable to meet the needs of older people and disabled people. Nevertheless, the Council has not provided the necessary evidence

to justify this requirement as specified in the national Planning Practice Guidance (“PPG”). The PPG<sup>4</sup> identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability. It is incumbent on the Council to provide a local assessment evidencing the specific case for South Tyneside which justifies the inclusion of optional higher standards for accessible and adaptable homes.

In the event that the necessary evidence can be provided then TW suggests an appropriate transitional period to provide certainty for developers, decision-makers and local communities. If the evidence cannot be provided, then national guidance is clear that this policy requirement is not justified.

### **Policy 35: Delivering Biodiversity Net Gain**

The delivery of 10% Biodiversity Net Gain (“BNG”), above pre-development levels, is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

TW make no specific comments on Policy 35 but wish to stress that whilst a requirement set by national legislation it must still be fully accounted for in the Council’s viability evidence.

### **Policy 47: Design Principles**

TW supports a policy approach which seeks to deliver well-designed development. However, Policy 47 as currently drafted includes requirements which are not well defined and are likely to result in confusion for the decision-maker. For example, Part 1 (iii) of the policy requires development proposals to “Protect any important local views into, out of or through the site”. However, the important local views have not been identified or designated nor has any criteria been set for what defines a view as ‘important’. It should also be noted that the protection of views is not a material consideration in planning, and this has been well established by national planning guidance for a long time. TW strongly advocate that the Council reconsider the requirements of Policy 47 against national planning guidance such as the National Model Design Code to ensure it is in line with the Government’s policy direction on design. Any policy requirements need to be well defined and reflect a flexible approach which takes account of the broad range of possible designs for new development.

### **Summary**

TW supports the Council progressing with its plan-making activities, but we must lodge a **strong objection** to the draft Plan at this stage for the reasons identified in this representation. The local housing requirement proposed for the draft Plan will not deliver nearly enough housing for local residents, will stifle local economic growth and restrict wider environmental and social benefits. TW strongly advocate the Council reconsider the local housing requirement and reinstate an appropriate housing buffer to ensure sufficient delivery and supply. TW has also identified a number of proposed development management policies which are either not justified or require further clarification.

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<sup>4</sup> ID: 56-007-20150327

Without amendments and the necessary evidence base as identified by TW the draft Plan does not represent a sound Plan.

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TW trust that the above consultation response is given due regard in the plan-making process. We would like to reserve their right to appear at the examination in public of the draft Plan at this stage. We would also kindly request we are kept informed of the progress of the draft Plan.

If you require any further information or have any questions then please do not hesitate to get in touch.

Yours faithfully,

[Redacted signature]

**Chris Haggon** MRTPI  
*Senior Strategic Land and Planning Manager*

E: [Redacted email address]

M: [Redacted mobile number]

**On behalf of Taylor Wimpey UK Limited**

# Representations to South Tyneside Local Plan (Publication Draft – Regulation 19)

On behalf of Bellway Homes Limited.

Date: March 2024 | Pegasus Ref: P19-1962

Author: Chris Martin BSc(Econ) MSc MA MRTPI

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## Document Management.

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# 1. Introduction

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

## Previous Consultations

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

## This Consultation

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



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

## **Bellway Homes and its Land Interests**

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

## 2. Comments on the Local Plan

### Overview

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

### Comments on the Strategic Objectives

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

### Policy SP1: Presumption in favour of Sustainable Development

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



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

- 2.8. This policy states that the Local Plan will deliver a minimum of 5,253 net additional homes (equivalent to 309 dwellings per annum) and a minimum of 49.41 ha of land for economic development.
- 2.9. It is noted that this figure largely reflects the Local Housing Need (LHN) for the Borough as defined by the Standard Method and represents a fall from the Regulation 18 draft which proposed a minimum of 5,778 net additional dwellings (equivalent to 321 dwellings per annum).
- 2.10. The NPPF outlines that the Standard Method is an advisory starting point when investigating the amount of new homes that might be needed in an area (paragraph 61). However, the NPPF also states that Local Plans should be aspirational and positively prepared (paragraph 16) and it remains the Government's objective to significantly boost the supply of new homes (paragraph 60).
- 2.11. In addition to this, the NPPF recognises that the requirement could be higher than the Standard Method, with paragraph 67 stating:
- "The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment."*
- 2.12. The PPG elaborates on this further by outlining an uplift from the Standard Method may be appropriate where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method (*Reference ID: 2a-010-20201216*).
- 2.13. Our Client considers that such an exercise has not been robustly undertaken to establish if an uplift is appropriate. As such we object to this policy and consider it unsound for not being positively prepared, being unjustified and being inconsistent with national policy.
- 2.14. The Council's latest Strategic Housing Market Assessment (SHMA) was published in November 2023 and is the primary piece of evidence which examines whether any changes to the Standard Method should be undertaken. Within the SHMA, reference is made to the economic aspirations for the North East through the North East Local Enterprise Partnership (NELEP) Strategic Economic Plan and the South Tyneside Economic Recovery Plan (2020) (paragraph 4.22 - .427). These both contain ambitious plans for economic growth and job creation including 25,000 new jobs for South Tyneside. However, when assessing this, the SHMA simply states:
- "While the council is clearly committed to achieving economic growth (and inclusive growth that reduces inequalities), it considers that the minimum local housing need target of 309 homes per year fully reflects this aspiration. South Tyneside is part of a wider functional economic area extending across Tyne and Wear as evidenced in commuting and travel to work patterns. It is therefore reasonably assumed that new jobs created within South Tyneside could be done by people from within the wider functional economic area (as well*



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

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

### **Policy SP3: Spatial Strategy for Sustainable Development**

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

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

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

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

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

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

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

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

## **Policy SP7: Urban and Village Sustainable Growth Areas**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Parks and formal gardens; and
- Golf Courses.

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

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

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

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

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

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

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

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

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

- Suitability;
- Availability; and
- Achievability.

2.50. We consider these further below.

***Suitability***

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

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

#### ***Availability***

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

#### ***Achievability***

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

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

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

#### **Overall Site Conclusion**

2.57. It is clear from the above that:

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

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

## **Policy 1: Promoting Healthy Communities**

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

## **Policy SP15: Climate Change**

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



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

2.68. As an industry, house building is actively working towards Future Homes Standards which ties in more widely to the Government's Net Zero Strategy. As such, the policy (or its supporting text) should be clear that this is the goal for the Council.

2.69. The Future Homes Standard should then be fully reflected in the Local Plan Viability Update document (see our comments in relation to Policy SP3).

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

2.70. Our Client supports the principle of seeking to reduce energy consumption and carbon emissions for new development. However, the approach to the policy needs to be sufficiently flexible, practical and consistent with national policy.

2.71. Currently, we do not consider the policy does this and so we object on the basis of it being unsound as it is unjustified and inconsistent with national policy.

2.72. Firstly, these policy requirements do not seem to have been fully factored into the Local Plan Viability Update document and second, the policy itself presents a number of issues which we highlight below.

2.73. Part 1 of the policy appears to require the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates as well as the use of sustainable materials, e.g. those with low embodied carbon or renewable materials and waste minimisation and reuse of material derived from excavation and demolition.

2.74. Whilst these are all laudable requirements, on a practical level it may be the case that such materials may not be available or be able to be sourced for a development. It may also be the case that the reuse of material on a site may not be feasible. The policy therefore needs to be reworded so that developers are 'encouraged' to do this rather than 'required'.

2.75. Likewise, this part of the policy requires the highest national standards in water efficiency to be achieved. Again, whilst this is a laudable approach, the Council has not justified this in policy terms with evidence. The highest standard for water usage is 110 litres per person per day. This is an 'optional standard' (as opposed to the 125 litres per person per day mandatory standard). The PPG is clear that where optional standards are pursued, that this needs to be evidenced and reflected in viability considerations (*Reference ID: 56-014-20150327*). None of this appears to have been done and as such, this part of the policy should be deleted.

2.76. Part 3 of the policy requires all major development to be accompanied by a Sustainability Statement. This needs to be proportionate to the scale of the development and not unnecessarily duplicate details which are already included within the planning application. This would then better reflect paragraph 44 of the NPPF.

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

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

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

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

## Policy 7: Flood Risk and Water Management

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

## Policy SP16: Housing Supply and Delivery

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



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

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

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

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

### **Policy 14: Density**

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

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

## **Policy 18: Affordable Housing**

2.93. Our Client notes the approach to affordable housing contained in Policy 18 and that this is linked to the Local Plan Viability Update document. As outlined elsewhere in these representations, we consider there are a number of issues with how viability has been calculated meaning that sites may not be able to viably provide the affordable homes outlined in the policy. We therefore object to this policy and consider it unsound on the basis of being unjustified and inconsistent with national policy.

2.94. Whilst it is noted that the policy does allow applicants to submit viability evidence where the affordable housing requirements would make a scheme unviable and for alternative provision to be made, this should be the 'exception' rather than the 'rule'. The latest viability information does show that viability has become more challenging over recent years, although no significant change has been made to the affordable housing thresholds. We consider that this needs to be justified.

2.95. More broadly, the SHMA identifies an affordable housing need of 361 dwellings per annum which clearly cannot be addressed by the Local Plan itself (given the overall housing requirement is 309 dwellings per annum). It is noted that the PPG states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes (*Reference ID: 2a-024-20190220*). This does not seem to have been considered in any great detail by the Council when examining how many homes needed over the plan period and should be explored further through the plan-making process.

## **Policy 19: Housing Mix**

2.96. This policy seeks to provide an appropriate mix of housing on development sites in terms of sizes, types and tenures. This broad aim is supported by our Client, however reference is then made to meeting need outlined in the SHMA or its successor. We consider this approach unsound as it is not positively prepared and is unjustified. We therefore object to this.

2.97. Whilst it is right for the Council to consider the SHMA (or its successor), this should not be the only way in which housing mix is defined, given the SHMA is a snapshot in time and other factors such as market considerations, site location and site-specific circumstances also



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

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

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

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

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

## **Policy 35: Delivering Biodiversity Net Gain**

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

## **Policy 36: Protecting Trees, Woodland and Hedgerows**

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

## **Policy 41: Green Belt**

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



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

## **Policy SP25: Infrastructure**

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

## **Policy 58: Implementation and Monitoring**

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

## **Policy 59: Delivering Infrastructure**

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



### 3. Summary and Conclusions

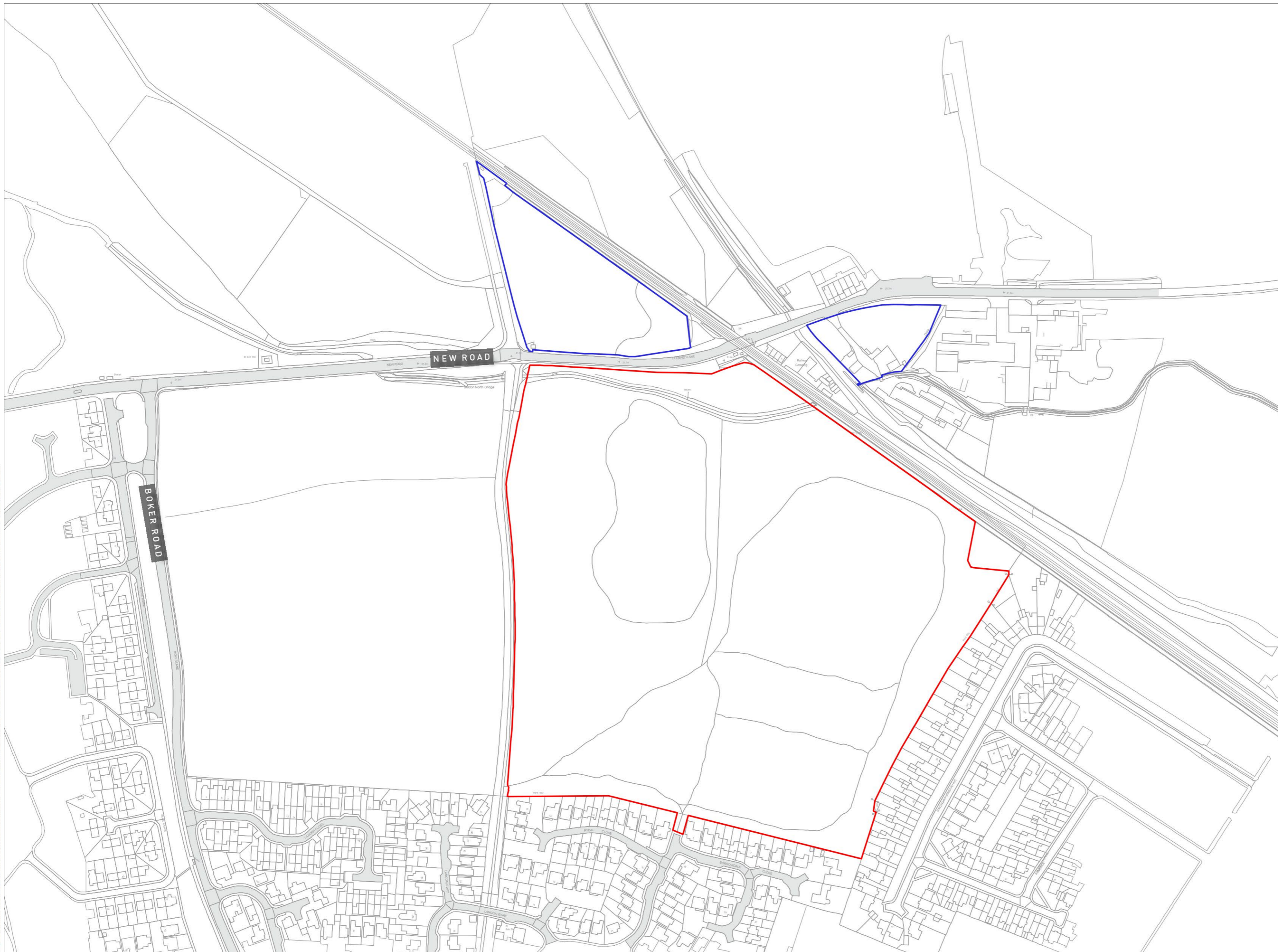
- 3.1. These representations have been prepared by Pegasus Group on behalf of our Client, Bellway Homes Limited, in relation to the Regulation 19 Publication Draft of the South Tyneside Local Plan.
- 3.2. Our Client supports the need to have an up to date Local Plan in place, this needs to be robustly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



## Appendix 1 – Extent of Land Interest

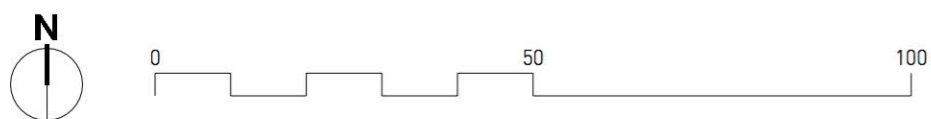


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**KEY**

-  Site Allocation Boundary
-  Additional Land Boundary



**SITE LOCATIONS**  
**LAND AT NORTH FARM, SOUTH TYNESIDE**



## **Appendix 2 – Representations to Viability Workshop (2023).**

LO01MPL

13 October 2023

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

Dear Matthew

**Response to Questionnaire on Viability Assumptions**

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

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

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

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

**Question 1: Residential Scheme Design**

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

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

Third Floor, Gainsborough House, 34-40 Grey Street, Newcastle upon Tyne, NE1 6AE

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

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

## **Question 2: Residential Values**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

### **Question 3: Construction Costs**

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

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



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

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

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

#### **Question 4: Additional Key Appraisal Assumptions**

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

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

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

##### Biodiversity Net Gain

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



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

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

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

#### Future Homes

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

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

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

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

#### Accessible Homes

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



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

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

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

#### **Question 5 – Benchmark Land Value**

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

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

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

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

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

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





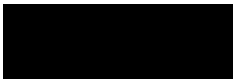
**Question 6: Commercial Scheme Design**

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

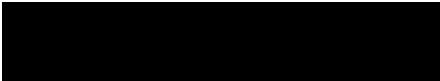
We do not have any comments in relation to this question.

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

Yours sincerely



**Chris Martin BSc(Econ) MSc MA MRTPI**  
Associate Planner





## Appendix 3 – Site Specific Ecological Information



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# Ecological Appraisal

Land at West Boldon

April 2022

Bellway Homes



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

	<b>Name</b>	<b>Position</b>	<b>Date</b>
<b>Report Originator</b>	James Streets	Director	5 <sup>th</sup> April 2022

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# Summary

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

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

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

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



# 1. Introduction

## Site Location

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

## Site Description

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

## Objectives of the Study

1.3 The objectives of this report are:

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

## Development Proposals

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

## 2. Methodology

### Scope of Study

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

### Planning Policy

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

### Desk Study

- 2.7 Desk study was undertaken to assess the nature of the surrounding habitats and included:
- Assessment of aerial imagery and Ordnance Survey mapping.
  - A search of the MAGIC website<sup>1</sup> for statutorily designated sites for nature conservation, habitat listed within the Priority Habitat Inventory or the Ancient Woodland Inventory and European protected species licensing records within 2km of the survey area.
  - A data search request submitted to the Local Record Centre.

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<sup>1</sup> Multi Agency Geographic Information for the Countryside ([www.magic.gov.uk](http://www.magic.gov.uk))

## Field Survey

### Habitats/Protected Species

2.8 The site was subject to a walk over, during which habitats were assessed in line with the habitat classifications detailed within the UK Habitat Classification User Manual<sup>2</sup>. For plant species, abundance has been recorded using the DAFOR scale as detailed in the following table.

<b>Abundance</b>		<b>Percentage Cover</b>
D	Dominant	50-100%
A	Abundant	30-50%
F	Frequent	15-30%
O	Occasional	5-15%
R	Rare	<5%

2.9 Mandatory Secondary Codes within the UK Habitat Classification have been used as defined within the User Manual.

2.10 During the survey the site was checked for evidence of protected species and habitats were assessed for their potential to support such species.

2.11 Survey was undertaken by James Streets CEcol MCIEEM, an experienced surveyor who holds protected species licences for a range of species including bats and great crested newts.

2.12 The following equipment was utilised during survey:

- Zeiss 8x30 binoculars.
- Digital camera.

2.13 The survey was undertaken on the 5<sup>th</sup> April 2022 in the following weather conditions:

<b>Date</b>	<b>Temperature</b>	<b>Cloud Cover</b>	<b>Precipitation</b>	<b>Wind Conditions</b>
5 <sup>th</sup> April 2022	11°C	100%	None	F1-2W

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

### Limitations to Survey

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

### Assessment Methodology

2.15 Guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM) is utilised to provide habitat valuations.

2.16 The level of value of specific ecological receptors is assigned using a geographic frame of reference. For, example international value being most important (SACs, SPAs and pSPAs), then national (SSSIs), regional, county (LWS), district (LNR), local and lastly, within the immediate zone of influence of the site only (low).

2.17 In terms of species, for example breeding birds, should the population within the site constitute greater than 1% of the geographic population, it would be considered significant at that level. In addition, presence of designated sites, scarce species and or quality<sup>3</sup>/diversity of habitats are used to guide that valuation

2.18 Assessment methods for bats have been undertaken with reference to Wray et al. (2007)<sup>4</sup>, which correlates with the geographic frame of reference. Within which they define the relative rarity of each species based on the known distribution<sup>5</sup> at the time and the value of the roost type, assuming that roosts such as feeding perches are of lower value that maternity roosts or sites that have a high level of fidelity.

2.19 Examples of ecological receptors at various levels of value are provided within Appendix 3.

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

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

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

### 3. Results

#### Desk Study

##### General Land Use

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

##### Designated Sites

3.2 A search of the Multi Agency Geographic Information for the Countryside Website<sup>6</sup> indicated that the following designated sites for nature conservation lie within 2km of the site.

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

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

<b>Table 3.1: Designated Sites Within 2km</b>			
<b>Designation</b>	<b>Site Name</b>	<b>Reason for Designation</b>	<b>Distance from Survey Area (Closest point)</b>
The site lies within an identified SSSI Impact Risk Zone relating to designated sites in the wider area, with residential development of over 10 units identified as a potential impact risk trigger.			
Local Nature Reserve	Tilsheds	Ponds and woodland	160m
	Station Burn	Woodland and grassland habitats	1.5km

Priority Habitats

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

European Protected Species Licensing

3.4 The MAGIC website identified the following granted Natural England European Protected Species licences within 2km of the site<sup>7</sup>.

<b>Table 3.2: Granted Natural England European Protected Species Licences within 2km</b>			
<b>Licence Reference</b>	<b>Species</b>	<b>Licensed Work</b>	<b>Licence Period</b>
EPSM2009-1146	Common pipistrelle	Destruction of a resting place	2009-20111
EPSM2012-4608	Common pipistrelle	Destruction of a resting place	2012-2014

**Data Search**

Local Records Centre

3.5 The results of the data search are awaited.

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<sup>7</sup> The dataset is noted as having been last updated in January 2022.

## Field Survey

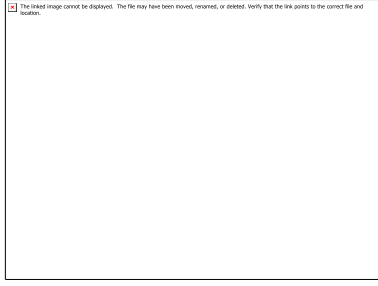


### Habitats

**Table 3.3: Habitat Descriptions**

#### Overview of habitats

The site comprises two grassland fields which have been left unmanaged, separated by a watercourse which runs through the site to the north. The watercourse is bound by a hedgerow which is relatively intact. To the east and south the boundary is formed by fencing with occasional areas of unmanaged scrub whilst the western boundary is formed by an intact hedgerow along a footpath. To the north, the boundary is formed by the metro line.

The habitats within the site are illustrated within Figure 3.

Habitat Description			Habitat Category
<p><b>Grassland</b></p> <p>The main habitat on site comprises former pastoral fields. These are considered to fall into the classification of other neutral grassland habitats but have a generally poor diversity having been left to succeed with significant scrub encroachment recorded. Although there are dense areas of scrub within the field which have developed, there is significant scattered areas of hawthorn and ash throughout the survey area.</p>			<p>Primary Code</p> <p>g3c</p>
Species/m <sup>2</sup> : 6	Sward Height: 30cm	Bare ground (%): 0	Secondary Code
<p><b>Species List</b></p> <p>Common nettle (<i>Urtica dioica</i>), cocks foot (<i>Dactylis glomerata</i>), meadow buttercup (<i>Ranunculus acris</i>), Yorkshire fog (<i>Holcus lanatus</i>), white clover (<i>Trifolium repens</i>), fescue (<i>Festuca sp.</i>) broadleaved dock (<i>Rumex obtusifolius</i>), perennial rye grass (<i>Lolium perenne</i>), bedstraw (<i>Galium sp.</i>), hogweed (<i>Heracleum sphonfylum</i>), curled dock (<i>Rumex crispus</i>), ribwort plantain (<i>Plantago lanceolata</i>), dandelion (<i>Taraxacum officinale</i>), creeping thistle (<i>Crisium arvense</i>), vetch (<i>Vicia sp.</i>), meadow foxtail (<i>Alopecurus pratensis</i>). Small patches of creeping cinquefoil (<i>Potentilla reptans</i>) were also recorded associated with the watercourse.</p>			<p>10, 11, 17, 47, 48, 57, 78</p>
Schedule 9/Undesirable species present (Y/N): No		Further Survey Needed (Y/N): Yes at the correct time of year for grassland assessment	
			

<p><b>Scrub</b></p> <p>There are a number of areas of scrub across the site which are the result of a lack of management. Within the main body of the site there is an area of hawthorn scrub which has established and which is relatively immature in age. There are also areas of raspberry and bramble scrub around the site peripheries.</p>		<p><i>Primary Code</i></p> <p>H2</p>
<p>Good Age Range Present (Y/N): N</p>	<p>Well Developed Edge (Y/N): Y</p>	<p><i>Secondary Code</i></p> <p>N/A</p>
<p>Clearings/Glades Present (Y/N): N</p> <p><b>Species List</b></p> <p>The areas of scrub are dominated by the species listed, however in addition to the hawthorn (<i>Crataegus monogyna</i>) recorded, elder (<i>Sambucus nigra</i>), ash (<i>Fraxinus excelsior</i>) and dog rose (<i>Rosa canina</i>) were also recorded on site.</p> <p>The areas of bramble (<i>Rubus fruticosus agg.</i>) and raspberry (<i>Rubus idaeus</i>) were dominated by these species.</p>		
<p>Schedule 9/Undesirable species present (Y/N): N</p>		<p>Further Survey Needed (Y/N): N</p>
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%; border: 1px solid black; height: 100px; margin-bottom: 2px;"><small><input type="checkbox"/> The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.</small></div> <div style="width: 30%; border: 1px solid black; height: 100px; margin-bottom: 2px;"><small><input type="checkbox"/> The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.</small></div> <div style="width: 30%; border: 1px solid black; height: 100px; margin-bottom: 2px;"><small><input type="checkbox"/> The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.</small></div> </div>		

<p><b>Watercourse</b></p> <p>There is a single watercourse which bisects the site. It is modified with a straight channel with steep, unvaried bank profiles. The banks are earthen, however the substrate was silt, cobble, pebble and sand dominated. The flow was not perceptible in some areas, whilst in small sections a rippled flow was recorded. The width of the channel was 1-2m and the depth likely to be less than 0.5m. The channel was overshadowed but had few other features of ecological interest. No aquatic vegetation was recorded.</p>	<p><i>Primary Code</i></p> <p>r2b</p>
<p>Schedule 9/Undesirable species present (Y/N): None recorded</p>	<p>Further Survey Needed (Y/N): Y</p>



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<p><b>Hedgerow</b></p> <p>There is a hawthorn dominated hedgerow within the western boundary as well as fragmented elements of hedgerow to the east and south adjacent to housing developments. These have few species other than hawthorn within them and are unmanaged.</p> <p>There is also a line of trees to the north west of the site however as they have canopies that meet – they have been classified as woodland. They comprise semi-mature specimens which are not considered to have anything greater than a low suitability for roosting bats.</p>		<p><i>Primary Code</i></p> <p>h2a – scrub w1 - woodland</p>	
Height: up to 4m	Width: more than 2m	Intact (Y/N): in places	<p><i>Secondary Code</i></p> <p>47</p>
Species Rich (Y/N): No		Managed (Y/N): No	
<p><b>Species List</b></p> <p>The scrub areas comprise hawthorn (<i>Crataegus monogyna</i>) dominated throughout.</p> <p>The woodland area comprises ash (<i>Fraxinus excelsior</i>) and sycamore (<i>Acer pseudoplatanus</i>).</p>			
Schedule 9/Undesirable species present (Y/N): None recorded		Further Survey Needed (Y/N): Yes	
<small><input type="checkbox"/> The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.</small>	<small><input type="checkbox"/> The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.</small>	<small><input type="checkbox"/> The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.</small>	

Protected Species

*Bats*

3.6 No evidence of bats was recorded during the initial site visit. There are no structures within the site which could support roosting bats, however the trees along the northern

site boundary are considered to have up to a low suitability of supporting individuals. The site provides suitable foraging and commuting habitats for the species however. Further survey work is required in order to assess the bat usage of the site.

*Birds*

3.7 The site provides good nesting and foraging opportunities for bird species with a total of eight species recorded during the survey, these are listed in the following table:

Species	Priority species <sup>8</sup>	Comment
Magpie	No	Likely nesting on site
Chiffchaff	No	Likely nesting adjacent to the site
House sparrow	Yes	Likely nesting adjacent to the site
Skylark	Yes	Likely nesting on site
Blackbird	No	Likely nesting on site
Black headed gull	No	Recorded flying over the site
Carrion crow	No	Recorded flying over the site
Wood pigeon	No	Likely nesting on site
Notes:		
1. Red list species are of high conservation concern		
2. Amber list species are of medium conservation concern <sup>9</sup>		

3.8 Further survey work is recommended in order to fully assess the value of the site to bird populations.

*Great Crested Newts*

3.9 There three ponds to the north of the site which require further survey in order to assess whether great crested newts are likely to be present within. They are all within 250m of the site boundary, however they are separated from the site by a road. It is recommended that eDNA surveys of these ponds be completed in order to confirm the absence of the species from them.

*Other protected and notable species*

3.10 Otter and water vole may use the watercourse which runs through the site however no evidence was recorded during the initial site visit. Further survey work of the watercourse

<sup>8</sup> National Priority Species are species of principal importance listed in Section 41 of the NERC Act (2006),

<sup>9</sup> Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D. and Win, I. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain.

is recommended in order to determine the likely presence or absence of these species from the site.

- 3.11 No evidence of badger was recorded during survey work, and it is considered unlikely that due to the relatively urban nature of the surrounding area that badger are present.
- 3.12 Brown hare and hedgehog may use the site, however the former is considered unlikely to the levels of disturbance present from dog walkers.

## 4. Site Assessment

### Assessment of Survey Findings

#### Habitats

- 4.1 Habitats on site are considered to be of local value to ecology providing areas of scrub and grassland within a mosaic which is not considered to be common within the local area.
- 4.2 The diversity of species is not considered to be exceptional within a local context however with only locally common species recorded within the sward, likely indicative of nutrient rich ground conditions.
- 4.3 The watercourse within the site is considered to be of at least local value providing a commuting and foraging route for a range of species.

#### Bats

- 4.4 Further survey work is required in order to assess the value of the site to bats. It is likely that the site is of at least local value to bats as a result of its habitats and potential functionality.

#### Birds

- 4.5 Further survey work is required in order to assess the value of the site to birds. It is likely that the site is of at least local value to birds due to the presence of both grassland and scrub which are rare within the local area.

#### Great Crested Newts

- 4.6 Further survey work in relation to great crested newts is required in order to assess the value of the site to this species. Given the lack of local records based on local knowledge, it is likely to be of no more than local significance however.

#### Other Protected and Notable Species

- 4.7 Due to the nature of the site there is the potential for the site to support hedgehog, brown hare, otter and water vole at times. It is recommended that further survey work for otter and water vole is completed in order to assess the value of the site for these species.
- 4.8 The value of the site for brown hare is likely to be low as the risk of their present is considered to be minimal given the level of dog walking that the site experiences. The value of the site to hedgehog is considered to be local given the size and nature of the site.

### Designated Sites

- 4.9 The site is within the Impact Risk Zones of the coastal designated sites, as well as two more local Sites of Special Scientific Interest. The Impact Risk Zone highlights the type of development which could impact on these sites as any residential development of more than 10 units and as such a more detailed impact assessment will be required in order to assess the likely effects of the development on these sites based on the final site layout.

## 5. Impact Assessment

5.1 The following impact assessment is based on the survey work to date and the understanding that the Client wishes to develop the site for residential use.

5.2 As a result of the assessment completed and the nature of the proposed works, the likely impacts, without appropriate avoidance measures, mitigation and/or compensation scheme, are anticipated to be:

- The loss of an area of grassland and scrub considered to be of local value for ecology;
- Loss of bat foraging and commuting habitats;
- Causing harm or disturbance to otter and water vole;
- Loss of bird habitat considered to be of up to local value;
- Loss of trees with a low suitability for bat roosting;
- Causing harm to local Sites of Special Scientific Interest through changes in ground conditions on site should these areas be hydrologically linked;
- Causing increased recreational disturbance to coastal designated sites;
- The low risk of causing harm to great crested newts and the loss of habitat with the potential to support this species should they be recorded within the local area.

5.3 **Further survey and detailed site design is required to complete a detailed impact assessment.**

## 6. Recommendations

6.1 Further survey work, as detailed below, and completion of site design, is required for a detailed avoidance, mitigation and compensation strategy to be developed, however the following initial recommendations can be made.

### Further Survey

6.2 Based on the nature of the site the following additional survey work is recommended:

- Bat transect and remote monitoring surveys;
- Ground based risk assessment of the trees on site
- Otter and water vole survey of the site
- Great crested newts survey of the ponds to the north of the site
- An appropriate assessment of the impact of the development on the nearby Sites of Special Scientific Interest
- Breeding bird survey of the site.

# Appendix 1 – Bat Suitability and Survey Effort

Classifications of suitability are based on those provided within the Bat Conservation Trust Good Practice Survey Guidelines<sup>10</sup>, with the table below taken from page 35 of the guidelines (table 4.1).

<b>Guidelines for Assessing the Potential Suitability of Proposed Development Sites for Bats</b> (based on the presence of habitat features within the landscape, to be applied using professional judgement)		
<b>Suitability</b>	<b>Description</b>	
	<b>Roosting Habitats</b>	<b>Commuting and foraging habitats</b>
Negligible	Negligible habitat features on site, likely to be used by roosting bats	Negligible habitat features on site, likely to be used by commuting and foraging bats
Low	<p>A structure with one or more potential roost sites that could be used by individual bats opportunistically.</p> <p>However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions<sup>a</sup> and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e unlikely to be suitable for maternity or hibernation<sup>b</sup>).</p> <p>A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential<sup>c</sup>.</p>	<p>Habitat that could be used by small numbers of commuting bats such as gappy hedgerow or unvegetated stream, but isolated, i.e not very well connected to the surrounding landscape by other habitat.</p> <p>Suitable but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.</p>
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions <sup>a</sup> and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	<p>Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees and scrub or linked back gardens.</p> <p>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.</p>
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions <sup>a</sup> and surrounding habitat	<p>Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge.</p> <p>High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree lined watercourse and grazed parkland.</p> <p>Site is close to and connected to known roosts.</p>
<p><i>a. For example in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.</i></p> <p><i>b. Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2015). This phenomenon requires some research in the UK but ecologists should be aware of potential for larger numbers of this species to be present during the autumn and winter in larger buildings in highly urbanised environments.</i></p> <p><i>c. The system of categorisation aligns with BS 8596:2015 Surveying for bats in trees and woodland (BSI, 2015)</i></p>		

<sup>10</sup> Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> Edition). Bat Conservation Trust



The classification of the suitability relates to the level of further survey recommended.

<b>Survey Effort and Timing Depending on Suitability of the Structure or Tree</b> (Tables 7.1-7.3 in the BCT Guidelines)			
	<b>Low roost suitability</b>	<b>Moderate suitability</b>	<b>High roost suitability</b>
<b>Survey Effort</b>	One survey visit  One dusk emergence or dawn re-entry survey	Two separate visits  One dusk emergence and a separate dawn re-entry survey	Three separate visits  At least one dusk emergence and a separate dawn re-entry survey. The third can be either dusk or dawn.
<b>Timings</b>	May-August (structures) No further survey (trees)	May to September. At least one must be in the optimum period (May to August)	May to September. two must be in the optimum period (May to August)
<b>If bats are recorded</b>	If bats emerge from or enter a building during surveys, the survey schedule will be adjusted to increase the survey effort so that enough information can be collected to characterise the roost and provide data should a Natural England Licence be required.		

# Appendix 2 – Policy and Legislation

## Planning Policy

### National Planning Policy Framework (NPPF)<sup>11</sup>

The revised National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan. The key paragraphs from the relating to the natural environment are detailed below.

<b>Ecologically Relevant Paragraphs of the NPPF</b>	
<b>Paragraph</b>	<b>Statement</b>
8	<p>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</p> <ul style="list-style-type: none"> <li>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</li> <li>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</li> <li>c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy</li> </ul>
174	<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</li> <li>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</li> <li>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</li> <li>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</li> </ul>

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<sup>11</sup> National Planning Policy Framework July 2021  
([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf))

<b>Ecologically Relevant Paragraphs of the NPPF</b>	
<b>Paragraph</b>	<b>Statement</b>
	<p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate</p>
175	<p>Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries</p>
179	<p>To protect and enhance biodiversity and geodiversity, plans should:</p> <p>a) identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and</p> <p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p>
180	<p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.</p>
181	<p>The following should be given the same protection as habitats sites:</p> <p>a) potential Special Protection Areas and possible Special Areas of Conservation;</p> <p>b) listed or proposed Ramsar sites<sup>64</sup>; and</p> <p>c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites</p>

<b>Ecologically Relevant Paragraphs of the NPPF</b>	
<b>Paragraph</b>	<b>Statement</b>
182	The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

### Local Planning Policy

The following table details the ecologically relevant policies of the local plan relevant to this site.

<b>Ecologically Relevant Policies of the South Tyneside Local Plan<sup>12</sup></b>	
<b>Policy No.</b>	<b>Policy</b>
NE1	<p><b>Strategic Approach for the Natural Environment (Strategic Policy)</b></p> <p>The protection and enhancement of the natural environment will be delivered by:</p> <ul style="list-style-type: none"> <li>a) Conserving and enhancing the natural environment ensuring appropriate protection is given to designated and non-designated assets, including their wider settings;</li> <li>b) Ensuring the protection and enhancement of the Borough’s biodiversity and geological resources and preserve local, national and international priority species and habitats whilst promoting their restoration, re-creation and recovery. We will secure measurable net gains for biodiversity including establishing coherent ecological networks that are more resilient to current and future pressures;</li> <li>c) Protecting against the loss of the Borough’s trees, woodland and hedgerows and irreplaceable habitats whilst securing new tree planting and habitat creation particularly that which would contribute towards flood risk management;</li> <li>d) Providing new and maintaining existing high quality and accessible open space and green infrastructure to create networks of greenspace for people, flora and fauna and allow species adaptation and migration.</li> <li>e) Improve and protect water and groundwater quality, including the River Tyne and River Don and other rivers and watercourses, and where appropriate and feasible the opening up of watercourses to assist in flood risk management;</li> <li>f) Addressing the local causes of water, air, light, noise and all other forms of pollution and the contamination of land, reducing the impact on local communities and meeting the requirements of the Water Framework Directive;</li> <li>g) Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.</li> </ul>
NE2	<p><b>Biodiversity, Geodiversity and Ecological Networks (Strategic Policy)</b></p> <p>Appropriate avoidance, protection and enhancement measures should be incorporated into the design of development proposals at an early stage, to minimise impacts on and provide measurable net gains for biodiversity.</p> <p>Detrimental direct and indirect impacts of development on biodiversity and geodiversity, whether individual or cumulative, should be avoided. Where this is not possible mitigation, or lastly compensation, must be provided as appropriate.</p> <p>Where sites are designated for their biodiversity or geodiversity, planning decisions will reflect the hierarchical approach as set out below.</p> <p><i>1) Internationally Important Sites</i></p>

<sup>12</sup> The South Tyneside Local Plan, South Tyneside Council, August 2019

**Ecologically Relevant Policies of the South Tyneside Local Plan<sup>12</sup>**

Policy No.	Policy
	<p>Priority will be given to protecting our internationally important sites as defined on the Policies Map:</p> <ul style="list-style-type: none"> <li>a) Special Protection Areas (SPAs)</li> <li>b) Special Areas of Conservation (SACs)</li> <li>c) Ramsar sites</li> <li>d) Any potential Special Protection Areas (SPAs), candidate Special Areas of Conservation (SACs) or proposed Ramsar sites.</li> </ul> <p>Development which is considered to result in a 'likely significant effect' on these sites, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment.</p> <p>Proposals for residential development (Use Class Order C3 or C4), including Change of Use and Prior Notifications; within 6km of the Durham Coast Special Area of Conservation and Northumbria Coast Special Protection Area, as defined on the Policies Map, should have regard to the Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) or any successor document.</p> <p>Development requiring Appropriate Assessment will only be allowed where:</p> <ul style="list-style-type: none"> <li>e) It can be determined through Appropriate Assessment at the design stage that, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects. Any suitable mitigation proposals would need to be proven effective and agreed with the Council, in consultation with relevant statutory consultees or</li> <li>f) As a last resort, Appropriate Assessment proves that there are no alternatives and that the development is of overriding public interest and appropriate compensatory measures are provided.</li> </ul> <p><i>2) Nationally Important Sites</i></p> <p>Development that is likely to have an adverse impact on nationally important Sites of Special Scientific Interest (SSSI) as defined on the Policies Map, including broader impacts on the national network and combined effects with other development, will not normally be allowed. Where an adverse effect on the Site's notified interest features is likely; we will only support an exception where the applicant can demonstrate that:</p> <ul style="list-style-type: none"> <li>g) The benefits of the development clearly outweigh both any adverse impact on the features of the site that makes it of special scientific interest, and any broader impacts on the network of SSSIs; and</li> <li>h) No reasonable alternatives are available; and</li> <li>i) The appropriate level of mitigation, and/or, where necessary, the appropriate level of compensation, is provided to redress the impact.</li> </ul> <p><i>3) Locally Important Sites</i></p> <p>Development that is likely to have an adverse impact on Local Sites (Local Wildlife Sites and Local Geodiversity Sites) or Local Nature Reserves as defined on the Policies Map, will only be approved where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>j) The benefits clearly outweigh any adverse impact on the site;</li> <li>k) No reasonable alternatives are available; and</li> <li>l) Mitigation, and/or where necessary compensation, is provided for the impact.</li> </ul> <p>Development proposals that would have a significant adverse impact on the value and integrity of a Wildlife Corridor, as defined on the Policies Map, will only be permitted where suitable replacement land, or other mitigation, is provided to retain and where possible enhance the value and integrity of the corridor.</p>

<b>Ecologically Relevant Policies of the South Tyneside Local Plan<sup>12</sup></b>	
<b>Policy No.</b>	<b>Policy</b>
	Habitat networks will be protected and enhanced, particularly hedgerows, watercourses and other linking habitat features. In particular, measures to create habitat and to improve flood plain connectivity within the River Don catchment will be supported.
NE3	<p><b>Green Infrastructure (Strategic Policy)</b></p> <p>We will deliver a good quality and accessible network of green spaces throughout the Borough to provide a range of social, economic, health and environmental benefits for all. This will be done by:</p> <ul style="list-style-type: none"> <li>a) Protecting and enhancing our identified green infrastructure corridors and strengthening connections between them and green infrastructure networks in neighbouring authorities. As shown on the Policies Map and Inset Map 32, these corridors are: <ul style="list-style-type: none"> <li>i. River corridor – River Tyne and River Don and associated tributaries;</li> <li>ii. Coastal Corridor;</li> <li>iii. Green Belt Corridor;</li> <li>iv. Railway minerals lines.</li> </ul> </li> <li>b) Safeguarding existing green infrastructure assets identified in Supplementary Planning Document 3: Green Infrastructure Strategy or any successor document;</li> <li>c) Strengthening existing wildlife corridors and supporting opportunities for biodiversity improvement and net gains;</li> <li>d) Ensuring new developments incorporate existing and/ or new green infrastructure within their design to ensure proposals are integrated into the surrounding area and enhance the wider green infrastructure network;</li> <li>e) Where there is an identified need, developer contributions will be sought to improve their quality, use and value to the green infrastructure network.</li> </ul>

Government Circular ODPM 06/2005 Biodiversity and Geological Conservation<sup>13</sup> (England only)

This Circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England.

Part IV - Conservation of Species protected by Law details that the presence of a protected species is a material consideration when considering a development proposal that may result in harm to the species or its habitat and that planning authorities must have regard to species protected under the Habitat Regulations.

It goes on to say that: *it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.*

Natural Environment and Rural Communities (NERC) Act 2006<sup>14 15</sup>

<sup>13</sup>ODPM Circular 06/2005 Office of the Deputy Prime Minister Eland House, Bressenden Place, London SW1E 5DU  
Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

<sup>14</sup> <https://www.legislation.gov.uk/ukpga/2006/16/section/40>

<sup>15</sup> <https://www.legislation.gov.uk/ukpga/2006/16/section/41>

*Section 40 – To conserve biodiversity*

This section puts a duty on public authorities to conserve biodiversity when undertaking its duties and functions.

*Section 41 – Biodiversity list and Action*

Requires the Secretary of State to publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of principal importance for the purpose of conserving biodiversity. They must also take such steps as appear to the Secretary of State to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section or promote the taking by others of such steps.

The 2007 lists were superseded by the UK Post-2010 Biodiversity Framework.

<b>UK Priority Habitats (excl. marine habitats)<sup>16</sup></b>	
<b>UK BAP Broad Habitat</b>	<b>UK BAP Priority Habitat</b>
Rivers and Streams	<ul style="list-style-type: none"> <li>• Rivers</li> </ul>
Standing Open Waters and Canals	<ul style="list-style-type: none"> <li>• Oligotrophic and Dystrophic Lakes</li> <li>• Eutrophic Standing Waters</li> <li>• Ponds</li> <li>• Aquifer Fed Naturally Fluctuating Water Bodies</li> <li>• Mesotrophic Lakes</li> </ul>
Arable and Horticultural	<ul style="list-style-type: none"> <li>• Arable Field Margins</li> </ul>
Boundary and Linear Features	<ul style="list-style-type: none"> <li>• Hedgerows</li> </ul>
Broadleaved, Mixed and Yew Woodland	<ul style="list-style-type: none"> <li>• Traditional Orchards</li> <li>• Upland Mixed Ashwoods</li> <li>• Wood-Pasture and Parkland</li> <li>• Wet Woodland</li> <li>• Upland Oakwood</li> <li>• Lowland Mixed Deciduous Woodland</li> <li>• Lowland Beech and Yew Woodland</li> <li>• Upland Birchwoods</li> </ul>
Coniferous Woodland	<ul style="list-style-type: none"> <li>• Native Pine Woodlands</li> </ul>
Acid Grassland	<ul style="list-style-type: none"> <li>• Lowland Dry Acid Grassland</li> </ul>
Calcareous Grassland	<ul style="list-style-type: none"> <li>• Lowland Calcareous Grassland</li> <li>• Upland Calcareous Grassland</li> </ul>
Neutral Grassland	<ul style="list-style-type: none"> <li>• Lowland Meadows</li> <li>• Upland Hay Meadows</li> </ul>
Improved Grassland	<ul style="list-style-type: none"> <li>• Coastal and Floodplain Grazing Marsh</li> </ul>
Dwarf Shrub Heath	<ul style="list-style-type: none"> <li>• Lowland Heathland</li> <li>• Upland Heathland</li> </ul>
Fen, Marsh and Swamp	<ul style="list-style-type: none"> <li>• Upland Flushes, Fens and Swamps</li> <li>• Purple Moor Grass and Rush Pastures</li> <li>• Lowland Fens</li> <li>• Reedbeds</li> </ul>

<sup>16</sup> <http://jncc.defra.gov.uk/page-5706>

<b>UK Priority Habitats (excl. marine habitats)<sup>16</sup></b>	
<b>UK BAP Broad Habitat</b>	<b>UK BAP Priority Habitat</b>
Bogs	<ul style="list-style-type: none"> <li>• Lowland Raised Bog</li> <li>• Blanket Bog</li> </ul>
Montane Habitats	<ul style="list-style-type: none"> <li>• Mountain Heaths and Willow Scrub</li> </ul>
Inland Rock	<ul style="list-style-type: none"> <li>• Inland Rock Outcrop and Scree Habitats</li> <li>• Calaminarian Grasslands</li> <li>• Open Mosaic Habitats on Previously Developed Land</li> <li>• Limestone Pavements</li> </ul>
Supralittoral Rock	<ul style="list-style-type: none"> <li>• Maritime Cliff and Slopes</li> </ul>
Supralittoral Sediment	<ul style="list-style-type: none"> <li>• Coastal Vegetated Shingle</li> <li>• Machair</li> <li>• Coastal Sand Dunes</li> </ul>

### **Protected Species Legislation**

#### European Protected Species

European Protected Species (EPS) are species of plants and animals (other than birds) protected by law throughout the European Union. They are listed in Annexes II and IV of the European Habitats Directive and receive full protection under The Conservation of Species and Habitats Regulations 2017 (as amended). This make it an offence to:

- deliberately capture, injure or kill any European Protected Species (EPS)
- deliberately disturb any European Protected Species (EPS);
- damage or destroy a breeding site or place of rest or shelter used by any European Protected Species (EPS).

The Wildlife and Countryside Act 1981 (as amended) adds further protection by making it an offence to intentionally or recklessly<sup>17</sup> disturb an EPS while it is occupying a structure or place which it uses for shelter or protection, or to obstruct access to any structure or place the species uses for shelter or protection.

<b>European Protected Species Relevant to the UK</b>			
<b>Animals</b>		<b>Plants</b>	
All bat species	Great Crested Newt	Yellow marsh saxifrage	Creeping marshwort
Large blue butterfly	Otter	Shore dock	Slender naiad
Wild cat	Smooth snake	Killarney fern	Fen Orchid
Dolphins, porpoises and whales (all species)	Sturgeon fish	Early gentian	Floating-leaved water plantain
Dormouse	Natterjack toad	Lady's slipper	

<sup>17</sup> Under the Countryside and Rights of Way Act 2000 (CROW Act) extended the protection to cover reckless damage or disturbance



European Protected Species Relevant to the UK	
Animals	Plants
Sand lizard	Pool Frog
Fisher's Estuarine Moth	Snail, Lesser Whirlpool Ram's-horn
Marine turtles	

### Other Protected Species

Other Protected Species Legislation		
Species	Legislation	Level of Protection
<b>Water vole</b>	Wildlife and Countryside Act 1981 (as amended)  Wild Mammals (Protection) Act 1996	<p>The species is listed on Schedule 5 of the Wildlife and Countryside Act (1981) makes the following actions offences:</p> <ul style="list-style-type: none"> <li>intentionally killing, injuring, or taking water vole</li> <li>intentionally or recklessly damaging, destroying or obstructing access to any structure or place used for shelter or protection</li> <li>disturbing water vole whilst they are using any structure or place used for shelter or protection</li> </ul> <p>Under the Wild Mammals (Protection) Act, water vole are protected from unnecessary suffering by a number of methods.</p>
<b>Birds</b>	Wildlife and Countryside Act 1981 (as amended)	<p>Under the Wildlife and Countryside Act (1981) it is an offence if any person:</p> <ul style="list-style-type: none"> <li>intentionally kills, injures or takes any wild bird</li> <li>intentionally takes, damages or destroys the nest of any wild bird whilst that nest is in use of being built;</li> <li>intentionally takes, damages or destroys eggs of any wild bird;</li> </ul> <p>Wild birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) are protected from:</p> <ul style="list-style-type: none"> <li>intentional or reckless disturbance whilst it is building a nest or is in, on or near a nest containing eggs or young;</li> <li>disturbance of dependent young</li> </ul>
<b>Badger</b>	Protection of Badgers Act 1992  Wild Mammals (Protection) Act 1996	<p>The Protection of Badgers Act (1992) makes it an offence to wilfully or attempt to:</p> <ul style="list-style-type: none"> <li>kill or injure a badger</li> <li>possesses a dead badger or any part of, or anything derived from a dead badger;</li> <li>digs for badgers;</li> <li>damages a badger sett or any part of it;</li> <li>destroys a badger sett</li> <li>obstructs access to, or any entrance of, a badger sett;</li> <li>causes a dog to enter a badger sett;</li> <li>disturbs a badger whilst it is occupying a badger sett.</li> </ul> <p>Under the Wild Mammals (Protection) Act, badgers are protected from unnecessary suffering by a number of methods.</p>



## Appendix 3 - Receptor Valuation

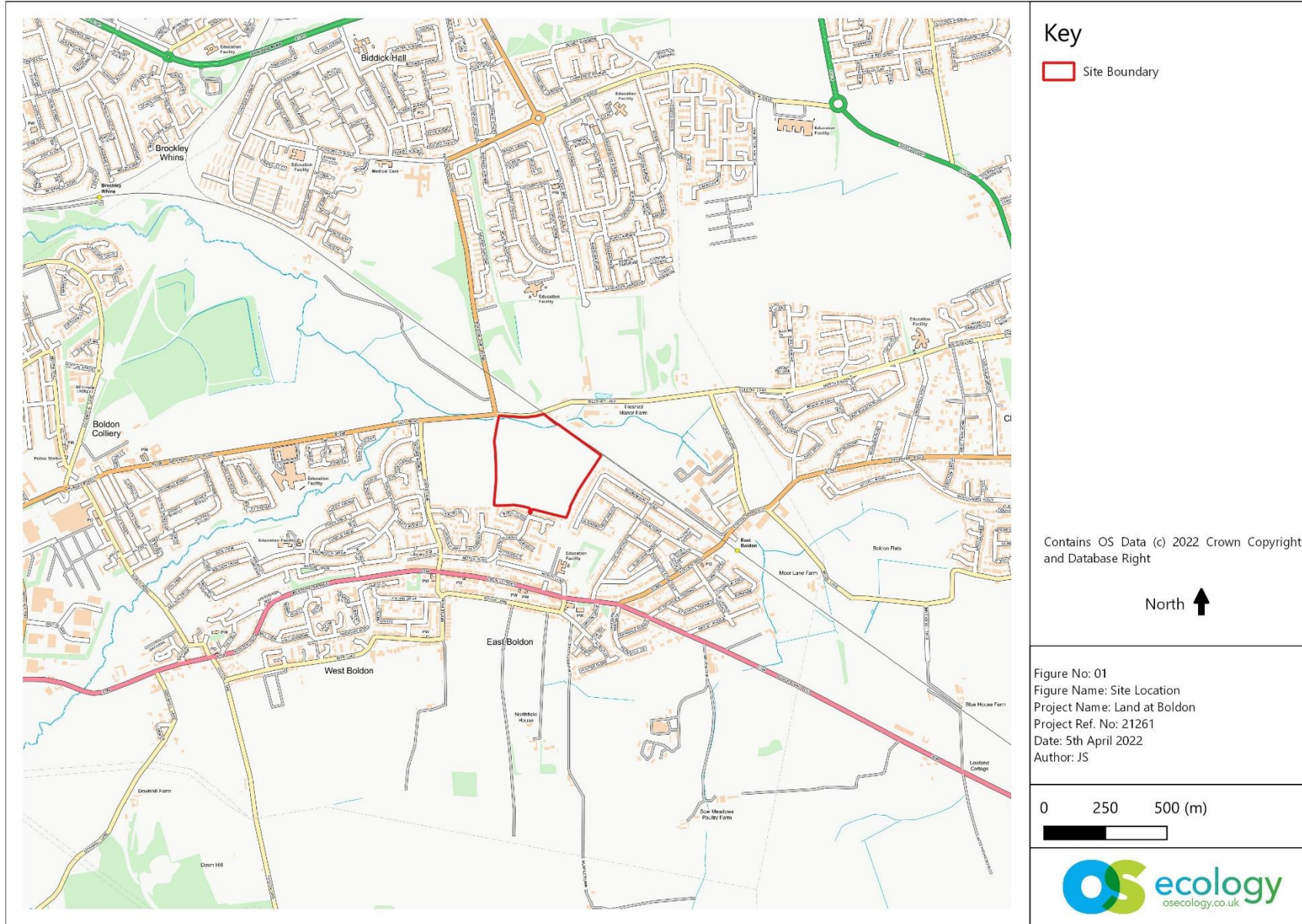
The importance of ecological features is considered within a defined geographic context, examples of which are provided within the table below. The valuation of features is a complex process and, in many cases, requires the application of expert judgement. Valuation considers a range of factors including statutory designations, national biodiversity lists, biodiversity action plan lists and lists of declining, rare or legally protected species. Other factors to be considered include the 'naturalness' of habitats, the functional importance of features and whether habitats are irreplaceable.

<b>Examples of Importance of Ecological Features (Geographic Context)<sup>18</sup></b>			
<b>Importance</b>	<b>Designated Site</b>	<b>Habitat</b>	<b>Species</b>
International and European	Special Protection Area/Proposed Special Protection Area  Special Area of Conservation/Proposed Special Area of Conservation  Ramsar Site	A significant area of a Priority Habitat listed on Annex 1 of the Habitats Directive or a smaller area of such habitat that is thought to be functionally linked to a significant area of such habitat	An area that is functionally important to a species listed on Annexes II, IV or V of the Habitats Directive or Annex I of the Birds Directive which is present in internationally significant numbers (> 1% of the biogeographic population)
National	Site of Special Scientific Interest	A significant area of a Priority Habitat listed as a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006 or a smaller area of such habitat that is thought to be functionally linked to a significant area of such habitat	An area that is functionally important to a species listed as a species of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006, which is present in nationally significant numbers (> 1% of the national population)
Regional	-	An area of a Priority Habitat listed as a habitat of principal importance under Section 41 of the Natural Environment and Rural Communities Act 2006 which is not significant enough in extent to be considered of national importance but is considered to be of greater than metropolitan or county value.	An area that is functionally important to a species which is present in regionally significant numbers (> 1% of the regional population)
Metropolitan area or County	Local Wildlife Site designated at a metropolitan area or county level	A significant area of a Priority Habitat listed within the relevant local Biodiversity Action Plan or a smaller area	An area that is functionally important to a species listed as a Priority Species within the relevant local Biodiversity

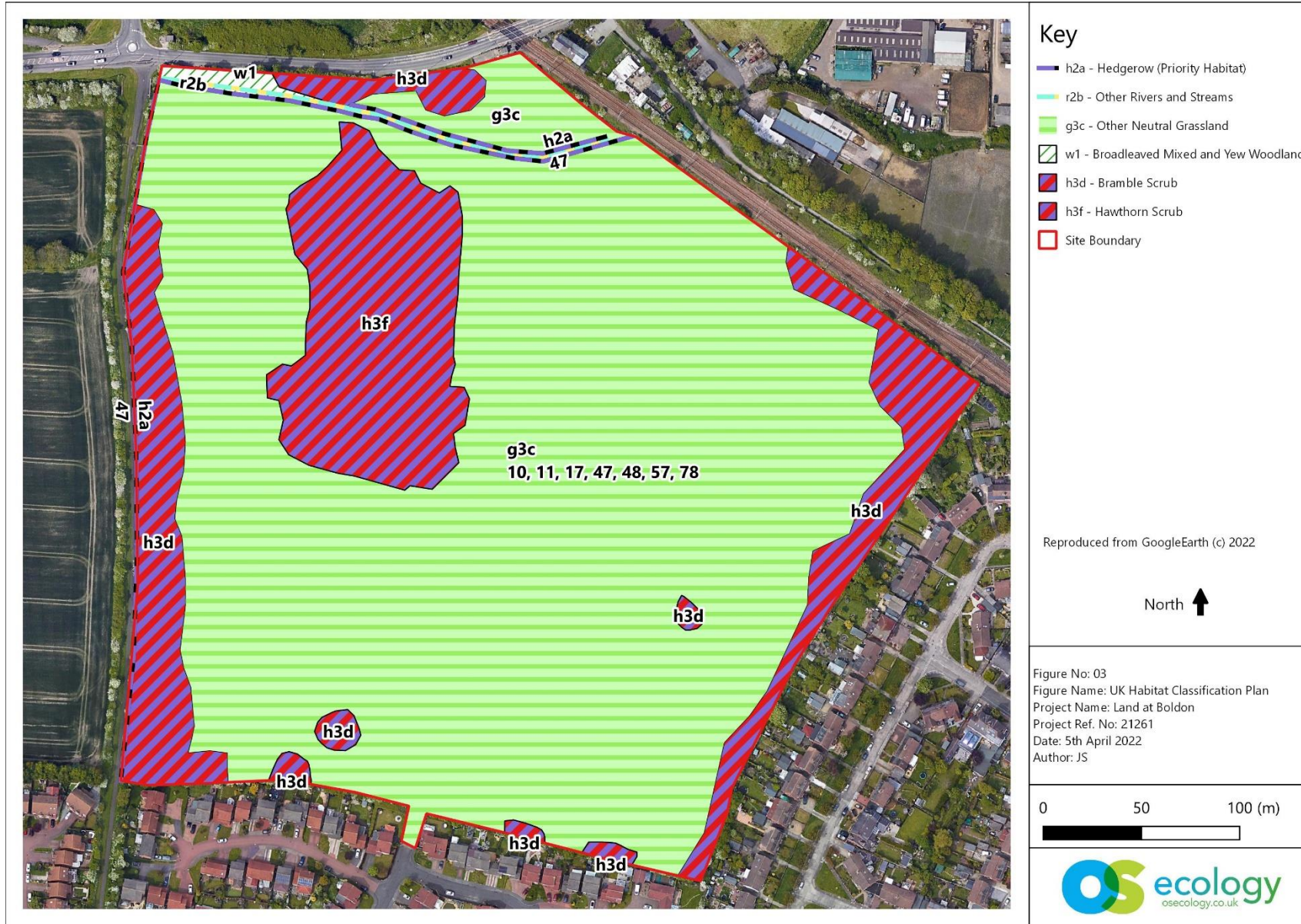
<sup>18</sup> Based on information provided within Guidelines for Ecological Impact Assessment in the UK and Ireland (2018) CIEEM

<b>Examples of Importance of Ecological Features (Geographic Context)<sup>18</sup></b>			
<b>Importance</b>	<b>Designated Site</b>	<b>Habitat</b>	<b>Species</b>
Local (District/ Borough of Parish)	Local Wildlife Site designated at a district or borough level	of such habitat that is thought to be functionally linked to a significant area of such habitat	Action Plan, which is present in significant numbers within the geographic context.
Low	-	Habitats that are unexceptional in a local context and do not meet the above criteria.	Species populations that are unexceptional in a local context and do not meet the above criteria.

## Appendix 4 – Figures











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# Preliminary Biodiversity Net Gain Assessment

Land at Boldon

August 2021

Bellway Homes Ltd (North East)

<b>Client</b>	Bellway Homes Ltd (North East0
<b>Project Name</b>	Land at Boldon
<b>Project Number</b>	21261
<b>Report Type</b>	Preliminary Biodiversity Net Gain Assessment
<b>Version</b>	V2 (Final)

	<b>Name</b>	<b>Position</b>	<b>Date</b>
<b>Report Originator</b>	Becky White	Senior Ecologist	23 <sup>rd</sup> August 2021
<b>Reviewed</b>	James Streets	Director	25 <sup>th</sup> August 2021
<b>V2 Amendment</b>	Becky White	Senior Ecologist	27 <sup>th</sup> August 2021

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# 1. Preliminary Summary Assessment

- 1.1 OS Ecology Ltd were commissioned by Bellway Homes Ltd (North East) to provide a Preliminary Biodiversity Net Gain Assessment in relation to a proposed development site on land between East Boldon and West Boldon.
- 1.2 The Biodiversity Metric 3.0<sup>1</sup> has been used to provide a measure of the existing biodiversity value of the proposed development site and of the anticipated impact on biodiversity as a result of the development of the site.

## Baseline

- 1.3 The site currently comprises a field of neutral grassland (10.23ha) with an area of bramble scrub (1.35ha) and areas of hawthorn scrub (1.47ha). A native hedgerow is present on the western boundary and running through the northern portion of the site (0.61km) with a line of trees also running through the northern section of the site and along the northern boundary (0.19km). A stream is also present within the site (0.24km).
- 1.4 Based on a preliminary assessment this results in **baseline Biodiversity Units** for the site of **141.10 units** in the 'Habitats' element of the metric, of **9.18 units** in the 'Hedgerow' element of the metric and of **2.19 units** in the 'River' element.

## Post-Development

- 1.5 Site design, as illustrated within the Indicative Layout provided within the appendices, retains the majority of the hedgerow, the full extent of the tree line and buffers the watercourse within a proposed area of Public Open Space. In addition, a proportion of the hawthorn scrub to the east of the site is also retained.
- 1.6 Based on the indica layout, development will result in the creation of approximately 0.15ha of SUDs, assumed for the purposes of this assessment to comprise a basin sown with species rich neutral grassland, approximately 4.22ha of Public Open Space and approximately 8.55ha of built development.
- 1.7 As per the recommendations of the metric, the area of built development has been allocated on a 70/30 ratio to built development and vegetated gardens. For the purpose of this preliminary assessment, it has been assumed that the Public Open Space will comprise a matrix of amenity grassland (20%), species rich wildflower grassland (40%) and native scrub (40%).
- 1.8 These proposals will result in an overall loss of 101.42 units within the 'Habitats' element of the metric and a loss of 0.14 units within the 'Hedgerow' element.
- 1.9 The following table details the recommended actions within Metric 3.0, where losses to habitats are anticipated and provides comment as to how these may be achieved.

---

<sup>1</sup> Natural England Joint Publication JP039 The Biodiversity Metric 3.0 Auditing and Accounting for Biodiversity July 2021

<b>Table 1.1: Recommended Actions</b>			
<b>Habitat Category</b>	<b>Anticipated Units to be Lost</b>	<b>Metric Recommended Actions</b>	<b>Comment</b>
Grassland (Other Neutral) (Medium Distinctiveness)	122.76	Same broad habitat or a higher distinctiveness habitat required	<p>Some losses of this habitat type are inevitable, regardless of site design and the grassland is already in 'good' condition such that enhancement of retained areas through management is unlikely to provide significant gains in biodiversity units.</p> <p>Losses will be partially off-set through the provision of species rich grassland within areas of Public Open Space and associated with the SUDs.</p> <p>There is potential to off-set some of the losses within this habitat type on-site through creation of a higher distinctiveness habitat such as ponds, however it is unlikely sufficient units will be achieved.</p> <p><b>Off-site compensation likely to be required.</b></p>
Heathland and Shrub (Bramble Scrub) (Medium Distinctiveness)	5.40	Same broad habitat or a higher distinctiveness habitat required	<p>Site design has retained a proportion of the Hawthorn Scrub and there is potential to enhance this area whilst also provided native scrub within the areas of Public Open Space.</p>
Heathland and Shrub (Hawthorn Scrub) (Medium Distinctiveness)	11.79	Same broad habitat or a higher distinctiveness habitat required	<p>Whether this will be sufficient to compensate for losses on-site will be dependent on the detailed design of the Public open Space.</p> <p><b>Off-site compensation may be required.</b></p>
Native Species Rich Hedgerow (Medium Distinctiveness)	Est. 0.14	Like for like or better	<p>Landscape proposals should seek to include native species rich hedgerow with trees in order to compensate for any losses and deliver net gain in relation to this element on-site.</p>
Line of Trees (Low Distinctiveness)	Retained	No compensation required.	
Other Rivers and Streams	Retained	Site design has buffered the watercourse within the proposed area of Public Open Space. Habitat management on site should allow net gain to be delivered in relation to the watercourse element of the metric.	

## Off-Site Compensation

1.10 The recommendations of the metric could be met through the creation of a combination of areas of grassland of medium distinctiveness (species rich neutral grassland) and native mixed scrub and potentially ponds of high distinctiveness.

1.11 The following table provides an example as to biodiversity units that could be achieved through off-site compensation. Calculations assume compensation land lies within the same local planning authority area, or immediately adjacent when sites are on or close to an authority boundary and that habitats to be created have a target condition of 'good'. It also assumes that the site for habitat creation works comprises a 'low distinctiveness' habitat type such as cropland or modified grassland, which is in poor condition, prior to habitat creation works. It may be however that habitat creation may be required outside of the Local Planning Authority area should suitable sites for enhancement not existing within the Borough.

<b>Habitat Category</b>	<b>Distinctiveness</b>	<b>Area/Length Created</b>	<b>Units Delivered</b>
Grassland (Other Neutral)	Medium	5 ha	42.02
Heathland and Shrub (Mixed Scrub)	Medium	5 ha	42.02

## Delivery of Compensation Measures

1.12 There are several potential routes to deliver the compensatory measures, these are listed below:

1. Delivery on site, or within land under the same ownership.
2. Provision of a financial contribution to the local authority, to deliver the required biodiversity units on land under the LPA control.
3. Provision of a financial contribution to a "third party provider" such as the Environment Bank, that will facilitate the delivery of the required units within land under their control.
4. Purchase of land in the local area, to deliver the units.

## 2. Figures



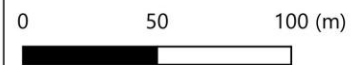
**Key**

-  w1g6 - Line of Trees
-  h2a - Hedgerow (Priority Habitat)
-  r2b - Other Rivers and Streams
-  g3c - Other Neutral Grassland
-  h3d - Bramble Scrub
-  h3f - Hawthorn Scrub
-  Site Boundary

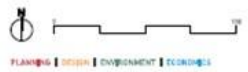
- Secondary Codes
- 10 - Scattered Scrub
  - 11 - Scattered Trees
  - 17 - Ruderal/ Ephemeral
  - 47 - Native
  - 48 - Non Native
  - 57 - Young Trees - Self-Set
  - 78 - Abandoned



Figure No: 01  
 Figure Name: UK Habs Classification  
 Project Name: Land at Boldon  
 Project Ref. No: 21261  
 Date: 23rd August 2021  
 Author: RJW









## **Appendix 4 – Concept Masterplan for the Site.**

- SITE BOUNDARY (13.20Ha)  
NETT DEVELOPABLE AREA = 6.82Ha
- INDICATIVE ROAD
- INDICATIVE DEVELOPMENT PARCELS
- PUBLIC OPEN SPACE
- INDICATIVE SUDS ATTENUATION
- EXISTING TREES
- LANDSCAPE BUFFER ZONE



- SITE BOUNDARY (22.90Ha)  
NETT DEVELOPABLE AREA = 14.88Ha
- INDICATIVE ROAD
- INDICATIVE DEVELOPMENT PARCELS
- PUBLIC OPEN SPACE
- INDICATIVE SUDS ATTENUATION
- EXISTING TREES
- LANDSCAPE BUFFER ZONE





Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

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Third Floor, Gainsborough House, 34-40 Grey  
Street, Newcastle upon Tyne, NE1 6AE

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# Representations to South Tyneside Local Plan (Publication Draft – Regulation 19)

On behalf of Bellway Homes Limited (North East).

Date: March 2024 | Pegasus Ref: P19-2166

Author: Chris Martin BSc(Econ) MSc MA MRTPI

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## Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	Feb 2024	CM	SM	
V2	Feb 2024	CM	SM	Client comments





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# 1. Introduction

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

## Previous Consultations

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

## This Consultation

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



## Bellway Homes and its Land Interests

- 1.8. Bellway Homes is a North-East based housebuilder which operates across the whole of the United Kingdom. As a company, it is committed to providing high quality and sustainable housing developments which seek to assist in the Government's aim to significantly boost the supply of housing which the country needs. In this regard, Bellway Homes is recognised as providing high quality new homes through a 5 Star Housebuilder award by the Home Builder's Federation (HBF).
- 1.9. Our Client is the North East division of Bellway Homes and is responsible for identifying and developing new housing sites within the Tyne and Wear area. It has an excellent track record of delivering well-designed and sustainable places in the region as well as in South Tyneside specifically.
- 1.10. Our Client has a land interest at land at the former South Tyneside College, Hebburn Campus. This includes draft allocation GA1 as well as the land immediately south of this.
- 1.11. A plan identifying the extent of our Client's land interest is found in **Appendix 1** of these representations.
- 1.12. The site is allocated for housing development in the current draft of the Local Plan (Policy SP7). We explore this in more detail later in these representations.
- 1.13. We agree that our Client's land interest should be allocated for residential use and in doing so, it will assist in the ongoing sustainable growth of the Borough and will provide a deliverable housing site that will assist the Council in meeting its housing requirements over the plan period. This is particularly important in the case of South Tyneside given its recent record on housing delivery (through its Housing Delivery Test score) and its housing land supply position, both of which point to the need for the Council to proactively encourage growth both through the development management and plan-making processes.
- 1.14. It is against this background that we comment on the strategies and policies of the emerging Local Plan in the next section of this document.

## 2. Comments on the Local Plan

### Overview

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

### Comments on the Plan Period

- 2.3. It is noted that timescales for the Local Plan have changed since the previous draft. The plan period is defined as 2023–2040, with adoption proposed for 2025. This would allow for a period of 15 years from adoption which is in line with the minimum plan period requirement in the NPPF (paragraph 22), however any slippage to the Local Plan timetable may mean that this does not align with the requirements of the NPPF and would therefore be unsound as it would be inconsistent with national policy.
- 2.4. As such, we would suggest that this is monitored and the plan period extended if timescales slip.

### Comments on the Strategic Objectives

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

### Policy SP1: Presumption in favour of Sustainable Development

- 2.8. As outlined in our comments on the Regulation 18 draft of the Local Plan, this policy simply repeats the contents of the *Presumption in Favour of Sustainable Development* within the

NPPF plus key approaches to working pro-actively with applicants found in paragraph 38 of the Framework.

- 2.9. The NPPF itself advises local planning authorities to avoid unnecessary duplication of its policies (paragraph 16f). We therefore object to Policy SP1 and consider it unsound for being inconsistent with national policy.

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

- 2.10. This policy states that the Local Plan will deliver a minimum of 5,253 net additional homes (equivalent to 309 dwellings per annum) and a minimum of 49.41 ha of land for economic development.

- 2.11. It is noted that this figure largely reflects the Local Housing Need (LHN) for the Borough as defined by the Standard Method and represents a fall from the Regulation 18 draft which proposed a minimum of 5,778 net additional dwellings (equivalent to 321 dwellings per annum).

- 2.12. The NPPF outlines that the Standard Method is an advisory starting point when investigating the amount of new homes that might be needed in an area (paragraph 61). However, the NPPF also states that Local Plans should be aspirational and positively prepared (paragraph 16) and it remains the Government's objective to significantly boost the supply of new homes (paragraph 60).

- 2.13. In addition to this, the NPPF recognises that the requirement could be higher than the Standard Method, with paragraph 67 stating:

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

- 2.14. The PPG elaborates on this further by outlining an uplift from the Standard Method may be appropriate where there are growth strategies for the area, where there are strategic infrastructure improvements, where an authority is taking unmet need from a neighbouring authority, and where previous levels of housing delivery, or previous assessments of need are significantly greater than the outcome from the standard method (*Reference ID: 2a-010-20201216*).

- 2.15. Our Client considers that such an exercise has not been robustly undertaken to establish if an uplift is appropriate. As such we object to this policy and consider it unsound for not being positively prepared, being unjustified and being inconsistent with national policy.

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

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

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

### **Policy SP3: Spatial Strategy for Sustainable Development**

- 2.21. Our Client notes that this policy sets out the broad distribution of development proposed within South Tyneside. It supports the identification of Hebburn as one of the areas for growth and that changes to the Green Belt boundary are required (and that exceptional circumstances exist for this).
- 2.22. However, the spatial strategy will only work if those areas which are to accommodate growth are capable of being delivered. Historically the urban areas of South Tyneside have been the parts of the Borough which have had the lowest residential values and thus have been the areas where viability issues are most acute.
- 2.23. As part of its evidence base, the Council has commissioned a Local Plan Viability Update document (October 2023) to support the preparation of the Local Plan. Our Client took part in the stakeholder consultation and feedback in relation to the preparation of this document (and its previous iterations) and raised a number of concerns regarding the assumptions which have fed into this document.

2.24. The feedback our Client has provided has been consistent throughout this process and that is the approach to viability from the Council:

- Overestimates sales values – Whilst it is noted that sales data has been used to inform this, this is only a small sample size and is indicative of the fact that only small amounts of new-build housing have been developed in these areas over recent years. This has led to pent-up demand which has artificially driven up values in these places. The values used are therefore an overestimation of the actual values which are likely to be achieved and indeed do not take into account elements such as incentives and other discounts that are needed to attract buyers.
- Underestimates the cost of biodiversity net gain – Firstly, providing net gain on-site inevitably waters down net-gross areas of a site (as net gain land competes with other open space uses and developed land). In some instances, net developable areas have been squeezed to 50% of the total site size as a result of this. This needs to be reflected in the viability work. Second, for off-site contributions/credits, the national figure is (at its lowest) £42,000 per biodiversity unit (not per hectare). Within the net gain system, credits (as a last resort) are able to be set at double the cost of a biodiversity unit. It is our experience that sites will often need to purchase multiple biodiversity units to achieve a 10% gain which would largely exceed the £30,000/ha cost which is assumed in the viability work, given that even a relatively small site would typically need dozens of biodiversity units. This needs to be corrected in the viability work to show the full effect of net gain requirements.
- Underestimates the cost of Future Homes Standard – We have outlined our view that Future Homes Standard would add in the region of £12,300 cost per dwelling. This includes updates to latest Part L (£5,000), updates to Future Homes Standards (£6,500) and electric car charging points (£800). This needs to be fully reflected in the viability work.
- Underestimates build costs – We consider a median BCIS figure should be used (instead of a lower quartile figure) to better reflect recent build-cost inflation.

2.25. For completeness, the latest copy of our representations to this process is contained in **Appendix 2** of this document. This also highlights concerns our Client has with assumptions of benchmark land value multipliers for the Hebburn area.

2.26. Whilst our Client has the resources and ability to deliver its proposed allocation in Hebburn, it is nevertheless clear that viability issues will be much greater in the urban area. It is thus likely to be the case that some of the other sites identified within the urban areas may indeed be unviable.

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

2.28. As such, whilst there is overall support for the distribution of development and Green Belt release, our Client nevertheless retains an objection to the policy and believes it to be unsound on the basis of it being unjustified. This is because it considers that the deliverability of the strategy has not been robustly tested given that the approach to viability is flawed.

2.29. The Local Plan Viability Update document therefore needs to be re-run taking into account the above points to establish the effect on the deliverability of sites proposed in the Local Plan.

## **Policy SP7: Urban and Village Sustainable Growth Areas**

2.30. Our Client supports the release of Green Belt land in order to assist in growth in key areas of South Tyneside. In particular, our Client does support the identification of their land interest at the former South Tyneside College, Hebburn Campus (allocation GA1) for development and considers that if released from the Green Belt and allocated for development, it can deliver housing in an area of the Borough where historically housing has been difficult to deliver over recent years. It would therefore substantially assist the Council in achieving its strategy for growth over the plan period.

### ***Comments on the Proposed Allocation (GA1)***

2.31. The Council has produced a Site Frameworks document (2023) which outlines the main constraints and opportunities which relate to the site. The site has an indicative capacity of 115 dwellings. We consider that expressing the number as an indicative figure is correct and the precise number of homes which can be accommodated on the land will ultimately need to be determined through the planning application process.

2.32. The Site Frameworks document notes that the constraints are:

- Proximity to wildlife network.
- The site is part of the green infrastructure corridor.
- Development would result in the loss of playing pitches.
- Areas of surface water flooding have been identified on the site.
- The site is in a coal resource area.
- There are mature trees around the perimeter of the site.
- Site lies within 7.2km buffer of SPA/SAC Coastal designations and will be subject to a Habitats Regulation Assessment.
- Development would further narrow the gap between South Tyneside and Gateshead's boundaries.
- The proposed development area is considered to have some archaeological potential.

2.33. Whilst the opportunities are:



- The design and layout must actively seek to create and preserve, clear and defensible boundaries between the edge of the site and the Green Belt to which it is adjacent.
- Developer contributions towards enhancement of off-site playing pitch provision.
- Proposals must be supported by a site-specific flood risk assessment.
- Proposals must be supported by a site-specific transport assessment.
- Mature trees should be retained.
- An up-to-date archaeological desk-based assessment will be required.

2.34. Taken in combination, there has been nothing identified within the Site Frameworks document which would prevent development emerging on the site and the opportunities and constraints noted are all capable of being mitigated and/or incorporated into the design of the scheme.

2.35. Similarly, the key considerations within Policy SP7 itself do not contain any matters that cannot be addressed through the development management process. These are:

- Ensuring that the design and layout create clear and defensible boundaries, including enhancing the landscape buffer between the site and the Green Belt boundary.
- Retaining existing mature trees and enhance woodland planting in accordance with Policy 36: Protecting Trees, Woodland and Hedgerows.
- Ensuring landscaping is an integral part of the design.
- Providing enhancements to the National Cycle Route and improved access to Hebburn Quarry Pond Local Nature Reserve and associated green corridor.
- Exploring opportunities to formalise pedestrian desire lines through the site and connectivity of the site to the existing development to the south east.
- Ensuring playing field loss is mitigated in accordance with Policy 37 and the most up to date Playing Pitch Strategy evidence.
- Ensuring buildings are at a scale and mass in keeping with the wider area.

2.36. Nevertheless, a reasonable and practical approach will need to be agreed with regards to any tree loss (if this is unavoidable) and playing pitch loss (given that the allocation itself commits the Council to developing the land for much needed new homes).

2.37. Whilst bringing forward the site would complete the regeneration of the former Hebburn Campus and provide a deliverable and well-designed housing site within the town, our Client objects to a specific part of the policy which it considers unsound for being ineffective.

2.38. This relates to the boundaries of the allocation itself. **Appendix 1** of these representations shows the extent of our Client's land interest, whilst **Appendix 3** shows a draft layout which suggests how the development could be accommodated on the site. Whilst the area of the site which is allocated corresponds with the extent of the built development shown in

**Appendix 3**, the remaining land to the south is not part of the allocation and is to remain within the Green Belt (and part of a Wildlife Corridor). We consider that given that a final layout/arrangement has not been confirmed, this area too should be removed from the Green Belt and form part of the allocation to allow for as flexible approach as possible to this site. The detail of boundaries/extent of development can then be determined through the development management process.

2.39. It is considered that this small change would ensure that the allocation is sound.

## **Policy 1: Promoting Healthy Communities**

2.40. This policy sets out that a Health Impact Assessment (HIA) is required as part of planning applications for schemes of 100 dwellings or more.

2.41. Whilst our Client supports the need to improve health and wellbeing in the Borough and seeks to incorporate these matters into the design of their developments, it considers that as drafted, the policy is unsound for being unjustified and inconsistent with national policy.

2.42. Matters relating to HIAs are covered within the PPG and whilst this highlights that such documents can be useful tools in instances where there could be significant impacts, it also outlines that local plans should be considering the impact of its policies on the health and wellbeing of residents anyway (*Reference ID: 53-005-20190722*).

2.43. It therefore stands to reason that where a development is in line with policies in the Local Plan, a HIA should not be required (as this has already been assessed through the plan making process). It should therefore only be required where a proposal departs from the Local Plan and even then, a HIA should only be required where it is clear the likely impacts of a development could be significant. We consider there is a lack of evidence in setting a general threshold of 100 dwellings or more, rather each site should be assessed on its own merits at the planning application stage. This would better reflect the NPPF which is clear that information requirements for planning applications should be kept to a minimum (paragraph 44).

2.44. If the Council were to continue forward with this policy, the cost associated with this policy should be factored into the Local Plan Viability Update document (which currently does not cover this).

## **Policy SP15: Climate Change**

2.45. Our Client is keen to play its role in tackling climate change and seeks to develop homes which are more energy efficient; reducing their environmental footprint.

2.46. Although the Council is correct to identify climate change as a key challenge for the Borough over the plan period, it is unclear as to what Policy SP15 is seeking to achieve. Part 2 of the policy requires development to reduce carbon emissions by embedding sustainable principles into the design, construction, and operation of developments but provides little further detail. As such we consider the policy to be unsound for being ineffective and inconsistent with national policy.

2.47. The Council will be aware of the Written Ministerial Statement from December 2023 which is clear that any planning policies that propose local energy efficiency standards for buildings



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

2.48. As an industry, house building is actively working towards Future Homes Standards which ties in more widely to the Government's Net Zero Strategy. As such, the policy (or its supporting text) should be clear that this is the goal for the Council.

2.49. The Future Homes Standard should then be fully reflected in the Local Plan Viability Update document (see our comments in relation to Policy SP3).

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

2.50. Our Client supports the principle of seeking to reduce energy consumption and carbon emissions for new development. However, the approach to the policy needs to be sufficiently flexible, practical and consistent with national policy.

2.51. Currently, we do not consider the policy does this and so we object on the basis of it being unsound as it is unjustified and inconsistent with national policy.

2.52. Firstly, these policy requirements do not seem to have been fully factored into the Local Plan Viability Update document and second, the policy itself presents a number of issues which we highlight below.

2.53. Part 1 of the policy appears to require the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates as well as the use of sustainable materials, e.g. those with low embodied carbon or renewable materials and waste minimisation and reuse of material derived from excavation and demolition.

2.54. Whilst these are all laudable requirements, on a practical level it may be the case that such materials may not be available or be able to be sourced for a development. It may also be the case that the reuse of material on a site may not be feasible. The policy therefore needs to be reworded so that developers are 'encouraged' to do this rather than 'required'.

2.55. Likewise, this part of the policy requires the highest national standards in water efficiency to be achieved. Again, whilst this is a laudable approach, the Council has not justified this in policy terms with evidence. The highest standard for water usage is 110 litres per person per day. This is an 'optional standard' (as opposed to the 125 litres per person per day mandatory standard). The PPG is clear that where optional standards are pursued, that this needs to be evidenced and reflected in viability considerations (*Reference ID: 56-014-20150327*). None of this appears to have been done and as such, this part of the policy should be deleted.

2.56. Part 3 of the policy requires all major development to be accompanied by a Sustainability Statement. This needs to be proportionate to the scale of the development and not unnecessarily duplicate details which are already included within the planning application. This would then better reflect paragraph 44 of the NPPF.

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

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

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

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

## **Policy SP16: Housing Supply and Delivery**

- 2.60. This policy maps out the residual housing requirement for the Borough over the plan period. Whilst the method for undertaking this is clear, there are a number of issues which our Client has with some of the assumptions which have come from this. We therefore object to this policy and consider it unsound for being not positively prepared, unjustified and inconsistent with national policy.
- 2.61. The overall thrust of the policy is to demonstrate how the Council will maintain a rolling five year supply of deliverable housing sites. Table 2 which accompanies the policy details that this will be done through existing commitments, completions (since the beginning of the plan period), windfall sites and allocations.
- 2.62. Whilst local planning authorities can make an allowance for windfall in their forecasted supply, the NPPF (paragraph 72) is clear that this needs to be evidenced clearly and in a compelling way that this would be a reliable source of supply. The 444 dwellings referenced in Table 2 would represent around 8.5% of the total housing requirement, so if delivery of this was not as strong as envisaged, this could have a material effect on housing land supply in the Borough.
- 2.63. We do not currently believe that the evidence (mostly contained within the Strategic Housing Land Availability Assessment (SHLAA, 2023)) would support this amount of windfall, especially when it is considered that the likelihood is that windfall (as a source of supply) will diminish once a new Local Plan is adopted (as supply is likely to move over to allocations). It is this future trend which has not been factored into the Council's forecasts.
- 2.64. If there is going to be such a reliance on windfalls, it is important that the Council does not have overly restrictive policies when it comes to windfall sites. Currently we consider that the approach to windfall is restrictive (see comments on Policy 13 below), which further emphasises the need for the Council to be cautious when including it in its supply.
- 2.65. More widely, it is noted that the headroom within the plan between the residual requirement (3,443 dwellings) and the allocations (3,498 dwellings) is small. This would mean that if assumptions regarding windfall are incorrect, or allocations are delayed or fail to come forward, then this leaves little opportunity for the Council to deliver on its need (which in any

event is a minimum) and will likely lead to issues relating to housing land supply and housing delivery.

- 2.66. To some degree, this is acknowledged within Part 9 of the policy and paragraph 8.16 which incorporates a number of remedies including *inter alia* a partial or early review of the plan (including potentially further Green Belt release). It is considered that if the Council is aware of this risk, it should be proactively taking measures now to seek to mitigate this. This should include having a more flexible approach to windfall development, examining further Green Belt release now, or looking at safeguarded land. This would reflect the NPPF in paragraph 148 and would be more conducive to longer term planning.

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

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

### **Policy 14: Density**

- 2.69. Section 11 of the NPPF requires that land should be developed efficiently and this approach is supported by our Client, nevertheless we object to the way in which has been translated into Policy 14 and consider it unsound for being unjustified, not positively prepared and inconsistent with national policy.
- 2.70. Whilst the policy wording does not provide specific densities, the supporting text does (paragraph 8.24). Although our Client agrees that there are some areas of the Borough where densities can be maximised (as outlined in the Council's Density Study (2024)), this cannot be done in such a rigid way as set out in the plan. Instead, the ability to maximise densities needs to be determined on a site by site basis and depends on site specific opportunities and constraints. Whilst the Council's Density Study is useful, it does not seem to fully account for the fact that net to gross ratios on development sites are being consistently squeezed in order to accommodate planning requirements such as biodiversity net gain, amenity space requirements, enhance accessibility requirements, space standards, road widths and cycleways etc. In this regard the Density Study paints an overly optimistic portrait of achievable densities. All this means that on many sites, the rigid densities found within the Local Plan will not be able to be achieved whilst also addressing necessary planning requirements and promoting good design. References to specific densities therefore need to be removed.

## Policy 18: Affordable Housing

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

## Policy 19: Housing Mix

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

## Policy 20: Technical Design Standards for New Homes

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



for being unjustified and inconsistent with national policy. Even if it were the case that this policy was justified, an appropriate transition period needs to be provided.

### **Policy 35: Delivering Biodiversity Net Gain**

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

### **Policy 36: Protecting Trees, Woodland and Hedgerows**

- 2.80. Our Client agrees that the protection and retention of trees is important when designing development sites. However, this policy needs to be sufficiently flexible and to acknowledge that there may be instances where tree loss is unavoidable (please see our comments in relation to Policy SP7). Without sufficient flexibility we object to this policy as being unsound in not being positively prepared.

### **Policy 37: Protecting and enhancing Open Spaces**

- 2.81. Part 2 of this policy requires development proposals that would result in the loss of non-designated open space (in full or part) to be justified. We regard the wording of this part of the policy to be imprecise and therefore unsound for being ineffective and not positively prepared.
- 2.82. The policy needs to clarify that those open spaces which are proposed to be allocated for an alternative use in the Local Plan (eg. residential) should then not need to justify the loss of the open space at the planning application stage, as this justification should have been demonstrated through the plan-making process. Furthermore, the policy itself does not specifically identify how it would define open space that is undesignated. This needs further clarification.

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

- 2.83. It is noted that this policy simply references national planning policy in relation to Green Belt. As such, the policy is superfluous and therefore unsound on the basis of being inconsistent with national policy given that the NPPF seeks to avoid duplication of policies (paragraph 16f). As such, this policy should be deleted.



## Policy SP25: Infrastructure

- 2.84. Whilst our Client agrees with the need for new development to provide supporting infrastructure (in line with paragraph 57 of the NPPF) and that this needs to be provided at the appropriate stage, the policy currently makes no reference to viability considerations. As such, we object to it and consider it to be unsound on the basis of being ineffective and inconsistent with national policy.
- 2.85. To remedy this, the Council needs to cross refer this policy to Policy 60 in the Local Plan which specifically references viability. This would be consistent with the PPG (*Reference ID: 0-009-20190509*).

## Policy 58: Implementation and Monitoring

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

## Policy 59: Delivering Infrastructure

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



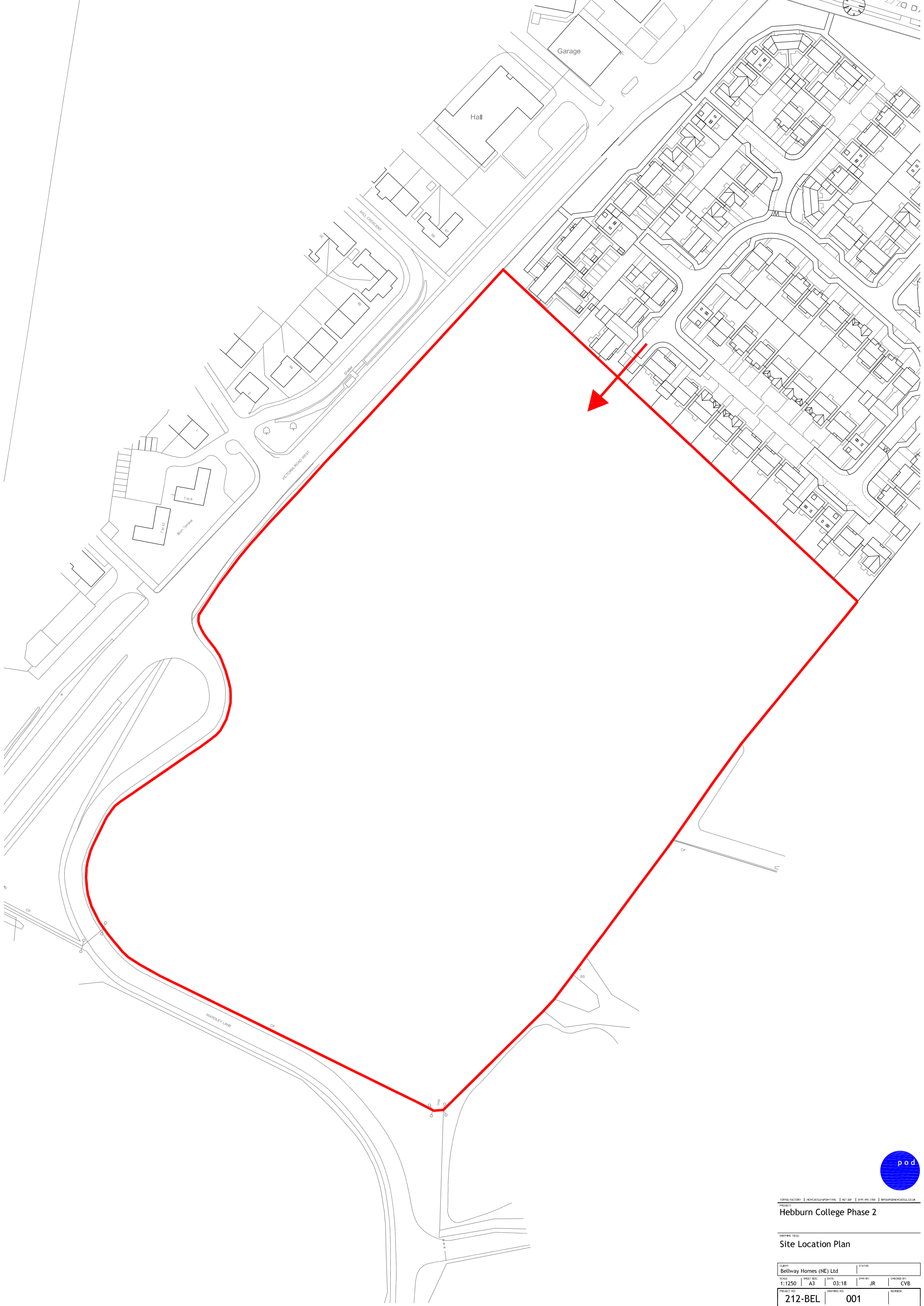


### 3. Summary and Conclusions

- 3.1. These representations have been prepared by Pegasus Group on behalf of our Client, Bellway Homes Limited (North East), in relation to the Regulation 19 Publication Draft of the South Tyneside Local Plan.
- 3.2. Our Client supports the need to have an up to date Local Plan in place, this needs to be robustly prepared with policies which are sound and which can support the Borough's growth aspirations over the plan period (up to 2040). It is our view however that there are a number of issues within the Local Plan's proposed strategy, assessment of the overall quantum of development and viability assumptions which need to be rectified if the plan is to be found sound at examination.
- 3.3. Our Client's land interest in Hebburn is proposed to be allocated within this draft of the Local Plan and this is supported in principle. The site is deliverable and sustainable and would contribute to housing within a part of the Borough where historically housing has been difficult to deliver.
- 3.4. Section 2 of these representations also highlights other policies in the plan which we feel need further flexibility and/or justification for their inclusion. This is particularly important given the viability concerns that we have highlighted elsewhere. Putting these changes in place would also ensure that the Local Plan is ultimately sound.
- 3.5. Our Client would also like to confirm that they would like to participate in future consultations on the Local Plan and the future examination of the document.



## Appendix 1 – Site Location



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### Hebburn College Phase 2

DRAWING TITLE: **Site Location Plan**

CLIENT:	Beltway Homes (NE) Ltd	STATUS:	
SCALE:	1:1250	DATE:	03:18
SHEET SIZE:	A3	DRAWN BY:	JR
PROJECT NO.:	212-BEL	CHECKED BY:	CVB
DRAWING NO.:	001	REVISION:	



## **Appendix 2 – Response to Viability Workshop (2023)**

LO01MPL

13 October 2023

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

Dear Matthew

**Response to Questionnaire on Viability Assumptions**

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

Our Client is a national housebuilder who is active within South Tyneside and the wider region. It has a land interest in Hebburn which is currently proposed as a draft allocation in the emerging South Tyneside Local Plan (STLP) (reference: GA3). Having a robust approach to viability is clearly a key component of presenting a sound Local Plan at a future plan examination. We previously responded to a similar questionnaire in October 2021 and understand that given the time that has elapsed since, that the Council has sought to refresh its viability work. Nevertheless, where relevant, we cross refer to those comments.

**Question 1: Residential Scheme Design**

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

It is noted that the previous viability information tested typologies up to 125 dwellings. The point that our Client raised previously was that there is a need to test a typology with a higher number of units. We therefore welcome that there is now a typology for 250 dwellings proposed to form part of the updated viability work. Nevertheless, we would query the difference between a 125 dwelling site and a 250 dwelling site in terms of how they would be delivered. We therefore consider that it would still be worthwhile providing a typology with a larger number of units (eg.

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400 – 500 units) to as it would be at this quantum that you would see a clearer distinction in terms of up-front infrastructure costs and the effect of phasing and multiple outlets.

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

## **Question 2: Residential Values**

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

Our previous comments submitted in October 2021 challenged the assumption that Hebburn should be categorised alongside West Boldon/Boldon Colliery as having the same residential values. We see within the latest assumptions that Hebburn is now classified as an area with lower residential values compared to West Boldon/Boldon Colliery. This change is welcomed.

The previous assumptions estimated the value of a new build in Hebburn to typically be £2,300/sq m – £2,400/sq m. This has now increased to a range of £2,450/sq m – £2,600/sq m. Whilst there is a need to reflect the latest residential values when considering viability, it would be helpful if the data used for these updated assumptions was made available. We have previously expressed concern that given the little amount of new build that has taken place recently within Hebburn, that there is likely to be a degree of pent-up demand within the market which may have the effect of artificially inflating values. This needs to be accounted for.

It is also no secret that the housing market has struggled over the last few years with values being suppressed in a bid to maintain sales rates on development sites. It is therefore surprising that values have assumed to increase so markedly in two years; especially in light of much higher interest rates (which are likely to stay high for the foreseeable future) and ongoing economic uncertainty. From experience of selling houses locally, we would consider a residential value of £2,350/sq m – £2,500/sq m would be more appropriate and more accurately reflect market conditions.

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

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

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



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

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

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

### **Question 3: Construction Costs**

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

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

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

We have also previously highlighted that there appeared to be a large gap between abnormals assumed for greenfield sites and brownfield sites. It is welcomed that this gap has now closed with a £100,000 per net hectare difference between the two. It is acknowledged that making general assumptions for abnormals is difficult as these are, by their very nature, site specific. There should therefore be some sensitivity testing for abnormals to ensure a full range of outcomes have been explored. We would highlight again that owing to the mining legacy within the north east, and in South Tyneside in particular, that even greenfield sites can face unexpected abnormal costs



relating to ground conditions and so often the distinction in relation to brownfield and greenfield sites is not that wide.

#### **Question 4: Additional Key Appraisal Assumptions**

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

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

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

##### Biodiversity Net Gain

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

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

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

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





### Future Homes

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

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

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

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

### Accessible Homes

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

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

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

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



## Question 5 – Benchmark Land Value

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

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

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

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

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

We would request that our comments in relation to the previous questions are fed into the assumptions regarding BLV. Overall, we consider that the assumptions for BLV of £10,000 per acre for EUV on greenfield sites is acceptable. However, it is considered that applying a multiplier of 16x for Hebburn is not going to incentivise landowners to release the land. Whilst the PPG and other guidance has changed, it is considered that landowner and land agent expectations have not altered, therefore there is a genuine danger that land will simply not be released.

## Question 6: Commercial Scheme Design

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

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

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

Yours sincerely

**Chris Martin BSc(Econ) MSc MA MRTPI**  
Associate Planner



## Appendix 3 – Indicative Site Layout



Victoria Rd W

Wardley Lane

SUDS

Proposed Landscape Buffer  
(Precise Details TBC)

**Bellway**  
NORTH EAST DIVISION

Bellway House, Kings Park, Kingsway North  
Team Valley, Gateshead, Tyne & Wear.  
NE11 0JH

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Project: **Hebburn College  
Phase 2**

Title: **Indicative Colour Layout**

Date: **08/10/19** Scale: **NTS** Drawn: **KK** Rev: **-**

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

**Newcastle**

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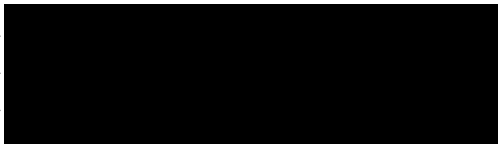
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## East Boldon Neighbourhood Forum - Regulation 19 Local Plan Consultation Representation Form – March 2024

### Part A

#### Your Details

	Personal Details
Title	Mr
First Name	Dave
Last Name	Hutchinson
Job Title	Secretary
Organisation	East Boldon Neighbourhood Forum (EBNF)
Address	
Post code	
Telephone	
Email	

### Part B – Representations from East Boldon Neighbourhood Forum (EBNF)

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

Chapter/Policy/page number	Compliance with Statutory Tests	Details of Representation and proposed modifications
<b>Chapter 3- Spatial Vision and Strategic Objectives</b>		
<p>Strategic Objective 5, Delivering a mix of homes: (page 28),</p> <p>Also Chapter 4: Policy SP2 Strategy for Sustainable Development to Meet Identified Need, (page 31)</p>	<b>Policy Not Sound</b>	<p><b>Details of Representation:</b></p> <p><b>EBNF believe Objective 5 and policy SP2 have not been met with regard to the needs of older people for the: Urban and Village Sustainable Growth Area (and others), and the plan is therefore not sound and does not comply with NPPF and guidance.</b></p> <p>Planning Practice Guidance (Do plans need to allocate sites for specialist housing for older people) states that <i>'It is up to the plan-making body to decide whether to allocate sites for specialist housing for older people. Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. Adding, 'This may be appropriate where there is an identified unmet need for specialist housing'</i>.</p> <p>The Strategic Housing Market Assessment in table 5.4 sets out an assessment of need for different types of older persons accommodation. In total it recognises a projected shortfall of 3,361 units across all classes of accommodation for the elderly by 2040. With regard to category C3, those with a lesser need for support, the table identifies a current shortfall of 470 units rising to 1803 units by 2040.</p> <p>While the local plan is positively written in trying to secure accessible standards in the housing that is proposed (Policy 20), this is not the same as providing the housing mix that will suit older people. Without a policy that will actively require developers to consider the provision of accommodation for the elderly from the outset, it is unlikely that the local plan will deliver the housing mix that is required and is identified in its evidence base. This is especially the case because as the plan recognises in 8.47 <i>".....most of the development within the Plan period will be carried out by private developers"</i>, as is the case with the North Farm site.</p> <p>Planning Practice Guidance recognises: <i>'The location of housing is a key consideration for</i></p>

		<p><i>older people who may be considering whether to move (including moving to more suitable forms of accommodation). Factors to consider include the proximity of sites to good public transport, local amenities, health services and town centres.</i></p> <p><b><u>Proposed Modification:</u></b></p> <p><b>To remedy this, EBNF request that:</b></p> <p><b>1) Policies SP7 (and others where applicable), be expanded to include the identification of suitable sites where appropriate accommodation for the elderly is also to be provided, i.e. ‘as a key consideration’; and</b></p> <p><b>2) Amend Policy 19 to include the requirement: Accommodation for the elderly is to be provided as identified in policies listed under Strategic Allocations.</b></p> <p>The provision on site GA2 of adequate affordable housing &amp; accommodation for older people, would also achieve conformity with the East Boldon Neighbourhood Plan, in particular Policies EB12, EB13 &amp; EB14. The Neighbourhood Plan illustrates a need for 64 retirement type properties over its plan period. Should this site proceed, then an appropriate allocation for this type of accommodation should be required as part of the housing mix.</p> <p>This is based on the Housing Needs Assessment (HNA), which was prepared by Aecom in 2019 details of which are documented in the East Boldon Neighbourhood Plan. The HNA found that there is a great need &amp; demand in East Boldon for affordable housing, &amp; for housing for older people. These findings have been consistently highlighted &amp; supported by the local community. EBNF consider that adequate provision must be included on this development, for these 2 groups.</p> <p>Affordable housing will help to prevent young adults, couples &amp; families from seeking accommodation elsewhere (often out of the area), thereby retaining vibrancy &amp; vitality within the village, achieving a younger profile in the population mix.</p> <p>We are disappointed that the percentage of affordable housing to be built on new</p>
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		<p>developments in East Boldon has been reduced from 30% in the Regulation 18 draft LP to 25% as this will reduce the opportunity to allow young people and young families to get on the housing ladder and stay within the local community. Affordable housing should be provided on the associated development site and be provided in line with policy EB14 in the East Boldon Neighbourhood Plan.</p> <p>There is a high demand in the village for bungalows &amp; other ‘retirement’ accommodation, to suit the needs of older residents or allow down-sizing. If such provision was to come forward, larger existing properties elsewhere in the village would be made available for families, and the opportunity would be provided for a wider section of residents to stay within the community, a need identified in the Neighbourhood Plan.</p> <p>The inclusion on the site of a 3-storey retirement building would have the additional benefit of maintaining the housing density at the same time as creating the opportunity for greater greening and reducing the car numbers generated.</p> <p><b>EBNF reserve the right to speak at the oral part of the examination.</b></p>
<p><b>Chapter 4 – Strategy for Sustainable Development</b></p>		
<p><b>Policy SP2 - Strategy for Sustainable development to meet identified needs, Page 31</b></p>	<p><b>Policy Not Sound</b></p>	<p><b>Details of Representation:</b></p> <p><b>Object to SP2.2 - the basis for the calculation of the number of new homes proposed is not sound or credible. It uses out of date statistics to calculate the number of homes needed and this results in an overestimate. The number of homes proposed is based on the 2014 household projections, which have been shown to be an overestimate by the 2021 Census.</b></p> <p>The 2023 South Tyneside Strategic Housing Market Assessment provides the following estimates for the number of households in the Borough in 2023:</p> <ul style="list-style-type: none"> <li>• 2014 based - 71,074</li> <li>• 2018 based - 70,762</li> </ul>

	<p>The number of households at the 2021 Census was 68,300 and there are currently approximately 72,000 dwellings in the Borough. These household estimates which are out of line with the Census figure are then projected forward to 2033 to provide the housing requirement figure of 309 dwellings per year and a total of 5,253.</p> <p>If you take the population estimates and compare that to the 2021 Census, this also shows an overestimate:</p> <ul style="list-style-type: none"><li>• 2021 Census - 147,800</li><li>• 2021 (2018 based) -151,936</li></ul> <p>The proposed allocation of a housing site within the Green Belt in the EBNP area arises solely because of the use of these household projections. In 2022 EBNF stated that it should be possible for the Council to put forward a case for "special circumstances to justify an alternative approach." EBNF wrote to the Secretary of State for Levelling Up about this on 30 June 2022 and received a reply on 20 July 2022. This reply states that "the standard method does not impose a target, it is still up to the local authority to determine its housing requirement, and this includes taking local circumstances and restraints such as Green Belt into account"</p> <p>Since then, the Government has consulted on the status of the standard method for calculating the housing requirement. This has resulted in an updated National Planning Policy Framework (NPPF) published on 19 December 2023. In Paragraphs 60 and 61 of the new NPPF there is greater flexibility for local authorities in assessing housing needs.</p> <p>Under paragraph 61, the revised NPPF states that the standard method for calculating housing need, to establish the number of homes required, is now considered as "an advisory starting point". Under the previous NPPF, the standard method was not classified in this way and there was no similar explanatory text.</p> <p>As a result of these changes, local authorities have greater flexibility to plan for fewer or higher number of homes than the standard method indicates, and where there are specific local circumstances that justify an alternative approach to assessing housing need, that is</p>
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		<p>now explicitly supported.</p> <p><b><u>Proposed Modification:</u></b></p> <p><b>Notwithstanding the transitional arrangements being applied that this Local Plan should be examined under the September 2023 NPPF, EBNF submits that there remains a clear case for a much lower housing requirement figure based on local circumstances and Green Belt constraint.</b></p> <p><b>EBNF reserve the right to speak at the oral part of the examination.</b></p>
<p><b>Policy SP3 - Spatial Strategy for sustainable development – P33</b></p>	<p><b>Policy Not Sound</b></p>	<p><b>Details of Representation</b></p> <p><b><i>SP3.2 “The Plan will....Secure the sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons by supporting growth which respects the distinctive character of each village”</i></b></p> <p><b>This policy has not been positively prepared to deliver sustainable development in the East Boldon Neighbourhood Plan area.</b> The proposed development of 263 houses at GA2, Land at North Farm, along with 202 houses already approved at Cleadon Lane and 9 at the Former Mayflower Glass site will result in a 26% increase in the number of houses in East Boldon. The impact of this on the ‘distinctive character of the village’, local services and infrastructure as set out in our comments on Chapter 6, Policy SP16 below is unsustainable.</p> <p><b><i>SP 3.4 “Ensure the delivery of housing in sustainable locations through the allocation of sites in the Main Urban Area and by amending the Green Belt boundary to allocate Urban and Village sustainable growth areas”</i></b></p> <p>The policy is not justified, uses out of date evidence and the exceptional circumstances case to amend the Green Belt boundary has not been made. The issue was considered by the Independent Examiner for the East Boldon Neighbourhood Plan, who considered that it was appropriate to retain the Green Belt around the village in order to meet housing</p>

		<p>need in the plan area.</p> <p><b><u>Proposed Modification:</u></b></p> <p><b>Remove from the Plan entirely or significantly reduce the number of houses proposed for GA2 Land at North Farm under policy SP7.</b></p> <p><b>EBNF reserve the right to speak at the oral part of the examination.</b></p>
<b>Chapter 5 – Strategic Allocations</b>		
<b>Policy SP7, Urban &amp; Village Sustainable Growth Areas, Page 46 – GA2, Land at North Farm</b>	<b>Policy not Sound</b>	<p><b>Details of Representation:</b></p> <p><b>EBNF objects to this proposal as it is not justified and not effective in delivering sustainable development.</b></p> <p><b>This proposal is in conflict with the adopted East Boldon Neighbourhood Plan as it is outside the settlement boundary approved in the plan. The site is within the Green Belt and its removal can only be agreed if the Council can prove exceptional circumstances and can demonstrate that all other reasonable options have been met.</b></p> <p><b>Furthermore, it does not believe that the number of houses proposed for the village of East Boldon that will result from the development of this site is sustainable, and it does not believe that the mitigation proposed for the site within the draft local plan is shown to be deliverable or adequate to address its loss.</b></p> <p>EBNF objected to the allocation of this site in 2019 and 2022 and continues this objection with the knowledge that the independent examiner to the EBNP rejected the site following submission by the landowner and their agents.</p> <p>EBNF disagrees with the assessment of this site in the Green Belt Study Final Report, which is that the release of the land would only cause moderate harm to Green Belt purposes. The development of the site will reduce the gap, in terms of distance, between Boldon and South Shields still further and would increase pressure on the remainder of the Green Belt</p>

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

	<p>Cleadon Lane, a site that was included in the Regulation 18 document, and which in all probability, will still proceed (the Council was minded to approve this proposed development in 2023, but at the time of preparing the Regulation 19 document had not granted formal permission, it being subject to legal agreement). To our knowledge, as of February 2024, this is still the case.</p> <p>Along with a smaller development recently approved at the former Mayflower Glass site, and the Land at North Farm (GA2/163 dwellings included in the Reg 19 plan), some 470 houses could now come forward within the EBNF area. <b>East Boldon, a village of around 1,800 dwelling constrained by its Victorian infrastructure and ‘at capacity’ services, will be subject to a growth of 26%.</b></p> <p>The effect on the village of East Boldon will be exacerbated by other sites included in the plan that are close to the EBNF area. Site GA4, Land at West Hall Farm, where 259 dwellings are proposed, is immediately adjacent to the Forum’s boundary. Most of the traffic from this site heading North to the access the A19 will travel through East Boldon using Whitburn Road or Moor Lane, and the problem of nuisance parking associated with those travelling into East Boldon to use the Metro system will be made worse. A further 400 dwellings are proposed for site GA3 (Land to North of Town End Farm), which is also adjacent to Forum boundary in the West.</p> <p><b>A separate commentary on the impact of the Reg 19 Plan policies on local Infrastructure are set out in the attached APPENDIX 1</b></p> <p><b>EBNF believe that the true extent of development, the 470 dwellings referred to above, should have been made clear to the public and referred to within the local plan and at the local consultations. The absence of this information, key to understanding the impact of the local plan on a village such as East Boldon, is misleading and disingenuous.</b></p> <p>We believe that the inclusion of GA2, Land at North Farm, site will result in development that is not sustainable, and will destroy the character and distinctiveness of the village. We believe its inclusion does not adhere to the commitment embodied within strategic policy SP3 (2), <i>“Secure the sustainability and vitality of the villages of Cleadon, Whitburn and the Boldons by supporting growth which respects the distinctive character of each village.”</i></p>
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		<p><b>Noncompliance with NPPF</b></p> <p>EBNF believe that in relation to achieving sustainable development the NPPF is relevant to the proposals which will affect the Forum Area. Paragraph 8 sets out three overarching objectives:</p> <ul style="list-style-type: none"> <li>• <b><i>an economic objective</i></b> – <i>to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available <u>in the right places</u> and at the right time to support growth, innovation and improved productivity; <u>and by identifying and coordinating the provision of infrastructure</u></i></li> <li>• <b><i>a social objective</i></b> – <i>to support strong, vibrant and healthy communities, by ensuring that a <u>sufficient number</u> and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</i></li> <li>• <b><i>an environmental objective</i></b> – <i><u>to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</u></i></li> </ul> <p>Sub section 9 the NPPF goes on to state: <i>These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. <u>Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.</u></i></p> <p><b>Economic Objective:</b>EBNF does not believe that the location of site GA2 ‘is in the right place’, there are serious concerns over its impact on wildlife and its effect on the distances between settlements. Nor does it believe that the plan addresses, identifies or attempts to coordinate the provision of infrastructure in any meaningful or tangible way that can be understood or which reassures its residents.</p>
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		<p>cannot be met in the EBNF area. The aims of Points 1 and 2 in Policy SP25: Infrastructure cannot be fulfilled in terms of the transport infrastructure required and the mitigation needed.</p> <p><b>A separate commentary on the impact of the Reg 19 Plan policies on local Infrastructure is set out in the attached APPENDIX 1</b></p> <p>EBNF believe the Plan has not been positively prepared to meet the objectively assessed need for homes, services and infrastructure in East Boldon and is not effective in delivering sustainable development in the Forum Area.</p> <p><b><u>Proposed Modification</u></b></p> <p><b>Remove or significantly reduce the provision of 263 homes within the designated East Boldon Neighbourhood Forum area.</b></p> <p><b>EBNF reserve the right to speak at the oral part of the examination.</b></p>
<p><b>Policy 18.3iv Affordable Housing (page 92)</b></p>	<p><b>Policy Not Sound</b></p>	<p><b>Details of Representation</b></p> <p>In 2022 EBNF commented on draft Policy 18 in the Regulation 18 draft LP, stating that the EBNP contains Policy EB14 on Affordable Housing and that EBNF is not opposed to the more specific proposal within Policy 18 in relation to East Boldon and requests discussion as to how a transition will occur if this policy passes examination. EBNF did have a discussion with the Council about this following submission of the comments.</p> <p>Policy 18 in the Regulation 18 Plan would have required 30% affordable homes on new developments in East Boldon. However, in the Regulation 19 version of the Policy this has been reduced to 25 %</p> <p>The need for Affordable Housing as part of any new housing development in East Boldon was one of the main reasons given in the Housing Needs Survey which provided evidence to the Neighbourhood Plan.</p>

		<p>In view of this, EBNF is not supportive of this reduction. It will set the standard for the whole of the plan period.</p> <p>The Strategic Housing Market Assessment (SHMA) 2023 identified a huge need for affordable housing in the borough at 361 affordable units per year. This is up from the 2021 assessment of 209 units per year. However, given that much of the new housing development is provided by the private sector, in market led schemes, the Draft Local Plan accepts that the identified need will be difficult to achieve.</p> <p>These schemes are required to undergo viability testing to determine a realistic target for the delivery of affordable housing.</p> <p>The Council employed CP Viability Ltd to undertake this testing and the draft Regulation 19 Plan relies on their report Local Plan Viability Testing Update 2023.</p> <p>This report separates Cleadon from East Boldon and Whitburn in its new definition of the Affordable Housing Area (Map 22, Page 23). The company held a stakeholder workshop and used post workshop stakeholder questionnaires to inform its findings. <b>It did not invite the two Neighbourhood Forums to participate despite both Neighbourhood Plans containing policies on affordable housing.</b></p> <p>The separation of Cleadon seems to have occurred from the valuation industry view that Cleadon Village is a higher market value area than East Boldon or Whitburn. However, no explanation is given by the company or the Council as to why this separation was deemed necessary and then led to the change in policy.</p> <p><b><u>Proposed Modification</u></b></p> <p><b>Policy 18.3 should be amended to retain 30% affordable homes in East Boldon.</b></p> <p><b>EBNF reserve the right to speak at the oral part of the examination.</b></p>
Chapter 13 – Well Designed Places		

<p><b>Policy 47– Design Principles (page 143)</b></p>	<p><b>Policy Not Sound</b></p>	<p><b>Details of Representation:</b></p> <p><b>Policy 47 as currently drafted does not specifically provide for:</b></p> <ol style="list-style-type: none"> <li>1. The use of Neighbourhood Plan Design guides to inform local development proposals.</li> <li>2. New development proposals to include a requirement for tree lined streets.</li> <li>3. The use of nationally Described Space Standards in new development proposals.</li> <li>4. Creation of places that are safe, inclusive and accessible and which promote health and well-being.</li> </ol> <p><b><u>Proposed Modifications:</u></b></p> <p><b>Modification 1</b> EBNF notes the absence of a design Code in the local plan but welcome a commitment to one at a future date</p> <p>The NPPF states in para 129. <i>“Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents”.</i></p> <p>Policy 47 states in its final sentence: <i>Development proposals will be expected to satisfy requirements of any adopted local design guide or design code where relevant to the proposal.</i></p> <p>The Neighbourhood Plan is not specified or directly addressed at this point, but is referred to in the supporting commentary which states in paragraph 13.12 (page 146):</p> <p><i>“Neighbourhood Plans provide an important resource in terms of assessing local character and distinctiveness and Design Codes describe and illustrate the principles guiding future development. Where development proposals fall within a neighbourhood plan area, regard should be had to design policies and any supporting Design Codes should be used to inform development proposals from the outset.”</i></p>
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		<p><b><u>EBNF request that to be consistent with paragraph 129 of the NPPF, and in order for the design code within the Neighbourhood Plan to carry weight, this commentary (13.12), should be included within Policy 47 itself.</u></b></p> <p><b>Modification 2</b>  The NPPF in paragraph 136 states <i>'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. <u>Planning policies and decisions should ensure that new streets are tree-lined....</u></i></p> <p>Policy 47 does not include such a requirement, yet this aspect can have a fundamental effect on the design of the site layout, affecting as it does distances between building plots, the manner in which car parking is dealt with and the composition of the street scene.</p> <p>Unless it is given consideration from the outset of the design process it will be extremely difficult for it to be incorporated satisfactorily at a later stage.</p> <p>As clearly stated in the NPPF, a planning policy is needed. As this is so fundamentally a part of the design process, EBNF believe that the most appropriate place for this is within Policy 47. (We note that the commentary (11.39) to policy 36 on Page 125, calls for tree lined streets but Policy 36 itself does not refer to the requirement).</p> <p><b><u>EBNF request its inclusion within Policy 47, and the supporting commentary be expanded to include reference to the guidance.</u></b></p> <p><b>Modification 3</b>  Policy 47 section 6 i) of the plan states: <i>Homes and Buildings i) Provide homes with good quality internal environments <u>with adequate space for users</u> and good access to private, shared or public spaces.</i></p> <p>The National Model Design Code part 2 (guidance) 183. States: <i>Design codes can support the delivery of housing quality by including Nationally Described Space Standards. <u>These need to be included in local plans or design codes that are adopted in local plans.</u></i></p>
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	<p>With regard to Paragraph: 020 Planning practice guidance, how should local planning authorities establish a need for internal space standards? EBNF and the Local Planning Authority have compelling evidence of how developers are putting forward proposal where room sizes are well below what is regarded as acceptable. The Cleadon Lane planning application for 202 houses recently considered in the Forum Area was beset by this issue. The inclusion of the National Described Space Standards, which was included in the Neighbourhood Plan, was used by the Authority to achieve an increase in room sizes across the majority of house types.</p> <p>Adequate room sizes are important in terms of ensuring that there is sufficient space for people with mobility issues, often those associated with the elderly, to navigate furniture and move with ease around a dwelling.</p> <p>The issue of an aging population and the need for dwellings to support independent living into old age is highlighted and addressed in the draft local plan. Technical Design Standards for New Homes Policy 20 requires all residential dwellings to be designed to be built at least to meet Building Regulations Requirement M4(2). EBNF support this ambitious policy but believe that without a requirement for minimum room sizes the policy will not be successful in meeting the needs of those people who would most benefit.</p> <p>The RTPI Practice Advice, November 2022 Housing for Older People, endorsed by the Chartered Institute of Housing (CIH) and other campaigning groups, recognises this very issue (Page 41: <i>The nationally described space standard is important in terms of accessibility as internal space is an important aspect of how accessible a home is, and how adaptable it is to changing household needs. People with impaired mobility usually require larger floor areas to accommodate mobility aids and specialist equipment</i>).</p> <p><b><u>As this version of the plan does not yet adopt a design guide, we request the inclusion of the Nationally Described Space Standards within Policy 47 or within Policy 20 Technical Standards.</u></b></p> <p><b>Modification 4</b> EBNF believes that insufficient weight is given <u>Inclusive design</u> within Policy 47 or its supporting Commentary. The SHMA report highlights the issue of an aging population and</p>
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		<p>the effect of chronic health conditions etc on its residents. The scale of this issues is indicated in Table 5.4, section 5.12 SHMA report, yet little emphasis is placed on the need to address this aspect within the section, Well Designed Places.</p> <p>EBNF believe that it is even more important to highlight the need for inclusive design given the Councils requirements in respect to accessibility standards set out in Policy 20. Unless the design of the site layout is developed with the requirements of Policy 20 in mind, it will not be practical, in many instances, to achieve satisfactory outcome in terms of accessibility. Relegating these considerations to a future design code seems unsatisfactory given its importance.</p> <p>Planning Practice Guidance, Homes for Older and Disabled People states:</p> <p><i>‘Inclusive Design acknowledges diversity and difference and is more likely to be achieved when it is considered at every stage of the development process, from inception to completion. However, it is often mistakenly seen as a Building Regulations issue, to be addressed once planning permission has been granted, not at the planning application stage. The most effective way to overcome conflicting policies and to maximise accessibility for everyone is for all parties to consider inclusive design from the outset of the process.</i></p> <p>EBNF would welcome improvements to this policy that would promote and signal this guidance and reflect paragraph 127 of the NPPF: <i>Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.</i></p> <p><b><u>EBNF requests that Section 3 of Policy 47 is expanded to reflect paragraph 130 of the NPPF and include the requirement:</u></b></p> <p><i>‘Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’</i></p> <p><b>EBNF reserve the right to speak at the oral part of the examination.</b></p>
Chapter 14 – Transport and		

Infrastructure		
<p><b>Policy 50, Social and Community Infrastructure (page 150)</b></p>	<p><b>Policy Not Sound</b></p>	<p><b>Details of Representation</b></p> <p><b>Policy 50 does not contain sufficient detail about how appropriate social, environmental, and physical infrastructure will be provided to cater for the impact of new development on local communities.</b></p> <p>There is a thematic approach cutting across all the Plan policies which highlights “policies seeking to improve health and wellbeing for residents.” (Page 12 Chapter 6: Promoting Healthy Communities).</p> <p>Policy 50, Social and Community Infrastructure (page 150), addresses these issues in a non-committal way but the East Boldon Neighbourhood Plan would need to be used to deliver the detail on this to address the impact of this 26% increase in households on the Health and Wellbeing of the residents of East Boldon, both current and proposed. Schools, medical facilities and road networks are already under pressure and the draft plan is therefore only sound in conjunction with the Neighbourhood Plan in order to deliver sustainable development in regards to its aspiration to improve health and wellbeing of the residents.</p> <p><b><u>Proposed Modification:</u></b></p> <p><b>Policy 50 should be amended to provide more detail about how the delivery of appropriate social, environmental and physical infrastructure will be achieved to mitigate the impact of new development on local communities. This could include the acknowledgement of the policies within a Neighbourhood Plan within a Neighbourhood Forum area.</b></p> <p><b>EBNF reserve the right to speak at the oral part of the examination.</b></p>

# APPENDIX 1 to EBNF Regulation 19 Local Plan Consultation Representation Form

## Impact of Regulation 19 Local Plan policies on infrastructure in East Boldon

### 1. Schools

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

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

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

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

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

### 2. Health

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

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

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

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

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



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

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

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

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

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

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

#### **Queries relating to Section 106 in EBNF Area**

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

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

## 4. Traffic and Roads

### COMMENTARY - Focusing on the A184 corridor and junctions 20, 21 and 22

#### Summary

The ambition in the Local Plan - to move towards being green, healthy and carbon neutral cannot be fully realised in the East Boldon Forum area if the proposed 1204 new houses in the village and other developments in surrounding areas materialise. This is due to the increased traffic and resultant air and noise pollution, caused by overcapacity, queuing and the incapacity of the highway infrastructure (A184 and feeder roads/junctions 20, 21 and 22) to cope, despite the proposed actions, mitigation measures and incremental roll out of these.

#### EBNF Comment

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

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

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

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

#### Traffic Capacity Assessment 2023

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

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

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

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

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

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

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

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

### **New Trips at junctions**

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

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

Published 31 August 2022

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

### **Wider sustainable transport projects**

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

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

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

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

##### **Full Barriers**

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

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

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

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

## **5 Failure of Regulation 19 Local Plan to comply with NPPF**

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

##### **SCHOOLS:**

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

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

## HEALTH:

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

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

## TRANSPORT:

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

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

- **The Reg 19 LP fails to comply with NPPF 2 Para 7 and 8 environmental objective.**

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

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

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

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

## **ANNEX 1 to Appendix 1**

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

### **3.19 Junction 19 – A184 / Downhill Lane Priority Junction**

#### **2023 Base + Committed Development + Other Development**

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

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

### **3.20 Junction 20 – A184 / Hylton Lane Signalised Junction**

#### **2023 Base + Committed Development + Other Development**

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

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

### **3.21 Junction 21 – A184 / Boker Lane Signalised Junction**

#### **2023 Base + Committed Development + Other Development**

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

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

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

#### **2023 Base + Committed Development + Other Development**

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

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

# Response ID BHLF-RUCU-JV2P-1

Submitted to Sustainability Appraisal 2024  
Submitted on 2024-04-23 15:35:02

## Have your say

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

Section of the SA:

GA2

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

Comments:

Details of Representation: EBNF objects to this proposal (GA2) as it is not justified and not effective in delivering sustainable development. This proposal is in conflict with the adopted East Boldon Neighbourhood Plan as it is outside the settlement boundary approved in the plan. The site is within the Green Belt and its removal can only be agreed if the Council can prove exceptional circumstances and can demonstrate that all other reasonable options have been met. Furthermore, it does not believe that the number of houses proposed for the village of East Boldon that will result from the development of this site is sustainable, and it does not believe that the mitigation proposed for the site within the draft local plan is shown to be deliverable or adequate to address its loss. EBNF objected to the allocation of this site in 2019 and 2022 and continues this objection with the knowledge that the independent examiner to the EBNP rejected the site following submission by the landowner and their agents. EBNF disagrees with the assessment of this site in the Green Belt Study Final Report, which is that the release of the land would only cause moderate harm to Green Belt purposes.

The development of the site will reduce the gap, in terms of distance, between Boldon and South Shields still further and would increase pressure on the remainder of the Green Belt in this area. The open space and separation along Boker Lane will be lost, effectively merging East and West Boldon. There is a risk of surface water flooding for this site and it is located within Flood Zones 2 and 3. The Sustainability Appraisal (SA) states therefore the site may have significant negative effects towards the climate change objective. The proposal for an 8 metre buffer between the watercourse and residential development was proposed in the Key Considerations at Appendix 3 of the 2022 Plan Document. This has been omitted from this Plan. EBNF considered the buffer should be 50 metres in line with the proposal at IAMP. The site is located within 50m of a SSSI and 250 m of a local wildlife site and 1km of a nature reserve. The SA states that a significant negative effect is expected in relation to the objective of conserving and enhancing biodiversity. The Wildlife Corridors Network Review identified the site as within the wildlife corridors network and within the buffer zone to Tilesheds Burn. The adjoining field to the east is identified as a secondary feature in the network and as a result has been rejected for housing due to impacts on biodiversity. The northern two thirds of the site are shown as part of the Wildlife Corridor on Map 29 and the interactive policies map. The site intersects with a Source Protection Zone for groundwater. The development of the site which is in agricultural use would result in the loss of Grade 3 agricultural land and the SA states that is therefore considered to have a significant negative effect in relation to the objective of protecting our soils and promoting efficient land use. There is a public right of way crossing the site and it adjoins another. The site forms part of the wider green infrastructure corridor and the SA considers that development of the site will have a minor negative impact.

3 What is your name?

Name:

East Boldon Neighbourhood Forum

4 What is your email address?

Email:

[REDACTED]

5 Who are you responding as?

Neighbourhood Forum

Organisation:

East Boldon Neighbourhood Forum

6 What is your postal address?

Address:

[REDACTED]

Response ID ANON-TJBH-TD52-7

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-03 09:26:48

Policy SP8: Fellgate Sustainable Growth Area

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

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

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 object to the use of this green belt land being used. It will bring additional traffic to a quiet estate. Potential increase to the risk of flooding and anti social behaviour are also concerns.

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

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

Your personal details

What is your name?

Name:

Andrew cockerill

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]



Response ID ANON-TJBH-TD7E-V

Submitted to South Tyneside Publication Draft Local Plan 2023-2040

Submitted on 2024-03-03 10:14:01

Policy SP20: The Hierarchy of Centres

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

Support or Object - Legally Compliant:

Yes

Support or Object - Sound:

No

Support or Object - Complies with the Duty to Cooperate:

Yes

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

Policy SP20 of the draft South Tyneside Local Plan omits Sea Winnings Way, at Westoe Crown Village, from the proposed list of local centres. The Stage 1 Town, District and Local Centres Study – Commentary and Recommendations report (at paragraphs 26 to 29) considers that the shops and services there have limited draw from outside of the ‘surrounding village’ and that they meet the definition of a local neighbourhood hub set out in paragraph 10.7 of the draft plan. Despite accepting that it meets the day-to-day needs of residents of Westoe Crown Village, they feel it is not of sufficient size or significance to warrant promotion to the status of local centre.

The above report notes that the centre’s largest shop (Tesco Express) attracts 8.1% of top-up shopping expenditure in Zone 1 and that the two restaurants did not register in the household survey results.

However, the 8.1% is actually significantly more than the main convenience retail facility (Morrisons Daily) within Dean Road District Centre (which attracts 0.6% from Zone 1 and 1.7% from Zone 2), the Co-op in Whitburn Local Centre (5.3% from Zone 8) and One Stop in Cleadon Local Centre (5.3% from Zone 8). No stores at all within Westoe Bridges (actually proposed as a District Centre) were mentioned. The Council’s approach appears inconsistent, and not justified, based on their own evidence base.

As a resident of the estate, both Tesco Express and the two café/restaurants do attract residents from other parts of South Shields. Whilst the Nexus Commentary and Recommendations suggests that the restaurants at Sea Winnings Way (Westoe Crown Village) did not register as part of the household surveys, ‘Westoe Local Centre’ did attract 6.8% of such visits from Zone 1 and 8.6% from Zone 2.

As there are no restaurants of any significance within either Westoe Road or Westoe Bridges Centres (just a small cafe on East Stainton Street), it is not unreasonable to assume that they relate to Westoe Crown, where there are two restaurants/cafes (Up North Deli and Mac n Alli’s). This is in contrast to Harton (proposed as a local centre), where no restaurants have been picked up as part of the survey. Whilst care should be taken in interpreting the surveys, this does again highlight the inconsistency in the Council’s approach.

Sea Winnings Way (Westoe Crown Village) contains a Tesco Express, two hair salons, two cafes/restaurants, a charity shop, a skin care clinic and a community centre, as well as two vacant units, and lies adjacent to a primary school. It is a good example of a modern new local centre which performs an important role and function in serving the local area in a sustainable manner, at the heart of the local community. The number of units in the centre is only slightly lower than other local centres, and the level of floorspace there is likely to be similar or even slightly more than some of the other proposed local centres, reflecting its more modern nature.

The Council’s approach ignores the attractiveness of the centre (including Tesco Express and the two restaurants) to customers, as well as its accessibility from the wider area – being just off the main road through the estate (also connecting with other key arterial roads), with its own dedicated parking areas and good pedestrian links to surrounding residential areas. It is also important to note that, notwithstanding the provisions of Policy 29, local neighbourhood hubs do not have any status (or therefore protection) in terms of national planning policy. The plan does not support the function of the centre which clearly performs an important role in meeting the day to day needs of local communities in a sustainable manner.

The Council’s approach to not designating Sea Winnings Way (Westoe Crown Village) as a local centre is inconsistent, and is not justified, based on the available evidence. It would also not be effective in supporting local facilities which meet day to day needs, or indeed promoting their long terms vitality and viability, as required by paragraph 90 of the NPPF. On this basis, Policy SP20 of the local plan cannot be found to be ‘sound’.

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.:

Inclusion of Sea Winnings Way (Westoe Crown Village) in the list of local centres set out in part 3 of Policy SP20.

Please see response to earlier question for explanation as to why this would make the plan sound.

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

No

## Your personal details

What is your name?

Name:

Linda Gregg

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]

Sunderland City Council - Response - South Tyneside Local Plan Reg 19 Consultation

[REDACTED]  
Fri 3/1/2024 10:58 AM

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

Cc: [REDACTED]

📎 1 attachments (93 KB)

South Tyneside Draft Local Plan - Reg 19 SCC response final.pdf;

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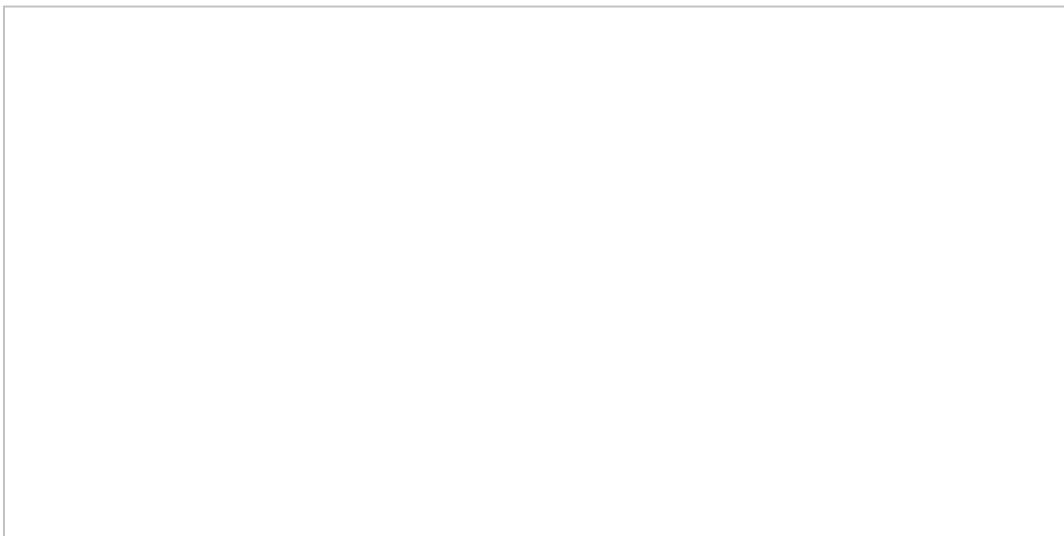
Dear All,

Please see Sunderland City Councils response to the South Tyneside Local Plan, Regulation 19 consultation. If you have any questions please let me know.

Kind regards,

Jamie

**Jamie Simpson**  
**Senior Planning Policy Officer**  
Economic Regeneration, Strategic Plans Team,  
City Hall, Plater Way, Sunderland, SR1 3AD



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Andrew Inch, Senior Manager –  
Planning  
South Tyneside Council  
South Shields Town Hall  
South Shields  
NE33 2RL

**Sunderland  
City Council**

Date: 01/03/2024  
Our ref:  
Your ref: South Tyneside Draft Local Plan

**This matter is being dealt with by: Jamie Simpson**

Dear Andrew,

### **South Tyneside Draft Local Plan Consultation**

I refer to your consultation on the South Tyneside Draft Local Plan (hereafter referred to as the Plan). Sunderland City Council (SCC) welcomes the opportunity to engage on the preparation of the Plan. SCC generally supports its aims and direction as well as the embedded strategic objectives. Our comments are set out below in theme order.

#### **Planning For New Homes**

As part of proposed 'Policy SP2' it is noted that a housing target of 5,253 net homes is set out over the emerging plan period, equating to an annual requirement of 309 homes. SCC notes that the housing requirement has been calculated using the 'Standard Method' as set out in the Government's Planning Practice Guidance, which is supported.

#### **Land to the North of Town End Farm (Site GA3)**

SCC notes the proposed Urban and Village Sustainable Growth Area allocation for 400 homes on land to the north of Town End Farm (site GA3) which is currently designated as Green Belt. It is noted that this would represent one of the largest allocations in the emerging Plan and, given its location on the edge of the urban area of Sunderland, it would effectively represent an urban extension to the Sunderland Urban Area.

Due to the scale of the development, this would significantly reduce the width of the Green Belt between West Boldon and Town End Farm by more than 40%.

Whilst SCC does not necessarily object to the principle of a residential development in this location, it is considered that it should be of an appropriate scale which respects the Green Belt separation and openness of this area.

We note that the South Tyneside Green Belt Review, which has been prepared as part of the evidence base, indicates that the proposals would have a moderate impact which can be mitigated.

Given the scale of the development and its location adjacent to the urban area of Sunderland, it is likely that the proposals would have an impact on social and highway infrastructure within the city. It should therefore be ensured that appropriate developer contributions are provided to facilitate the delivery of any infrastructure improvements in Sunderland required as a result of the proposed development. The inclusion of specific reference within the policy to the requirement to give consideration of the need to contribute to mitigating the impacts upon Sunderland is welcomed, however it is considered that this should be strengthened to require any necessary contributions to be secured as part of the planning application process rather than simply given consideration. Further discussions will be required between the two authorities to ensure that appropriate mechanisms are put in place so that any funds payable for the delivery of improved infrastructure within Sunderland are available to SCC to deliver the necessary improvements.

It is also requested that SCC are consulted as a neighbouring authority as part of any transport scoping and assessment studies should the development come forward as a planning application. SCC would welcome further discussions on this matter and for any necessary infrastructure to be included as a policy requirement and be set out within the Infrastructure Delivery Plan (IDP). It is noted that the IDP, as currently drafted, does not specifically include reference to any potential mitigation within Sunderland.

### **International Advanced Manufacturing Park**

SCC also supports and welcomes the Plan's commitment to the delivery of the IAMP. It is encouraging therefore to see that the IAMP features within Policy SP19: Strategic Economic Development. SCC will continue to work closely with South Tyneside Council in supporting the delivery of the IAMP.

### **Infrastructure and Transport**

SCC welcomes support for the re-opening of the Leamside Line, as well as safeguarding a railway alignment between South Shields and Sunderland through enhancements to the Boldon East curve which are set out in Policy 52: Safeguarding Land for Metro and Rail Development. These will help to create increased connectivity between South Tyneside and Sunderland and SCC look forward to engaging with South Tyneside Council and other stakeholders in the future to help secure these initiatives.

## **Future Engagement**

SCC appreciates the opportunity to comment on the proposed South Tyneside Local Plan and looks forward to further constructive discussions regarding the matters raised through this representation.

Yours faithfully



Catherine Auld

Assistant Director of Economic Regeneration

## Northumbrian Water Consultation response to South Tyneside Local Plan Publication draft and Fellgate SGA SPD Scoping Report

Wed 2/28/2024 5:07 PM

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

📎 1 attachments (118 KB)

ST Local Plan publication and Fellgate SGA Scoping 28-2-24.pdf;

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Dear Planning Team

Please find attached our consultation response to both of the above referenced documents.

Kind Regards

**Katherine Dobson**  
**Developer Services Planning**  
(working days – Monday to Thursday)



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Direct Line: [REDACTED]  
E-mail: [REDACTED]

27<sup>th</sup> February 2024

Dear Planning Team

**South Tyneside Publication Draft Local Plan and Fellgate Sustainable Growth Area Supplementary Planning Document: Scoping Report Consultation**

Thank you for consulting Northumbrian Water and giving us the opportunity to comment on these emerging planning policy documents.

We can advise you that Northumbrian Water is a statutory consultee for planning policy. In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development or proposed policy content on our assets and assesses our ability to accommodate and treat the anticipated flows arising, as well as how we can seek to achieve betterment through new development. We do not offer comment on aspects of planning that are outside of our area of control.

We can confirm that we have considered the publication draft of the South Tyneside Local Plan and have no further comments to make at this stage.

We have reviewed the Fellgate Sustainable Growth Area SPD Scoping Report and wish to offer support to the progression of this strategic planning document in conjunction with the emerging Local Plan.

With regards to the proposed Fellgate Sustainable Growth Area SPD, we note the proposed quantity of development, with intentions to deliver a new and sustainable community of approximately 1200 homes plus supporting infrastructure and community facilities. The strategic area in question is located on the western side of South Tyneside Council's administrative area and is bounded on its perimeter by three major dual carriageways. Two localised watercourses run north south on the western and eastern edges of the site with a steady gradient change of approximately 10m in height across the site. To the north of the proposed allocated site lies the existing Fellgate housing estate.

It is within this existing estate that Northumbrian Water in conjunction with South Tyneside Council and the Environment Agency delivered a flood alleviation scheme in 2015 following severe localised flooding in extreme weather during 2012. This was a comprehensive scheme increasing surface water management opportunities on site and increasing our network volumes in the underground pipes. In seeking to reduce the risk of predicted flooding in the existing Fellgate housing estate the partnership of Northumbrian Water and South Tyneside Council carried out extensive construction of public sewers and introduced a series of surface water storage features which were sympathetic to the local environment, offered biodiversity opportunities and contained educational elements for the local community schools. The scheme was designed to reduce sewer flooding risk for future 1 in 40 year storm events and the surface water detention basins created were designed to provide 1 in 100 year storm event protection.

As a result of the flooding history and the delivery of this project scheme, we understand ongoing concerns about the development of additional housing to the south of the existing Fellgate housing estate. We can provide assurance that we will seek to ensure that all drainage from the new Fellgate strategic allocation site is directed away from the existing residential areas to the north. Surface water will be separated and managed on site then discharged to the local watercourses whilst foul flows will be diverted east or west of the site avoiding the existing Fellgate housing estate and discharged to Howdon Sewerage Treatment Works which has capacity to accommodate this strategic development and that has already been factored into our future growth projections.

Consequently, sustainable drainage for both foul and surface water flows will need to be addressed and built into the key principles of any masterplan and scheme design at the earliest stages. ***We strongly recommend and request that the emerging Supplementary Planning Document includes clear policy wording that gives Northumbrian Water the opportunity to be part of key stakeholder discussions in the formulation of the masterplan and scheme design.*** We can additionally point out that we do have existing strategic assets crossing the site which are protected by specific easements and this will also need to be factored into any future scheme design at the outset. With regards to surface water management our catchment partnerships team will also be happy to support plans seeking to create new wetland biodiversity and habitat opportunities.

Additionally, we recommend that the emerging policy document recognises water resilience. Although the North East is not classed as an existing water stretched region, we are mindful of the need to build resilience into new development wherever possible. Population growth, rising water use, and climate change are increasingly affecting water resources across the UK. If water efficiency action is not increased, the UK could be hit by water shortages by 2050. We therefore recommend that the emerging policy document makes clear policy reference to water efficiency measures through sustainable building and landscape design and we are happy to provide further advice on this subject.

Overall, we support this emerging Supplementary Policy Document and look forward to being part of its continued development. I trust the initial advice and recommendations provided here are helpful to you. If you should require any further information please do not hesitate to contact me.

Yours sincerely

**Katherine Dobson MRTPI**  
**Planning Team Leader**  
Developer Services

Representations to Publication Draft Local Plan - Hellens Land Ltd and Jacobson Family  
[LICH-DMS.FID376203]

[REDACTED]  
Fri 3/1/2024 4:54 PM

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

Cc: [REDACTED]  
[REDACTED]

 2 attachments (358 KB)

Town End Farm Reps - Hellens and Jacobson Family - 01.03.2024.pdf; Town End Farm Reps - Hellens and Jacobson Family - 01.03.2024.docx;

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Good Afternoon,

On behalf of our clients (Hellens Land Ltd and the Trustees of the T.J.Jacobson Will Trust), in relation to their land interest north of Town End Farm (Draft Allocation ref. GA3), we are pleased to submit comments in response to the consultation on the Publication Draft Local Plan.

We have attached the comments in PDF format and word for ease.

Please can you confirm receipt of the attached submission?

Kind regards

Chris

**Chris Smith**  
**Associate Director**  
BA (Hons) MA MRTPI

[Lichfields.uk](http://Lichfields.uk) 

## Building, growing, daring enough?

A revised NPPF and  
long-term plan for  
housing update

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## **Town End Farm – South Tyneside Publication draft Local Plan Responses, February 2024**

We respond on behalf of our client, Hellens Land Ltd and the Trustees of the T.J.Jacobson Will Trust ('Jacobson Family'), in relation to their land interest north of Town End Farm (Allocation Ref: GA3 and SHLAA Ref: SBC102). The site, which extends to 22.4 hectares, is allocated through Policy SP7 (Urban and Village Sustainable Growth Areas) for residential development comprising around 400 dwellings.

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

#### ***Do you support Policy SP2?***

No

#### ***Comments***

Our clients are generally supportive of Policy SP2, albeit that we consider that some changes are needed to the policy wording to ensure consistency with national planning policy as set down within the National Planning Policy Framework (NPPF, 2023).

In the first instance, our clients note and welcome the amendment made to the Plan to express the housing requirement for the Plan period as a minimum figure, thus bringing it into alignment with the NPPF at paragraph 35a.

Notwithstanding this, our clients note that the housing requirement figure has reduced from 5,778 (equating to 321 dwellings per annum) dwellings at Regulation 18 stage to 5,253 (309 dwellings per annum) within this current consultation document. It is also noted that the Plan period has been amended (from 2021 to 2039 to 2023 to 2040), thus reducing the length of the plan from 18 to 17 years and therefore meaning a further reduction in the overall number of houses required through the effective loss of 1 years' worth of housing.

As a starting point, the Council consider that, in order to determine the minimum number of homes required, a Local Housing Needs Assessment (LHNA) has been undertaken using the Standard Method (SM). This process has led them to the proposed 309 dpa figure.

At paragraph 22 the NPPF requires that, in order to determine the minimum number of homes needed, strategic policies should be informed by a LHNA that has been conducted using the SM (as set out in the PPG). Utilising the SM, a minimum local housing need figure of 305 dpa is identified (our emphasis). This figure is slightly lower than the 309 dpa due to the use of the 2014 data for the 2022-23 period in the Strategic Housing Market Assessment (SHMA).

However, 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.

Taking the above into context, our clients note that the SHMA makes reference to the North East Local Enterprise Partnership's (NELEP) Strategic Economic Plan which identifies that it is targeting 25,000 new jobs for South Tyneside by 2031. Furthermore, the Council's own plan seeks to drive the economy and generate more jobs. A key pillar of this strategy is the International Advanced Manufacturing Park (IAMP) which the plan notes at paragraph 2.41 is "*identified in the LEA as providing a major*

opportunity to increase the number of high-quality jobs in South Tyneside and this is already happening: investment was announced in 2021 by Envision AESC for a Gigafactory to provide batteries for electric vehicles”. To put this into further context, paragraph 9.10 of the plan states that “there are 30,000 jobs regionally in the advanced automotive sector and there is the potential to increase this significantly” (our emphasis).

On the basis of the above, our clients consider that the plan fails to consider the balance between the Council’s employment needs and aspirations and the housing requirement. As such, our client consider that further evidence is required to ensure Policy SP2 is sufficiently robust and has fully explored the need for an uplift over and above the number identified through the SM.

**Policy SP3 – Spatial Strategy for sustainable development**

**Do you support Policy SP3?**

No

**Comments**

Our clients welcome the recognition in point 4 of the policy text that, in order to meet the identified needs and facilitate sustainable growth, amendments to the Green Belt boundary are necessary in order that appropriate development sites can be released.

While the locations of the Urban and Village Sustainable Growth Areas (UVSGA’s) are no longer referenced in the body of the policy text, our clients consider that the supporting text at paragraph 4.33 would benefit from greater precision as follows: “The Spatial Strategy allocates 6 Urban and Village Sustainable Growth Areas at Whitburn Village, Cleadon, East Boldon **and Town End Farm.**” The amendment to this text would more accurately summarise the location of the six UVSGA’s.

As regards the broader issue of the need to release land from the Green Belt to meet identified needs, our clients reiterate their previous support for this approach that was set out in their response to the Regulation 18 consultation on the Plan. Indeed, it is significant to note that, in the intervening period, the 2022 Housing Delivery Test (HDT) results have been published. The below table summarises housing delivery over the last three years in South Tyneside.

<b>Years</b>	<b>Housing Requirement</b>	<b>Housing Delivered</b>	<b>Balance for Year</b>
2019-20	320	236	-84
2020-21	227	182	-45
2021-22	321	207	-114
<b>Totals</b>	<b>868</b>	<b>625</b>	<b>-243</b>

Source: Housing Delivery Test 2022 Results (published December 2023)

Based on the above, the pervading trend of under delivery is one that continues. This provides further justification for the need to release land from the Green Belt to meet needs and our clients remain supportive of this approach.

## **Policy SP7 – Urban and Village Sustainable Growth Areas**

### ***Do you support Policy SP7?***

No

### ***Comments?***

As detailed in our clients' response to Policy SP3 (Spatial Strategy for sustainable development), our clients agree with the Council's strategy of facilitating sustainable growth through the amendment of Green Belt boundaries. Our clients wholly agree with the decision to include its land interest (Land to North of Town End Farm) as one of the six housing allocations (ref: GA3), as informed by the South Tyneside Green Belt Study (November 2023).

The Council has already prepared a Green Belt Review (Stage One and Two) that has been reviewed and commented upon by our client previously. The key site considerations (as set out within the text to Policy SP7) have been informed by the Council's assessment of the site.

We therefore structure our response in this sequence, starting with our comments on the South Tyneside Green Belt Study.

### ***South Tyneside Green Belt Study (2023)***

Chapter 5 of this study considers the harm to the Green Belt for each of the six sites proposed to be released for residential development, with Appendix C (Green Belt Site Allocation Assessment Proforma) providing specific detail on these points.

In the section below, we review the assessment made by LUC within the study against the five purposes of the Green Belt, and provide our own appraisal.

1. To check the unrestricted sprawl of large built-up areas – LUC assess this impact as being moderate. The assessment acknowledges that the site is surrounded by strong boundary features that limit the impact of release on the wider Green Belt. While the assessment considers the site to be visible beyond Downhill Lane to the north, our client is of the view that structural landscaping will ensure that this impact is appropriately mitigated.
2. To prevent neighbouring towns merging into one another – LUC assess this impact as being moderate. The assessment acknowledges that the settlement gap between Sunderland and The Boldons will reduce, but points to the fact that the site is surrounded by strong boundary features that limit the impact of release on the wider Green Belt. The assessment reiterates the visibility point made against the first Green Belt purpose, albeit that we consider structural landscaping will mitigate this impact appropriately.
3. To assist in safeguarding the countryside from encroachment – LUC assess this impact as being moderate, which our client welcomes in the context of the Council having categorised this as adverse within their own Stage 2 Green Belt Assessment. The report cites the existence of strong boundary features, a point made within our clients' previous Regulation 18 consultation response. The assessment reiterates the visibility point made against the first Green Belt purpose, albeit that we consider structural landscaping will mitigate this impact appropriately.
4. To preserve the setting and special character of historic towns – LUC assess this impact as low/no, concluding that the Green Belt does not contribute to the distinctive historic character or setting of historic towns. Our client agrees with this element of the assessment.
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land – LUC assess this as an equal impact on the basis that all Green Belt land makes an equal



contribution to this purpose. Our client is of the view that, with it already established that the release of Green Belt land is needed to meet the housing need, the development of this site will not prejudice the delivery of other brownfield sites across the Borough.

In conclusion, our client considers that the Green Belt Study undertaken by LUC validates the position reached previously by South Tyneside Council in so much as that the development of the site would not prejudice the function of the Green Belt in this location, in line with the purposes set out in the NPPF.

#### SHLAA (2023)

In terms of the other assessments of the site, the Council's latest SHLAA reconfirms its previous view that the site is suitable, achievable and available for development in the local plan period. Our client entirely supports this conclusion.

#### Sustainability Assessment Report (2024)

Our client agrees entirely with the Council's position as set out within Appendix F to the report where it states that – *"The site has been allocated as it is considered to be a suitable site in a sustainable location"*.

#### Key Considerations

The table which spans pages 46-47, includes a list of the key considerations for each of the proposed Urban and Village Sustainable Growth Areas. Our client's site under ref. GA3 is included in this table and we have reviewed the listed key considerations. We respond briefly each one below:

- *Ensure that the design and layout create clear and defensible boundaries*

The development of the site will follow the principles on the indicative masterplan, which have subsequently been taken forward in the Development Frameworks document. This includes the provision of landscaping along the site edges that will help to create a new and robust Green Belt boundary.

- *Retain existing mature trees in accordance with Policy 36: Protecting Trees, Woodland and Hedgerows*

The supporting technical information submitted to date demonstrates how this can be achieved. The indicative masterplan of the site also shows how open space – both for amenity and useable – can be integrated within the development.

- *Ensure landscaping is an integral part of the design*

As explained above, the development will integrate landscaping and open space.

- *Design the site in such a way as to discourage unauthorised access to the into Downhill Quarry Local Wildlife Site*

Access to the site will be carefully considered to avoid disruption to the LWS. A transport assessment will be submitted as part of any planning application although it should be recognised that the development of the site benefits from a recently completed scheme at the Downhill Lane junction of the A19.

- *Preserve or enhance the settings of the Listed Buildings to the north*

The listed buildings are located to the north east of the site and are largely screened by existing landscaping. As shown on the indicative masterplan (and Development Framework document), there is a considerable stand-off area of landscaping between the developed area of the site and the listed buildings which will help to preserve their setting.

- *Enhance the existing bridleway and create active travel routes throughout the site*

Our client agrees with the principle of this consideration for the development. Key routes through the site have been established in the Development Frameworks document and also the site promoter's indicative masterplan for the site.

- *Introduce connectivity between the site and the established settlement of Town End Farm*

The development will follow the key design principles and include the potential for connections through to the existing settlement. It is recognised that this will have benefits in terms of pedestrian connectivity to existing services and facilities.

- *Consider the need to contribute to mitigating impacts on the neighbouring authority of Sunderland.*

Our client does not disagree with the principle of this consideration, however our clients consider that this is a matter relevant to the planning application stage. It is anticipated that Sunderland City Council, along with the relevant departments within South Tyneside Council, will be consulted on any planning application for the site. This will provide the appropriate time to consider the potential impact of the development on both sides of the local authority boundary.

As a final observation, our client considers that it would be appropriate to recognise that the delivery of the site may come forward in a phased manner. It is one of the largest proposed allocations in the draft Local Plan, and the policy should therefore be sufficiently flexible for the development to come forward in phases.

### Site Frameworks

We have reviewed the Development Frameworks and, in particular, the four pages relating to the Town End Farm site which present the location (and context/local facilities); constraints; opportunities; and indicative layout. This appears to be consistent with the version that was subject to consultation at the Regulation 18 stage, although we note our client's comments below.

The images in the document strengthen our view that the site is demonstrably accessible with convenient access to local services, schools and public transport. These opportunities will be maximised through the inclusion of links as shown in the document.

With regard to the constraints, there are two comments of note. The first relates to the reference to the site being adjacent to listed buildings on Downhill Lane. This should be amended to accurately reflect that there is a field parcel between the allocation boundary and the nearest listed buildings. The second comment relates to the existing landscaping. There are two lines shown: one in a north/south line to the west of the site and a second which is further east, running north/south before changing direction to turn east. The second corridor is at best a gappy line of hedgerow with a few trees. Whilst there are likely to be some small breaks to accommodate new roads and paths, the development represents an opportunity to strengthen this green infrastructure.

On the opportunities page, our clients would question whether the blue arrows (which depict views) reflect the visibility between the site and surrounding land to the north east of the proposed allocation. It is evidence that the topography and the amount of landscaping along the eastern boundary means that in reality there is only limited visibility and indeed the development would actually be well screened on this side.

Our client welcomes the indicative layout which is generally consistent with the indicative masterplan submitted previously to the Council. It is important though to ensure that it is treated as indicative to ensure that the street layout and development cells can be considered in further detail, with the benefit of technical work, at the appropriate time through the preparation of a planning application.

### Regulation 18 Consultation Statement

Our client notes that only eight responses were submitted in respect to allocation of the site, with many of the other proposed allocations receiving significantly more responses. Indeed, our client considers that all of the points made by respondents and summarised within the statement are capable of being addressed through the planning application process in due course.

#### Summary

The Green Belt Study is very clear that the site meets the relevant criteria to justify its release from the Green Belt. Our client fully supports this conclusion.

Overall, our client strongly agrees with the assessment of the Council that the site does justify the exceptional circumstances necessary to make amendments to the Green Belt boundary. Due to its location within the Borough and proximity to Town End Farm and the A19, development at this site will have a lower level of impact on the South Tyneside Green Belt in comparison to other sites under consideration for deletion. Our client has also reviewed the relevant supporting evidence which identified that through mitigation provided through the Local Plan policies, the development would have a largely positive effect against the sustainability objectives. Consequently, our client fully supports the decision to include the Town End Farm site as an allocation (GA3).

### **Policy 1 – Promoting Healthy Communities**

#### ***Do you support Policy 1?***

No

#### ***Comments***

Our client supports the vision to encourage healthy communities through new development.

However, our client notes that the Sustainability Assessment Report at Chapter 12 confirms that the Local Plan has been designed to incorporate the principles of both Equality Impact Assessment and Health Impact Assessment (HIA). This suggests that the principles of HIA's are already baked into the plan and our client would question whether the requirements set down in part 7 of the policy are overly onerous. Indeed, a logical position to take would be one where only where there is a departure from the plan should the Council consider requiring a HIA.

In addition, our client considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for development proposals of 100 dwellings or more without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. As such, only if a significant adverse impact on health and wellbeing is identified should a HIA be required, with this required to identify measures to substantially mitigate the impact.

### **Policy SP15 – Climate Change**

#### ***Do you support Policy SP15?***

No

#### ***Comments***

Our client would reiterate their comments made previously at Regulation 18 stage in that the policy as written does not include sufficient flexibility, particularly as it was confirmed as recently as December 2023 by Written Ministerial Statement that further changes to energy efficient building regulations are

planned for 2025. The intention of this is to avoid having varied local standards, and instead ensure that nationally applied standards are set out that provide clarity across the board. On this basis, Policy SP15 could be amended as follows: *“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 **through compliance with the Future Homes Standard and the Building Regulations as the appropriate standards for development.**”*

## **Policy 5 – Reducing Energy Consumption and Carbon Emissions**

### ***Do you support Policy 5?***

Yes

### ***Comments***

Our client is generally supportive of Policy 5, with the caveat that it must remain sufficiently flexible to follow standards set out within the Building Regulations.

## **Policy 7 – Flood Risk and Water Management**

### ***Do you support Policy 7?***

No

### ***Comments***

Our client wishes to reiterate their concern previously expressed at Regulation 18 stage in so far as that part 5 of the policy refers to maximising the use of permeable surfaces and green infrastructure. Our client considers permeable surfaces to be of questionable effectiveness within new developments, particularly where this is required to be used on private drives. Indeed, there is no requirement or mechanism to ensure that private driveways remain in their constructed form for the lifetime of the development, meaning that they can be subject to alterations that may negate their effectiveness from a drainage perspective. As a further consideration, it would not be possible to guarantee that property owners would commit to undertaking regular maintenance regimes. On this basis, our client retains their previously stated position that providing SuDS features in areas of private ownership would not comply entirely with the requirements of the policy as written.

## **Policy SP16 – Housing Supply and Delivery**

### ***Do you support Policy SP16?***

Yes/No

### ***Comments***

In the first instance, our client welcomes the correction made by the Council to express the housing requirement in part 1 of the policy as a minimum figure to ensure compliance with the NPPF, as per our previous comments at Regulation 18 stage.

Notwithstanding this, our client queries the figure (444 units) attributed to windfall dwellings within the supply. Our client notes an inconsistency between the statement in the supporting text that there have been an average of 113 windfall dwellings each year (over the past five years), whereas the SHLAA accounts for a windfall rate of 37 dwellings per year from year 6. Indeed, it is questionable whether an allowance for windfalls should be included in the supply and this is a position supported by the Home Builders Federation (HBF). However, if the Council wishes to include windfalls within their supply, then our client suggests that this needs to be supported by compelling evidence justifying them as a reliable source of supply. At present, our client considers this evidence base to be lacking.

Furthermore, referring back to their comments on Policy SP4, our client considers that there is an identified imbalance in the scale of sites being brought forward as allocations within the main urban area. The number of small sites proposed for allocation brings with it an element of risk as set out previously by our client.

With this in mind, our client considers that the Council should seek to provide a degree of headroom between its minimum housing requirement and overall housing land supply. This will serve to provide a degree of protection should housing delivery slow.

As a final consideration, our client notes that the Council has not identified any safeguarded land within the plan. Taking into account the constraints to housing land supply identified in the plan, the lack of headroom between its minimum housing requirement and overall housing land supply and the recent struggles to meet its own 5 year housing land supply targets, our client considers this to be an unnecessarily risky option taking into account the NPPF requirement at paragraph 148c to identify areas of safeguarded land where necessary in order to meet longer term development needs stretching well beyond the plan period.

## **Policy 14 – Housing Density**

### ***Do you support Policy 14?***

No

#### ***Comments***

Our client wishes to reiterate its previous comments in respect of acknowledging the need to make effective use of land, while also seeking to provide higher development densities in the most appropriate locations. Both of these elements are compliant with the NPPF.

However, our client wishes to restate the importance of the Council providing an appropriate mix of house types and sizes. Indeed, where housing developments are furthest from the urban core, there will be a not unrealistic expectation from owners of larger family homes to expect access to private gardens and often additional bedrooms for home working. This may result in lower density developments being brought forward in these areas that is contrary to the density standards referenced in the supporting text to the policy. Accepting that these standards are not policy in themselves (otherwise they would be contained within the policy text itself), and factoring in the NPPF's renewed focus on design quality and the need to incorporate features such as green spaces and tree lined streets (all of which will reduce down the developable areas on sites), our client would point out that these guidelines should not be slavishly adhered to in the determination of planning applications going forward.

## **Policy 18 – Affordable Housing**

### ***Do you support Policy 18?***

No

#### ***Comments***

Our client notes that the policy now includes an increased number of bands of affordable housing provision relative to the areas in which proposals are coming forward. To this end, the previous 10%, 20% and 30% bandings are now supplemented by 15% and 25% bandings.

The Affordable Housing Areas are broad in nature and disguise a number of local variances in house prices. For example, our clients' site at Town End Farm is identified within the West Boldon and Boldon Colliery area, which is subject to an affordable housing requirement of 20%. However, the average house prices in Town End Farm, which is the settlement which this site adjoins, are low compared to

the other areas in the same Affordable Housing Area. Without taking those into account, there will be a real danger of viability threatening delivery. It is recognised that there is an allowance in Policy 18 for viability evidence to be put to the Council, however this is something that all parties would like to avoid by making sure the level of affordable housing requirement is appropriate for the area.

Furthermore, our client notes that, while the Regulation 18 plan identified the need for an additional 209 affordable homes each year, this is now increased to 361 affordable units per year based on the 2023 SHLAA. Significantly, this takes the affordable housing requirement per annum above the stated housing requirement of 309 dpa. This suggests that, in line with the PPG (Ref ID: 2a-024-20190220), the Council should give serious consideration to taking this affordable housing requirement into consideration as part of their housing requirement.

In addition to this, our client considers that further consideration needs to be given to the relationship between affordable housing policies and viability and deliverability. In this context, our client notes that viability has worsened in the borough between 2021 and 2023, with the Viability Assessment recommending the proportions set out in the Plan, albeit that these are not entirely consistent with the tests set out within the assessment. On that basis, our client questions whether the approach adopted is the most appropriate one and considers that a more effective way to address affordable housing need would be through increasing the housing requirement.

We note that the evidence base includes a Discounted Market Sales Policy Statement. This appears to introduce a requirement for relatively high discounts in the identified high value areas. Our client's site at Town End Farm is not located in a high value area and accordingly we do not offer any comments, however we reserve the right to respond further on this matter as more evidence emerges.

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

### ***Do you support Policy 20?***

No

### ***Comments***

Our client welcomes the reduction from 12% at Regulation 18 Stage to 5% (expressed as a minimum figure) in the current plan with regard to the proportion of new build housing designed to be wheelchair accessible.

While our client acknowledges the importance of providing a range and choice of homes to meet the needs of older and disabled people, it is vital that, if the Council wishes to adopt the higher optional standards for accessible, adaptable and wheelchair homes, then they should only do so by applying the criteria set out in the PPG (Ref ID: 56-007-20150327). This identifies the type of evidence required to introduce a policy requiring the M4 standards, including the likely future need; the size, location, type and quality of dwellings needed; the accessibility and adaptability of the existing stock; how the needs vary across different housing tenures; and the overall viability.

It is therefore incumbent on the Council to provide a local assessment evidencing the specific case for South Tyneside which justifies the inclusion of optional higher standards for accessible and adaptable homes in its Local Plan policy. If the Council can provide the appropriate evidence and this policy is to be included, then our client considers that it would be sensible to incorporate an appropriate transition period within the policy.

## **Policy SP21 – Natural Environment**

### ***Do you support Policy SP21?***

Yes

#### ***Comments***

Our client welcomes the removal of the word ‘measurable’ from the policy relating to net gains, as per our comments made at Regulation 18 stage.

## **Policy 33 – Biodiversity, Geodiversity and Ecological Networks**

### ***Do you support Policy 33?***

Yes

#### ***Comments***

Our client welcomes the removal of the word ‘measurable’ from the policy relating to net gains, as per our comments made at Regulation 18 stage.

## **Policy 36 – Protecting Trees, Woodlands and Hedgerows**

### ***Do you support Policy 36?***

No

#### ***Comments***

Our client reiterates its previous position in respect of acknowledging the contribution that trees make to their wider environment.

Notwithstanding this, our client retains their objection to the wording of Policy 36, particularly in regard to part 1 of the policy where it states that – *“Trees, woodland and hedges shall be protected and suitably retained as an integral part of the design of the development”*. As written, this element of the policy effectively affords blanket protection to all trees, woodlands and hedges irrespective of their value, age or condition. This is entirely inconsistent with the NPPF which at paragraph 186c only seeks the explicit protection of “irreplaceable habitats” such as ancient woodland or ancient and veteran trees. This part of the policy therefore introduces a much higher bar than is necessary and has the potential to significantly constrain sites that might require an element of tree removal and/or replacement to reach their full potential in terms of delivery. Our client would respectfully request that the wording of this policy is amended to reflect national planning policy.

## **Policy 37 – Protecting and enhancing Open Spaces**

### ***Do you support Policy 37?***

No

#### ***Comments***

Our client notes that the trigger for contributing towards new open space provision has been raised from 10 to 20 units.

Notwithstanding this, our client considers it vital that the policy adopt a flexible approach towards provision that reflects local needs. This is to ensure that contributions are indeed necessary and also to ensure that the approach taken towards provision is appropriate.

## **Policy SP23 – Sports Provision and Playing Pitches**

### ***Do you support Policy SP23?***

No

### ***Comments***

Our client notes that Part 1 of this policy seeks the protection of outdoor sports pitches and playing fields as per Policy 37. However, there is a fundamental disconnect between this aim and some of the housing allocations being proposed within the plan. Indeed, earlier within this response we have identified two sites at Policies SP5 and SP6 where development is being proposed that will result in the loss of playing pitches, with no apparent strategy in place to address this potential loss. This raised further question marks as to both the delivery of these sites and the robustness of Policy 37.

## **Policy 40 – Agricultural Land**

### ***Do you support Policy 40?***

Yes

### ***Comments***

Our client welcomes the removal of the word ‘only’ from the policy relating to the potential development of best and most versatile agricultural land, as per our comments made at Regulation 18 stage.

## **Policy SP24 – Heritage Assets**

### ***Do you support Policy SP24?***

Yes

### ***Comments***

Our client welcomes the amendments to the wording of the policy to provide greater flexibility, as per our comments made at Regulation 18 stage.

## **Policy 43 – Development Affecting Designated Heritage Assets**

### ***Do you support Policy 43?***

No

### ***Comments***

As per our previous representations made at Regulation 18 stage, our client reiterates their concerns with point 3 of the policy where it states that alterations to designated heritage assets ‘will only be permitted’ if (i) significance is preserved or enhanced, (ii) historically significant landscaping is protected, (iii) historic plot boundaries are retained and (iv) a sensitive and viable use is found for the affected designated heritage assets. However, points 5, 6 and 7 of the same policy set out conditions where harm to a designated heritage asset would be permissible (i.e. public benefits). For clarity, our client requests that the wording of point 3 be changed to make it ‘should’ instead of ‘will only be permitted’ as in reality there are circumstances where significance will be harmed but will be permitted because it is outweighed by public benefits. This is consistent with the NPPF.

Point 4 (ii) states that any development affecting the setting of a designated heritage asset will only be permitted if the development ‘protects its immediate setting’. However, our client believes this should be changed to make clear that development should protect those features of a designated heritage



asset's immediate setting that contribute to its significance, including the space(s) around the building and the historically significant hard and soft landscaping, including trees, hedges, walls, fences, and surfacing. This is because, as set out in Historic England guidance on Setting, the immediate setting of a heritage asset will not necessarily always contribute to its significance and so it could accommodate new development in close proximity. Protecting its setting irrespective of whether it actually contributes to its significance would be unnecessary.

### **Policy 45 – Development Affecting Non-Designated Heritage Assets**

#### ***Do you support Policy 45?***

Yes

#### ***Comments***

Our client welcomes the amendments to the wording of the policy at point 1 from 'must' to 'should' in order to provide consistency with national guidance, as per our comments made at Regulation 18 stage.

### **Policy 47 – Design Principles**

#### ***Do you support Policy 47?***

No

#### ***Comments***

With regard to part 1 (Context and Identity) of the policy, our client welcomes the removal of point iv of this policy as expressed in our comments at Regulation 18 stage. Notwithstanding this, we would point out that, in removing point iv of part 1, the following numbering has not been amended meaning that the numbers jump from iii to v. Our client respectfully requests that the current number v is amended for the purposes of accuracy and clarity.

### **Policy SP25 – Infrastructure**

#### ***Do you support Policy SP25?***

No

#### ***Comments***

As per our previous representations made at Regulation 18 stage, our client reiterates their concerns regarding part 2 of Policy SP25 where it refers to 'ensuring that the infrastructure required to support new development is delivered as an integral part of the development at the appropriate stage and, where appropriate, improves any deficiencies in existing provision'. Our client is of the view that it would be unreasonable for a development to have to rectify/improve existing deficiencies in provision in an area. Such an approach would conflict with the tests for planning obligations as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the NPPF. To ensure the plan is sound and consistent with national legislation and policy, it is again requested that this text is deleted from the policy.

## **Policy SP26 – Delivering Sustainable Development**

### ***Do you support Policy SP26?***

No

### ***Comments***

As per our previous representations made at Regulation 18 stage, our client reiterates their concerns regarding part 4 (iii) of the policy where it requires all new homes and commercial development to be located no more than 400m from a bus stop.

As expressed in our previous representations, it is not clear what the source is of for the 400m distance to bus stop requirement.

In respect of setting any strict requirement for walking distance to a bus stop CIHT publication ‘Guidelines for Planning for Public Transport in Developments’ (1999) emphasises that suggested walking distances are “*guidelines, not standards; These Guidelines attempt to set out best practice. It is recognised that it will not always be possible to meet these criteria and that compromise must sometimes be made...It is the task of the professional planner, designer and engineer to decide if a lower standard is acceptable in given circumstances or if another approach would be more beneficial.*”

The guidance also sets out that “*it is more important to provide frequent bus services that are easy for passengers to understand than to reduce walking distances to bus stops by a few metres*”. Established technical papers regarding highways design and public transport often note 400m as an ideal distance to walk, however more up-to-date research including data from the National Travel Survey demonstrates that, outside London, the average distance people walk to a bus stop is around 600m, and the 85th percentile walking distance is over 800m.

As such, our client requests that amendments to the policy wording are made to remove reference to 400m as stated below. Our client recommends that that the policy and/or supporting text is amended to confirm that a range of factors will be taken into account when determining whether new developments are accessible. With regard to an appropriate distance to a bus- stop this should include:

- Up-to-date evidence of how far people are willing to walk to a bus-stop;
- The delivery of efficient bus services (including through consultation with the relevant bus operator);
- The form of the settlement and the ability to deliver the necessary number of new homes within 400m of an efficient bus service;
- The viability implications of re-routing of bus services on developments;
- The ability of Travel Plan measures secured through new developments to provide financial support to existing and the provision of new bus services;
- The availability of other services within a settlement; and
- The quality of the walking route.

Taking the above into consideration, our client request the removal of the reference to the 400m requirement as currently written within the policy.

## **Policy 58 – Implementation and Monitoring**

### ***Do you support Policy 58?***

No

#### ***Comments***

Our client supports the principle of the need to monitor and review the plan against various performance indicators. However, while Appendix 3 is referenced in the policy text as identifying the performance indicators, it is notable that Appendix 3 includes the option to review the Plan and that this has not been carried through into the various options set out in points 1 to 7 of Policy 58. Indeed, some of the options set out appear relatively toothless in comparison to the option to review the Local Plan, which our client considers to be added into Policy 58 as an option against which performance is to be measured.

## **Policy 59 – Delivering Infrastructure**

### ***Do you support Policy 59?***

No

#### ***Comments***

Our client considers that, as presently worded, the policy fails to concisely reflect the three relevant tests of planning obligations that are set out clearly within the NPPF at paragraph 57. It is considered that the policy wording could be significantly sharpened through direct referencing to this section of the NPPF.

## **Policy 60 – Developer Contributions, Infrastructure Funding and Viability**

### ***Do you support Policy 60?***

Yes

#### ***Comments***

Our client reiterates their support for this policy on the basis that it adopts a balanced approach to planning obligations and incorporates an allowance for the viability of schemes to be taken into account.

## Response ID BHLF-RUCU-JV2J-U

Submitted to Sustainability Appraisal 2024  
Submitted on 2024-04-23 15:21:46

### Have your say

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

Section of the SA:

Health Impact Assessments and appendix F

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

Comments:

Our client supports the vision to encourage healthy communities through new development.

However, our client notes

that the Sustainability Assessment Report at Chapter 12 confirms that the Local Plan has been designed to incorporate the principles of both Equality Impact Assessment and Health Impact Assessment (HIA). This suggests that the principles of HIA's are already baked into the plan and our client would question whether the requirements set down in part 7 of the policy are overly onerous. Indeed, a logical position to take would be one where only where there is a departure from the plan should the Council consider requiring a HIA.

In addition,

our client considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for development proposals of 100 dwellings or more without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. As such, only if a significant adverse impact on health and wellbeing is identified should a HIA be required, with this required to identify measures to substantially mitigate the impact.

Sustainability Assessment Report (2024) (Regarding site GA3)

Our client agrees entirely with the Council's position as set out within Appendix F to the report where it states that – "The site has been allocated as it is considered to be a suitable site in a sustainable location".

3 What is your name?

Name:

Lichfields on behalf of Hellens Land Ltd and the Trustees of the T.J.Jacobson Will Trust

4 What is your email address?

Email:

[REDACTED]

5 Who are you responding as?

Other organisation (please specify)

Organisation:

consultant

6 What is your postal address?

Address:

[REDACTED]

Local Plan Representations - [LICH-DMS.FID399817]

[REDACTED]  
Fri 3/1/2024 10:26 AM

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

📎 1 attachments (761 KB)

South Tyneside Publication Draft Local Plan - Response on behalf of Cleadon Property Investments February 2024.pdf;

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Good Morning,

Please find attached representations submitted on behalf of Cleadon Property Investments to the Publication Draft of the Local Plan. I would be grateful if the successful receipt of these representations could be acknowledged in due course.

Regards,

Rob

**Rob Murphy**  
**Associate Director**  
BA (Hons) DipTP MRTPI  
Lichfields, [REDACTED]

[Lichfields.uk](http://Lichfields.uk) 



**Building, growing,  
daring enough?**  
A revised NPPF and  
long-term plan for  
housing update

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## **Land South-East of Sunnyside Lane, Cleadon – South Tyneside Publication draft Local Plan responses, February 2024**

We respond on behalf of our client, Cleadon Property Investments, in relation to their interest on land South-east of Sunnyside Lane, Cleadon (SHLAA ref: SBC063 and Green Belt ref: BC51a). The site, which extends to circa 4 hectares, is not allocated through Policy SP7 (Urban and Village Sustainable Growth Areas) for residential development, but we consider it to be suitable for around 50 dwellings.

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

#### ***Do you support Policy SP2?***

Yes/No

#### ***Comments***

Our client is broadly supportive of the thrust of Policy SP2, albeit that we consider that some changes are needed to the policy wording to ensure consistency with national planning policy as set down within the National Planning Policy Framework (NPPF, 2023).

Our client notes that the housing requirement figure has reduced from 5,778 (equating to 321 dwellings per annum) dwellings at Regulation 18 stage to 5,253 (309 dwellings per annum) within this current consultation document. It is also noted that the Plan period has been amended (from 2021 to 2039 to 2023 to 2040), thus reducing the length of the plan from 18 to 17 years and therefore meaning a further reduction in the overall number of houses required through the effective loss of 1 years' worth of housing.

As a starting point, the Council consider that, in order to determine the minimum number of homes required, a Local Housing Needs Assessment (LHNA) has been undertaken using the Standard Method (SM). This process has led them to the proposed 309 dpa figure.

At paragraph 22 the NPPF requires that, in order to determine the minimum number of homes needed, strategic policies should be informed by a LHNA that has been conducted using the SM (as set out in the PPG). Utilising the SM, a minimum local housing need figure of 305 dpa is identified (our emphasis). This figure is slightly lower than the 309 dpa due to the use of the 2014 data for the 2022-23 period in the Strategic Housing Market Assessment (SHMA).

However, 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.

Taking the above into context, our client notes that the SHMA makes reference to the North East Local Enterprise Partnership's (NELEP) Strategic Economic Plan which identifies that it is targeting 25,000 new jobs for South Tyneside by 2031. Furthermore, the Council's own plan seeks to drive the economy and generate more jobs. A key pillar of this strategy is the International Advanced Manufacturing Park (IAMP) which the plan notes at paragraph 2.41 is *"identified in the LEA as providing a major opportunity to increase the number of high-quality jobs in South Tyneside and this is already happening: investment was announced in 2021 by Envision AESC for a Gigafactory to provide*

batteries for electric vehicles”. To put this into further context, paragraph 9.10 of the plan states that “there are 30,000 jobs regionally in the advanced automotive sector and there is the potential to increase this significantly” (our emphasis).

On the basis of the above, our client considers that the plan fails to consider the balance between the Council’s employment needs and aspirations and the housing requirement. As such, our client consider that further evidence is required to ensure Policy SP2 is sufficiently robust and has fully explored the need for an uplift over and above the number identified through the SM.

**Policy SP3 – Spatial Strategy for sustainable development**

***Do you support Policy SP3?***

Yes/No

***Comments***

Our client welcomes the recognition in point 2 of the need to secure the sustainability and viability of certain key villages, including Cleadon, by supporting appropriate growth opportunities. In addition, our client supports point 4 of the policy text where it identifies that, in order to meet the identified needs and facilitate sustainable growth, amendments to the Green Belt boundary are necessary in order that appropriate development sites can be released.

As regards the broader issue of the need to release land from the Green Belt to meet identified needs, our client reiterates their previous support for this approach that was set out in their response to the Regulation 18 consultation on the Plan. Indeed, it is significant to note that, in the intervening period, the 2022 Housing Delivery Test (HDT) results have been published. The below table summarises housing delivery over the last three years in South Tyneside.

<b>Years</b>	<b>Housing Requirement</b>	<b>Housing Delivered</b>	<b>Balance for Year</b>
2019-20	320	236	-84
2020-21	227	182	-45
2021-22	321	207	-114
<b>Totals</b>	<b>868</b>	<b>625</b>	<b>-243</b>

Source: Housing Delivery Test 2022 Results (published December 2023)

Based on the above, the pervading trend of under delivery is one that continues. This provides further justification for the need to release land from the Green Belt to meet needs and our client remains supportive of this approach albeit that, in line with their earlier comments, it is considered that further land release is required as the housing need figure identified is deficient.

## Policy SP4 – Housing Allocations in the Main Urban Area

### Do you support Policy SP4?

No

### Comments?

As an initial point of clarification, our client wishes to point out that paragraph 5.3 of the supporting text states that “*the Plan allocates 28 sites for housing development (Policy SP4, SP5 and SP6) ...*”. It should, however, be noted that Policy SP4 details 25 sites, while Policies SP5 and SP6 each deal with individual sites. This therefore totals 27 sites (as reflected in Table 1 – Housing Allocations in the Plan) and the supporting text should be amended to reflect this.

Policy SP4 sets out 25 allocations which, when taken together, have an indicative capacity of 849 dwellings. Having reviewed these, there is a clear dominance of smaller sites within this category and the below table summarises this.

Site Capacity (Indicative)	Number of Allocated Sites
0-30 units	16
31-70 units	7
71-100 units	0
101-150 units	1
150+ units	1

While the NPPF requires a variety of sites to be delivered in terms of size and scale, the above table effectively highlights the way that the housing allocations in the main urban area are skewed in favour of sites of less than 30 units in particular. This in itself raises a number of concerns as smaller sites can often be as challenging, if not more so, to bring forward than larger sites with previously developed land within urban areas often requiring significant remediation prior to development. Such remediation can often impact upon viability, leading to other unintended consequences such as reductions in the amount of affordable housing that can be provided.

In addition, when issues emerge on smaller sites it can often result in schemes being redesigned to accommodate these, meaning that small schemes shrink even further in respect of their potential yields. A good example of this is provided by the new Biodiversity Net Gain regulations which, in order for sites to achieve the 10% benchmark requirement, may require additional areas of sites to be given over to this purpose or for financial contributions to be made to mitigate this requirement off site (thus impacting further on viability). As such, our client considers the apparent over reliance on smaller sites to be a strategy that may inadvertently bake in under delivery in respect of the housing allocations in the main urban area.



## Policy SP7 – Urban and Village Sustainable Growth Areas

### Do you support Policy SP7?

No

### Comments?

As detailed in our clients response to Policy SP3 (Spatial Strategy for sustainable development), our client agrees with the Council’s strategy of facilitating sustainable growth through the amendment of Green Belt boundaries. However, our client wholly disagrees with the decision not to include its land interest as one of the proposed housing allocations, as informed by the South Tyneside Green Belt Study (November 2023).

The Council has already prepared a Green Belt Review that has been reviewed and commented upon by our client previously.

We therefore structure our response in sequence, starting with our comments on the South Tyneside Green Belt Study.

### South Tyneside Green Belt Study (2023)

Chapter 4 of this study considers the harm to the Green Belt for various parcels of land within the settlements. The below extract from this report shows that the site (ref: SBC063) is considered to result in a high level of harm to three of the purposes of the Green Belt, concluding in the site being allocated an overall high harm rating (note – very high is the highest harm rating that can be allocated).

Cleadow	CL2	SBC091	Moderate	Moderate	Low/No	Moderate
	CL3	SBC052	High	High	Moderate	High
	CL3	SBC054	High	High	Moderate	High
	CL3	SBC055	High	High	Moderate	High
	CL3	SBC056	High	High	Moderate	High
	CL3	SBC057	High	High	Moderate	High
	CL3	SBC058	High	High	Moderate	High
	CL3	SBC059	High	High	Moderate	High
	CL3	SBC060	High	High	Moderate	High
	CL3	SBC061	High	High	Moderate	High
	CL4	SBC062	High	High	High	High
	CL4	<b>SBC063</b>	High	High	High	High
	CL4	SBC064	High	High	High	High
	CL4	SBC066	Moderate	Moderate	Moderate	Moderate
CL4	SBC067	High	High	High	High	

### SHLAA (2023)

In terms of the other assessments of the site, the Council’s latest SHLAA states as follows:

Assessment Information		
<b>Suitability:</b>	Not suitable	The site is not considered suitable due to impacts on the openness on the Green Belt and the setting of listed buildings
<b>Availability:</b>	Available	The site was submitted to the Council through the SHLAA Call for Sites process. There are no known constraints to site availability at this time.
<b>Achievability:</b>	Not achievable	The site is in a high value area however due to significant mitigation that would be required the site is not considered to be achievable
<b>Deliverability:</b>	Not deliverable	The site is not suitable or achievable

Sustainability Assessment Report (2024)

Chapter 5 of this study considers the harm to the Green Belt for the various Boldon and Cleadon site options. The below extract from this report shows that the site (ref: SBCo63) is only afforded one red score (with regard to efficient land use), with the rest of the scoring showing green or amber impacts.

Sustainability Objectives																	
Site	SO1: Climate Change	SO2: Biodiversity	SO3a: Contaminated Land	SO3b: Landscapes	SO3c: Source Protection Zones	SO3d: Mineral Resources	SO3e: Air Quality	SO4: Efficient Land Use	SO5: Green Infrastructure	SO6: Cultural Heritage	SO7: Sustainable Transport	SO8: Town Centres	SO9: Economic Growth	SO10: Employment	SO11: Equality	SO12: Housing	SO13: Health
SBC063	-	-	0	-	0	+	+/-	-	-	-	+	++	0	0		++	-
SBC064	-	-	0	+/-	0	+	+/-	-	-	-	+	++	0	0		++	-

Summary

Our client has previously set out our assessment of the site against the 5 purposes of the Green Belt and this is set out below.

1. To check the unrestricted sprawl of large built-up areas: The parcel adjoins built development to the west (along Sunnyside Lane) and is bound by a strong tree belt to the south. The developed area is a proportionate extension to Cleadon and it would extend no further than the current edge of settlement to the north and east. Any development proposal would incorporate structural landscaping and habitat creation to ensure a soft edge to the development and the creation of a new robust Green Belt boundary. Therefore, we suggest this is a moderate impact which can be mitigated.
2. To prevent neighbouring towns merging into one another: Development of the site would not protrude the existing edge of settlement any further north to the north and therefore would not reduce the distance between Cleadon and South Shields. This is also the case to the east where the closest point between development in Cleadon and in Whitburn is c. 1.25km. Development of the site would be, at its closest distance, c. 1.45km. Therefore, development does not represent merging of settlements.
3. To assist in safeguarding the countryside from encroachment: Development in this location represents a logical extension to an existing settlement along the eastern edge of Cleadon. The extension would be controlled through appropriate masterplanning and a sensitive design. The site benefits from existing landscape features which could be strengthened to provide a new, robust Green Belt boundary. Therefore, we suggest this is a moderate impact which can be mitigated.
4. To preserve the setting and special character of historic towns: The boundary to the Cleadon Lane Conservation area is located to the south of the site and Grade II listed Cleadon Mill and surrounding wall is around 400m to the north of the site. With regards to the Conservation Area, to the south of the site, this includes a landscaped area to the east of the settlement. With an appropriate design response, there is an opportunity to incorporate a landscape strategy to ensure any visual impact is minimised. Similarly, the design, approach to landscape and retention of key views will not result in any harm to the setting of Cleadon Mill. Therefore, we again suggest this is a moderate impact which can be mitigated.
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land: Whilst the redevelopment of derelict urban land should be encouraged, the Green Belt Review had established that the release of Green Belt land is needed to meet the housing need. The development of this site will not prejudice the delivery of other brownfield opportunities across the Borough.

Our clients view remains that the Council has incorrectly assessed this site and that, as a result, the harms identified in the various assessments are incorrect and have been exaggerated. As an example of this inconsistency, the South Tyneside Green Belt study scored certain impacts of the site as being moderate (where the Council had previously identified adverse impacts), while the Sustainability Appraisal Report identified only one red impact which does not in any way correlate with the Council's overall assessment of the site. Our client would therefore respectfully request that the Council reappraise the site with a view to acknowledging the role that it can play in assisting the growth of Cleadon as a village.

## **Policy SP16 – Housing Supply and Delivery**

### ***Do you support Policy SP16?***

No

### ***Comments***

Our client in the first instance queries the figure (444 units) attributed to windfall dwellings within the supply. Our client notes an inconsistency between the statement in the supporting text that there have been an average of 113 windfall dwellings each year (over the past five years), whereas the SHLAA accounts for a windfall rate of 37 dwellings per year from year 6. Indeed, it is questionable whether an allowance for windfalls should be included in the supply and this is a position supported by the Home Builders Federation (HBF). However, if the Council wishes to include windfalls within their supply, then our client suggests that this needs to be supported by compelling evidence justifying them as a reliable source of supply. At present, our client considers this evidence base to be lacking.

Furthermore, referring back to their comments on Policy SP4, our client considers that there is an identified imbalance in the scale of sites being brought forward as allocations within the main urban area. The number of particularly small sites (i.e. up to 30 units) proposed for allocation brings with it an element of risk as set out previously by our client.

With this in mind, our client considers that the Council should seek to provide a degree of headroom between its minimum housing requirement and overall housing land supply. This will serve to provide a degree of protection should housing delivery slow. This headroom could be provided by sites such as that within our clients land ownership at Cleadon.

As a final consideration, our client notes that the Council has not identified any safeguarded land within the plan. Taking into account the constraints to housing land supply identified in the plan, the lack of headroom between its minimum housing requirement and overall housing land supply and the recent struggles to meet its own 5 year housing land supply targets, our client considers this to be an unnecessarily risky option taking into account the NPPF requirement at paragraph 148c to identify areas of safeguarded land where necessary in order to meet longer term development needs stretching well beyond the plan period.

South Tyneside Reg 19 Reps - Adderstone Living

[REDACTED]  
Fri 3/1/2024 4:51 PM

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

C [REDACTED]

📎 1 attachments (845 KB)

South Tyneside Reg 19 Reps - Adderstone Living Ltd.pdf;

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Dear Sir / Madam,

Please find attached representations on behalf of Adderstone Living Ltd.

I look forward to acknowledgement of receipt.

Kind regards,

Joe

**Joe Ridgeon MRTPI**

Director | Hedley Planning Services Ltd

[REDACTED]  
[www.hedleyplanning.co.uk](http://www.hedleyplanning.co.uk)

[Brochure](#)



**Offices: Hexham and NEW Newcastle Office**

Floor 3, Maybrook House, Grainger Street, Newcastle upon Tyne, NE1 5JE

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# Representations to South Tyneside Local Plan (Publication Draft – Regulation 19)

On behalf Adderstone Living Ltd

March 2024



# Document Review Schedule

<b>Client:</b>	Adderstone Living Ltd
<b>Report Title:</b>	Representations to South Tyneside Local Plan (Publication Draft – Regulation 19)
<b>Version (Draft/Final):</b>	FINAL

	Reviewee Name	Position	Date
<b>Author:</b>	[REDACTED]	Director	February 2024
<b>Reviewed:</b>	[REDACTED]	Managing Director	February 2024
<b>Updated</b>			
<b>Approved/Issued to Client:</b>	[REDACTED]	Director	March 2024
<b>Issued to LPA:</b>	[REDACTED]	Director	March 2024

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# Contents

- 1.0 Introduction
- 2.0 Site Promotion
- 3.0 Comments on the Local Plan
- 4.0 Summary and Conclusion



## 1.0 Introduction

- 1.1 These representations have been prepared by Hedley Planning Services on behalf of our Client, Adderstone Living Ltd, in relation to the Regulation 19 draft of South Tyneside’s Local Plan. Once adopted, it is intended that the Local Plan will replace the current suite of Local Development Framework documents and become the development plan for the Borough. It will therefore act as the starting point for making decisions for future planning applications in South Tyneside.
- 1.2 Working with key social housing providers, Adderstone Living aims to deliver hundreds of homes and contribute to new neighbourhoods across the North East, including the Shaftesbury Avenue development, which is being delivered by Adderstone Living in partnership with Places for People. The scheme will deliver 69 affordable homes and will provide a range of two, three and four-bedroom homes, plus associated parking, available for local people through affordable rent. Adderstone Living’s unique, ‘land led’ solutions involve the sourcing of suitable land, scheme design and securing of planning permissions before delivering quality homes, working collaboratively with local authority or housing association clients.
- 1.3 In addition to providing general comments on the draft of the Local Plan, we also consider our Client’s land interests in the Borough.
- 1.4 This consultation seeks comments from the general public, landowners and key stakeholders. As a major affordable housebuilder in the Borough, our Client is keen to ensure that the Local Plan is prepared in a robust, comprehensive and sound way which complies with the policies of the National Planning Policy Framework (NPPF, 2023) and the content of the accompanying Planning Practice Guidance (PPG).
- 1.5 We note that whilst the NPPF was updated on 19 December 2023, the transition guidance set out in the new NPPF states that the policies in the December 2023 NPPF will apply for the purpose of examining plans where those plans reach regulation 19 stage after 19 March 2024. Accordingly, the references to the NPPF within these representations refer to the September 2023 NPPF.
- 1.6 The NPPF in paragraph 35 highlights that local planning authorities should submit a plan for examination which it considers is “sound”; namely that it is:
  - 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, taking into account 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.

1.7 Each section of the Draft Plan will be considered in turn and all paragraph numbers referred to relate to paragraphs of the Plan, unless otherwise stated.

## 2.0 Site promotion

2.1 As part of Adderstone Living Ltd's growth plans, they are looking to deliver affordable housing on other sites in South Tyneside, which include the following sites, which are considered to be suitable for affordable housing:

- a. Simonside View, NE32 5TS



Size: 3.2 ha

Existing Use: Amenity grassland

SHLAA: Northern portion of the site SJA021 was considered as not deliverable due to former landfill. The southern portion of the site has not been considered.

Summary: Open space in wider district site green infrastructure. Flat site with clearly defined boundaries. The site is considered by the Council to be in a suitable, residential location with good access to services.

b. Calf Close Walk, NE32 4HA



Size: 0.6 ha

Existing Use: Amenity grassland

SHLAA: SFG048, estimated capacity 33 dwellings.

Summary: Flat site with natural boundaries to North and West. SHLAA considers that the site is not suitable due to open space and traffic impacts. However, it is considered that these issues can be suitably mitigated.

c. Owen Drive, NE36 0HP



Size: 0.6 ha

Existing Use: Amenity grassland

SHLAA: N/A

Summary: Flat site with natural boundaries such as the river to the north, existing development opposite and to the west. Part of larger Neighbourhood Site, with ample green space surrounding.

d. Former Harton Infants School, NE34 6PA



Size: 0.7 ha

Existing Use: Open space

SHLAA: SOS050

Summary: The site is in a suitable, residential location with good access to services. The Council have considered that the site is not deliverable due to access constraints. However, it is considered that access can be achieved from Bradley Avenue.

e. Black Road, NE31 1HF



Size: 1.37 ha

Existing Use: Amenity grassland / open space and former day centre

SHLAA: SHB046, capacity 29 dwellings

Summary: Site suitability, availability and achievability established through grant of planning permission on the front part of the site for 11 dwellings (Former James Walsh Day Centre, Ref. ST/0971/21/FUL). The wider site can deliver an increased yield.

f. Prince Consort Road, NE31 1DL



Size: 1.6 ha

Existing Use: Amenity grassland / open space

SHLAA: SHB045, capacity 46 dwellings

Summary: The site is in a suitable, residential location with good access to services. The site is Council owned, but stated that it is not earmarked for development in the next 5 years. However, we consider that the site can come forward immediately.

2.2 The key recommendation of our representations is that the six sites should be allocated for residential development as they are deliverable sites within the Plan period.



## 3.0 Comments on the Local Plan

- 3.1 In general terms, our Client supports the preparation of the Local Plan for South Tyneside as it believes that if prepared in a sound and robust manner, an up-to-date development plan for the Borough will provide certainty for development going forward and will help promote sustainable growth. However, as currently prepared, our Client does not consider that the Local Plan is a sound document and that key changes are required to the overall strategy and policies to deliver the affordable housing required to meet the identified need.

### Vision and Objectives

- 3.2 Our Client supports Strategic Objective 5 which looks for the Council to increase the supply and choice of new high-quality homes, including affordable housing, throughout South Tyneside. New homes will meet the needs of existing residents and those wishing to move to the area and include different housing types and tenures, including affordable housing. We also note that higher densities will be supported in areas served well by public transport.
- 3.3 However, there is also a link between housing and Strategic Objectives 6 and 7. To deliver economic growth, and to address an ageing population, there is a need sufficient housing growth. This needs to be acknowledged in the Strategic Objectives so that they are then properly addressed within the Local Plan's policies.

### Policy SP1: Presumption in favour of Sustainable Development

- 3.4 This policy sets out the Council's approach to the presumption in favour of development. The NPPF itself advises local planning authorities to avoid unnecessary duplication of its policies (paragraph 16f). We therefore object to Policy SP1 and consider it unsound for being *inconsistent with national policy*. We recommend that this text be included as part of the introductory text rather than as a policy.

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

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

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

- 3.7 Our Client considers that such an exercise has not been robustly undertaken to establish if an uplift is appropriate. As such we object to this policy and consider it unsound for *not being positively prepared, being unjustified and being inconsistent with national policy*.
- 3.8 The SHMA has highlighted the North East Local Enterprise Partnership's (NELEP) Strategic Economic Plan, which it states looks for 25,000 new jobs for South Tyneside by 2031. However, no evidence is provided to demonstrate the balance between the employment needs and aspirations and the housing requirement. Therefore, it is not apparent that the policy is in line with the NPPF, which states that planning policies should seek to address potential barriers to investment, such as housing. Furthermore, the SHMA makes no reference to the fact that from May 2024, the NELEP will be subsumed into the wider North East Mayoral Combined Authority (NEMCA). This will unlock additional investment in the region (up to £4.2bn) of which over a quarter is to fund economic growth. This additional growth needs to be taken into account and would indicate an uplift to the Standard Method figure would be appropriate so that this growth can be undertaken in a sustainable manner.
- 3.9 In relation to affordable housing, the SHMA (2023) has identified an annual shortfall of 361 affordable units, including social / affordable units or intermediate tenure. It is noted that the PPG states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes (PPG ID: 2a-024-20190220). Therefore, our Client considers that the Council should also be taking this affordable housing requirement into consideration as part of their housing requirement.
- 3.10 The SHMA identifies *"an overall gross affordable need of 1,806 and after taking into account affordable lettings and newbuild the net shortfall is 361 each year. This compares the with a gross need of 1,572 and a net of 209 in the 2021 SHMA. This means there is a considerable need for affordable housing which reflects an increase in homelessness, interest rates rises affecting households and the overall cost of living crisis"* (paragraph 4.29 of the SHMA 2023). We consider that this shows that housing affordability is getting worse and more urgent.

- 3.11 The SHMA considers that the Council is taking positive steps towards increasing the affordable housing offer in the borough, such as delivering affordable homes through South Tyneside Homes, and therefore an uplift is not required. However, no evidence has been provided on the number of affordable homes that can be delivered by South Tyneside Homes. From a review of publicly available information, less than ten dwellings have been delivered by South Tyneside Homes in the last 12 months, indicating that this will be in no way sufficient to address the significant shortfall of 361 affordable dwellings per year. As such we object to this policy and consider it unsound for *not being positively prepared, being unjustified and being inconsistent with national policy*.

### **Policy SP16: Housing Supply and Delivery**

- 3.12 This policy states that the Council will work with partners and landowners to deliver South Tyneside's overall housing requirement of 5,253 net additional dwellings (309 per year) and maintain a rolling five-year land supply. It suggests that this will be done by allocating sites, making provision for homes in the East Boldon and Whitburn Village Neighbourhood Forum Areas, windfall development, small sites, conversion and change of use.
- 3.13 Table 2 which accompanies the policy details that this will be done through existing commitments, completions (since the beginning of the plan period), windfall sites and allocations. Whilst local planning authorities can make an allowance for windfall in their forecasted supply, the NPPF (paragraph 72) is clear that this needs to be evidenced clearly and in a compelling way that this would be a reliable source of supply. The 444 dwellings referenced in Table 2 would represent around 8.5% of the total housing requirement, so if delivery of this was not as strong as anticipated, this could have a material effect on housing land supply in the Borough.
- 3.14 Furthermore, the justification text suggests that over the past five years there have been an average of 113 windfall dwellings each year; however, the Strategic Housing Land Availability Assessment (SHLAA) accounts for a windfall rate of 37 dwellings per year from year 6. While we acknowledge that an allowance can be made for windfall, we consider that this should not be included in the supply and instead should form part of the flexibility in supply.
- 3.15 We also note that the headroom within the plan between the residual requirement (3,443 dwellings) and the allocations (3,498 dwellings) is small. This would mean that if assumptions regarding windfall are incorrect, or allocations are delayed, fail to come forward or deliver fewer dwellings than anticipated, then this leaves little opportunity for the Council to deliver on its need (which in any event is a minimum) and will likely lead to issues relating to housing land supply and housing delivery. This is a significant concern given the intended under-delivery of affordable housing (see comments in relation to Policy SP2).

### Policy 13: Windfall and Backland sites

- 3.16 Our comments in relation to this policy relate to those we have made in relation to Policy SP16. Overall, we consider that if the Council is seeking to make assumptions for windfall development in its forecasted supply, it needs to be firmly evidenced and supported by a sufficiently flexible policy which allows such windfall sites to readily come forward.
- 3.17 It is considered in this case that this windfall policy does not achieve this and as such, we object to it and consider it is *unsound* on the basis that it is *not positively prepared and inconsistent with national policy*. The approach to windfall set out in Policy 13 seeks to restrict such sites to those which are brownfield or small infill sites within the Borough's main urban areas. This creates a very narrow set of circumstances in which windfall development can emerge. The policy seems to instil a 'brownfield first/only policy' which contradicts the NPPF (which encourages rather than mandates the use of brownfield land). The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver South Tyneside's housing requirement and we consider that additional site allocations should be included with the Local Plan, rather than reliance on windfall sites.
- 3.18 However, given the significant proposed under-delivery of affordable housing, we would encourage the following amendment of Policy 13 so that the policy is positively prepared and consistent with national policy:

"i. The site is previously developed or is ~~a small~~ an infill site within the main urban area or would make a positive contribution to the identified housing needs of the borough;"

### Policy 14: Density

- 3.19 This policy states that proposals for residential development will be permitted provided that the development optimises the density of the site, taking in to account the location and character of the area. The justification text provides the expected density for developments they range from 60 dwellings per hectare (dph) within 400m of Jarrow and Inner South Shields Character Areas, to 55dph within 400m of the Borough's defined town, district and local centres or Metro stations, 45dph between 400-800m and 35dph beyond 800m.
- 3.20 Our client, through recent experience, considers that it is important to ensure that the density requirements do not compromise the delivery of homes in sustainable locations to meet local needs. The Council will need to ensure that consideration is given to the full range of policy requirements as well as the density of development, this will include the provision of M4(2) and M4(3) standards, the NDSS, the provision of cycle and bin storage, the mix of homes provided, the availability of EV Charging

and parking, any implications of design coding and the provision of tree-lined streets, highways requirements, and the potential requirements in relation to Biodiversity Net Gain, changes to the Building Regulations requirements in relation to heating and energy and the Future Homes Standard.

- 3.21 The Council's Density Study (2024) is considered to be overly optimistic in its conclusions on achievable density, for example no amendment has been made to the Gross to Net ratio to take into account the delivery of 10% BNG. The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver South Tyneside's housing requirement and we consider that additional site allocations should be included with the Local Plan, rather than reliance on overly optimistic assumptions of the density of sites and thereby anticipated yield. We therefore *object* to Policy 14 and consider it *unsound for being unjustified, not positively prepared and inconsistent with national policy*.

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

- 3.22 Part 8 of this policy states that development proposals that would impact on Wildlife Corridors, as defined on the Policies Map, will only be permitted where suitable mitigation and/or compensation, is provided to retain and where possible enhance the value and integrity of the corridor. However, without sufficient flexibility we object to this policy as being *unsound in not being positively prepared*.
- 3.23 Given the significant proposed under-delivery of affordable housing, we would encourage the following addition to Policy 34 so that the policy is positively prepared and consistent with national policy:

8. Development proposals that would have a significant adverse impact on the value and integrity of a Wildlife Corridor, as defined on the Policies Map, will only be permitted where suitable mitigation and/or compensation, is provided to retain and where possible enhance the value and integrity of the corridor, unless the benefits of the development clearly outweigh that loss or harm.

#### **Policy 37: Protecting and enhancing Open Spaces**

- 3.24 Part 1 of this policy states that designated areas of open space will be protected and enhanced. It is noted from the policies map that the areas of open space that are designated are extensive, especially with the built area. We consider it is *unsound* on the basis that it is *not positively prepared and inconsistent with national policy*. Given the significant proposed under-delivery of affordable housing, we would encourage the following addition to Policy 37 so that the policy is positively prepared and consistent with national policy:

iv. Development proposals will not be permitted that would result in the loss of designated areas of open space unless the benefits of the development clearly

outweigh that loss or harm and an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements. Where appropriate there will be engagement with the local community.

- 3.25 Part 2 of this policy requires development proposals that would result in the loss of non-designated open space (in full or part) to be justified. We regard the wording of this part of the policy to be imprecise and therefore *unsound for being ineffective and not positively prepared*.
- 3.26 The policy needs to clarify that those open spaces which are proposed to be allocated for an alternative use in the Local Plan (eg. residential) should then not need to justify the loss of the open space at the planning application stage as this justification should have been demonstrated through the plan-making process. Furthermore, the policy itself does not specifically identify how it would define open space that is undesignated. This needs further clarification.

## 4.0 Summary and Conclusion

- 4.1 These representations have been prepared by Hedley Planning Services on behalf of our Client, Adderstone Living Ltd, in relation to the Regulation 19 Publication Draft of the South Tyneside Local Plan.
- 4.2 Our Client supports the need to have an up to date Local Plan in place, this needs to be robustly prepared with policies which are sound and which can support the Borough's growth aspirations over the plan period (up to 2040). It is our view however that there are a number of issues within the Local Plan's proposed strategy, assessment of the overall quantum of development and viability assumptions which need to be rectified if the plan is to be found sound at examination.
- 4.3 Our Client's land interests across South Tyneside represent opportunities to meet the identified significant shortfall in affordable housing delivery.
- 4.4 Section 3 of these representations also highlights other policies in the plan which we feel need further flexibility and/or justification for their inclusion, including proposed amendments. Putting these changes in place would also ensure that the Local Plan is ultimately sound.
- 4.5 Our Client would also like to confirm that they would like to participate in future consultations on the Local Plan and the future examination of the document.